

# [ALL AMENDMENTS TO AN EXISTING DEFINITION WILL REQUIRE A REFERENDUM.

# NEW DEFINITIONS DO NOT REQUIRE A REFERENDUM]

## ARTICLE II: RULES OF CONSTRUCTION AND DEFINITIONS

**Sec. 30-10. General rules of construction.** ~~(a) For the purpose of these Zoning and Land Development Regulations, certain terms used herein are herewith defined~~ Rules of Construction. The following general rules of construction shall apply to ~~the~~ these Regulations of this Code:

(~~b~~) The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.

(~~e~~) Words used in the present tense include the past and future tenses, and words used in the future tense include the present tense.

(~~c~~) Words of either gender shall be deemed and construed to include correlative words of the other gender.

(~~d~~) The ~~word "words~~ "shall" is, "must" or "will" are mandatory; the. The word "may" is permissive and connotes discretion.

(~~e~~) ~~The word "Building" or "Structure" includes any part thereof, and the word "Building" includes the word "Structure."~~

(~~e~~) The words "including" or "include(s)" mean "including without limitation" or "include(s) without limitation".

(~~f~~) ~~The word "Lot" includes the word "Plot" or "parcel" or "tract" or "site."~~ (~~g~~) ~~The words "used" or "Used" or "Occupied" include the words "actually" Used or Occupied and/or "intended", "designed" or "arranged", or "required" to be used "Used or Occupied, unless the context clearly indicates the contrary.~~

(~~h~~) ~~The words "Required Yards" or "minimum Required Yards" and "minimum Yards" includes the word "Setback."~~

**Comment [FHC9]:** Instead of "Regulations of this Code". Example of simple text clean-up

**Comment [FHC10]:** moved to definitions: former (f) "Building/Structure"; former (h) "land/lot"; and (j) "Required Yards"

**Comment [FHC11]:** Counsel recommended moving to definitions. FC- left as is. No sensible location within definitions. Helpful clarification and device to reduce wordiness

~~(g)~~ When this Code refers to the Charter, other ordinances, codes or statutes, unless otherwise stated the reference shall imply be to the most up-to-date ordinance, code, Charter provisions, ordinances, codes or statutes, as amended and in effect from time to time.

~~(h)~~ Words and terms not expressly defined herein this Code shall be interpreted in accordance with their normal first usage Webster's dictionary meaning and customary usage meanings.

~~(k)~~ The word "land" shall include water surface and land under water.

~~(l)~~ Any Use which is lawfully existing as a Main Permitted Use, Conditional Use or Accessory Use at the time of the adoption of an ordinance that would render it a Prohibited Use, shall become a lawfully Nonconforming Use, subject to the limitations on such Uses contained in sections 3-29 and 3-30 of this Code.

~~(m)~~ If a Use is specifically enumerated then it takes preference over general applications or interpretations of these Regulations. If a Use is specifically enumerated as a permitted Use in a district then to be considered as a permitted Use in another district, it must also be specifically listed.

~~(n)~~ When this ordinance refers to a "Director," the referral shall automatically include the Director's "designee" unless specifically otherwise stated.

~~(o)~~ Words of any gender shall be deemed and construed to include correlative words of the other gender.

~~(p)~~ i The symbol > means "more than" and the symbol < means "less than". When these symbols are underlined, it means "or equal to."

~~(q)~~ When a word is not defined in subsection 30-12 below, definitions in dictionaries shall apply.

(Ord. No. 2000-5, § 2, 5-9-00)

(j) When a provision requires the approval of the Village Council, it shall be construed to require approval of the Village electors if such approval is required by the Charter.

(k) Whenever a notice is required to be given or an act to be done within a certain length of time before a specified proceeding may occur or result may be obtained, the day on which such notice is given or act is done shall not be counted when computing the time, but the day on which such proceeding is to occur or such result is to be obtained shall be counted.

**Comment [FHC12]:** Moved former (m) & (n) - uses; and (o) manager / delegation

**Comment [FHC13]:** response to Charter amendment

**Comment [FHC14]:** Counsel recommended deleting section (r)- regulated by F.S. 166.041. FC- left as is - one-source on interpretation preferred to "silent" reference to other sources

### Sec. 30-11. Definitions.

~~{As used in this chapter these Regulations,~~ the following words and terms shall have the meanings ~~respectively ascribed:~~ set forth below in this Section 30-11. The following definitions pertain to terms that are technical in nature or that might not otherwise be a matter of common usage. If a term is not defined below or elsewhere in these Regulations, the Director shall determine the correct definition of the term.

**Abutting or Adjacent Property.** ~~Property~~ With respect to any Lot, property that is immediately directly contiguous to ~~property that is subject to review under these Regulations~~ such Lot or property that is located immediately directly across any road or public Right-of-Way from ~~the property subject to review under these Regulations~~ such Lot.

**Comment [FHC15]:** "or Waterway" deleted. FC- agree, but suggest use of "Right of Way" to eliminate run-on examples

**Access.** The principal means of ingress and egress to a Lot from ~~a publicly dedicated Right-of-Way.~~

~~Access Waterways. A Waterway that is developed or constructed in conjunction with the development of real estate for the purpose of providing Access by water to Lots, any road or Right-of-Way.~~

**Comment [FHC16]:** Access needed? Is sense of defined term limited to "principal" means of ingress/egress?

**Accessory Building or Structure.** A ~~subordinate~~ Building or Structure ~~on the same Plot with, or a part of, the main Building, which is Occupied by, or devoted to,~~ used for an Accessory Use.

**Comment [FHC17]:** Accessory Building or Structure needed?

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**Adult Entertainment Establishment.** ~~An adult theater, an adult video/bookstore, an adult performance establishment, a commercial physical contact parlor, or~~ A Use featuring nudity or catering to prurient or sexually evocative interests, including without limitation, an escort service operated for commercial or pecuniary gain, regardless of whether any such Establishment Use is licensed under this code. ~~Operated~~ Code. Whether an Establishment is "operated for profit or for commercial or pecuniary gain" shall be determined by reference to how the Establishment advertises itself or holds itself out to the general public or particular persons, and such determination shall not depend upon ~~on~~ actual profit or loss. ~~An Establishment which has an Local Business Tax Receipt or an Establishment which advertises itself as a type of Adult Entertainment Establishment shall be presumed to be "operated for commercial or pecuniary gain".~~

**Comment [FHC18]:** Counsel recommended keeping original text and making no changes. FC - left as is, as ZORC preferred revised language if regulatory need ever arises. Question need of this as defined term.

**Alterations.** Any change requiring a building permit in size, shape or character of construction of a Building, Structure, ~~or Sign,~~ or in landscaping, or in grading of a Lot. The definition includes the term "remodeling".

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**Antique.** ~~An~~ A Building, Structure, or object having ~~special~~ recognized value or significance because of its age, and belonging to, made in, or typical of ~~an earlier~~ a particular period of history.

**Comment [FHC19]:** Antique needed?

**Apartment Building.** A Building with or without resident supervision ~~Occupied or intended to be Occupied by more than two families living separately with~~ featuring three or more Dwelling Units, where each Unit has separate cooking and sleeping facilities in each Unit.

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Architectural Features. Design elements of a Building or Structure.

Comment [FHC20]: Architectural features needed? Road Not Taken

Architectural Style. The characteristic form and detail of Buildings and Structures, representing a particular historical period or architecturally recognized mode of design.

Comment [FHC21]: Architectural Style needed? Road Not Taken

Attic Space. An unfinished, non-habitable space directly under a roof.

Comment [FHC22]: Eliminate non-habitable? See Art. V re 3rd story habitable space. Check consistency & clarity .

~~Automobile Repair-Major.~~ General automobile repair, rebuilding or reconditioning of engines, motor vehicles or Trailers; collision service including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.  
~~Automobile Repair, Minor.~~ Simple automotive repair which can be accomplished entirely within an enclosed Structure, including but not limited to minor, Simple automotive or other motor vehicle maintenance and repair, including motor tune-up and repair, upholstery, tire repair and replacement and muffler installation, but not including any operations listed under Automobile Repair, Major, or any other operation similar thereto. replacement and repair, muffler replacement, and similar ordinary and customary work.

~~Automatic or Coin-Operated Service Trade Machine.~~ Any machine or device other than an amusement device, Vending Machine, or juke box, ~~such as a laundry washing machine or drying machine.~~ and direct access to the outside or to a common hall.

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**Availability or Available.** With regard to the provision of facilities and services concurrent with the impacts of Development, Availability means that, at a minimum, the facilities and services will be provided for purposes, to the extent, at times and in the manner specified under the Village Comprehensive Plan and at a minimum in accordance with the standards set forth in Rule 9J-5.0055(2), Florida Administrative Code. ~~(Definition used for Concurrency Determinations).~~

Comment [FHC23]: Needed? This relates only to concurrency. We can deal with this in the concurrency Article.

**Average Lot Width.** The average of the width of the Lot at the front and rear ~~property lines~~ Lot Lines.

**Awning.** ~~Heed~~ A hood or cover which projects from the Wall of a Building to afford protection from sun or rain for pedestrians or vehicles.

**Balcony or Terrace.** ~~A~~ An unenclosed platform that projects from ~~the~~ Wall of a Building, cantilevered above grade and ~~has~~ having a Parapet or railing. The platform may service one Unit or it may be a continuous platform serving more than one Unit, with a Wall or fence separating the platform between the Units. ~~It may or may not have a roof.~~

**Bar.** Any place devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any place where any Sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the Premises.

**Base Flood Elevation (BFE).** The Base Flood Elevation of a property as established by the Village's Flood Protection Ordinance.

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**Bay Window.** A projection of windows extending beyond a Wall, cantilevered above finished grade.

**Bed and Breakfast Inn.** A ~~Structure~~Building originally built as a single Family residence which is owner-occupied and operated to provide guest rooms, with ~~breakfast and/or dinner~~or without meals included as part of the room rate.

**Billboard.** A Sign, normally mounted on a ~~Building~~Wall or freestanding Structure, with advertising Copy which refers to something other than the name and primary character of the business ~~conducted at~~ the Premises where ~~the Sign~~ is located, or ~~which Sign~~ is located ~~on~~at a ~~site~~ remote ~~site~~ from ~~the location of the~~ service or site referred to ~~by~~in the Sign Copy.

**Block.** ~~A parcel of land entirely surrounded by Streets, streams, railroad Rights-Of-Way, parks or~~The aggregate of Lots, the perimeter of which abuts a Waterway or other Right of Way, park, other public space, or combination thereof.

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**Breezeway.** A roofed open passage connecting two Structures.

**Buffer.** An area of land, including landscaping, berms, walls, fences, and Setbacks, located between Buildings or between a Building or Buildings and a property line.

**Building.** Any Structure, either temporary or permanent, having a roof, ~~and used or built~~intended for the shelter or enclosure of Persons, animals, chattels, or property of any kind. ~~This definition shall include tents, Awnings, or vehicles situated in private property and serving in any way the function of a Building but is not intended to permit such Structures other than where expressly allowed under this Code.;~~ excluding freestanding tents, Awnings, Gazebos or Cabanas and screened enclosures. The words "Building" or "Structure" include the totality and any part thereof. The word "Building" is encompassed within the definition of "Structure" such that a Building is itself a Structure and a Structure may or may not be a Building.

**Building Code.** The State of Florida Building Code as in effect from time to time, or its replacement adopted as such by the Village Council, and Miami-Dade County and the State of Florida.

**Comment [FHC24]:** Cf: "Lodging House"; "Rooming House". "Boarding house" eliminated. "With or without meals as part of room rate" is not a critical distinguishing point relative to use

**Comment [FHC25]:** 30-10 qualifier moved to definitions.

**Comment [FHC26]:** Consider defining building envelope, to make FAR more comprehensible

**Building Height.** See Section 30-44 (Building Height Calculation).

**Building Line.** The limits of building for a ~~specific~~ Lot as established by the ~~principal building~~ Setbacks.

**Building, Zoning, and Planning Director (Director).** That individual appointed by the Village Manager as the Director of the Building, Zoning, and Planning Department.

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**Cabana.** An Accessory Use, non-habitable, solid, roofed Structure for recreation or entertainment purposes, which may not be air conditioned and which may or may not have kitchenette or sanitary facilities.

**Comment [FHC27]:** ZORC open item – extent of kitchenette / sanitary facilities

**Café, Outdoor (Outdoor Café or Dining Facility).** An Accessory Use, located on private property outside of a main Commercial Use, not having cooking or refrigeration equipment, that may be shaded by Canopies, Awnings or umbrellas, characterized by outdoor table service of food and/or beverages prepared in an adjacent or attached Main Permitted Use restaurant for consumption on the Premises.

~~**Café, Sidewalk.** A Use~~An Outdoor Café featuring tables and chairs, that may be shaded by Canopies, Awnings or umbrellas, located in the ~~public~~ Right-of-Way or private pedestrian access way, that is associated with a restaurant, where food or beverages are delivered for consumption on the Premises (but not having cooking or refrigeration equipment). ~~It is characterized by tables and chairs and may be shaded by Canopies, Awnings or umbrellas.~~

~~**Canopy.** An Awning over a Building entrance that extends to the edge of the adjacent Right-of-Way. A fixed-roof Structure in whole or in part self-supporting, with open sides, that provides shade or weather protection.~~

**Carport.** A roofed Structure ~~which~~that is completely open; on at least two sides except for supporting columns (may include ~~kneewall;~~kneewalls with a maximum height 2.5 feet above grade), ~~on two sides~~ and that is attached to or detached from the main Building, designed and used for the purpose of providing shelter for one or more motor vehicles.

**Carport Canopy.** A Structure of lightweight wood or metal construction which is covered by trellis, canvas, or similar lightweight sheathing for the purpose of providing shade to one or more motor vehicles. ~~Carport Canopies, as defined herein, are limited in height to ten feet above the Maximum Lot Elevation and limited in area to 300 square feet.~~

**Change of ~~Occupancy~~-Use.** A discontinuance of existing Use and the substitution therefor of a Use of a different kind or class. Change of ~~Occupancy~~Use is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of Use.

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**Club, Private.** ~~Nonprofit~~An association or organization of fraternal, charitable, educational or social character for exclusive use by members and their guests.

**Club, Night (Night Club).** A restaurant, dining room, Bar or ~~other~~ similar establishment providing food ~~or refreshments wherein~~and/or beverages, and music and/or dancing entertainment, floor shows or other forms of entertainment~~are provided.~~

**Commercial Uses.** ~~Any activity where there is an~~Use. A Use featuring provision of services or exchange of goods or services for monetary gain. ~~Such activities include but are not limited to Retail sales, offices, including Retail, service, entertainment,~~ eating and drinking ~~facilities~~establishments, theaters and similar ~~Uses~~establishments.

**Communication Tower.** ~~Cellular.~~ A Tower ~~that is designed and used for the purpose of sending and receiving cellular telephone calls. Included in this definition is the actual Tower and any Accessory Building used to house necessary (and any adjacent Accessory Structure) used to house~~ communication equipment. ~~Communication Tower, Monopole. A Cellular Communication Tower that consists~~ designed and used to send and receive cellular telephone calls, configured either as a monopole Tower consisting of a single pole set in a concrete foundation, and having the sending/receiving equipment mounted at the top of the pole. Communication Tower, Three-Sided. A self-supporting Cellular Communication Tower that has three sides, or as a three-sided Tower with no guy wires, and having the sending/receiving equipment mounted at various locations on the Tower.

**Community Residential Home.** ~~Any Building or Buildings, section of a Building, or distinct part of a Building, residence, private home, or other place, whether operated for profit or not, which is licensed and/or monitored by the State. A Building or portion thereof 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 Families (or any successor agency) to provide a Family living environment (Family Services, or a Building or portion thereof licensed by the Agency for Health Care Administration which provides a living environment for between seven and fourteen unrelated Residents who operate as the functional equivalent of a family, including supervision and care necessary to meet the physical, emotional and social life needs of one or more Assigned Residents not related to the owner or administrator by blood or marriage). by supportive staff. Buildings or portions thereof serving six or fewer Residents in the same or substantially similar manner as expressed above and which otherwise meet the definition of a Community Residential Home shall be treated as a single-family residential Use.~~

**Community Home Resident (or Resident).** Any of the following: a frail elder as defined in Florida Statutes § 429.65; a physically disabled or handicapped person as defined in Florida Statutes § 760.22(7)(a); a developmentally disabled person as defined in Florida

**Comment [FHC28]:** Community Residential Facility is used often. Took counsel advise changing usage to Community Residential Home)

Statutes § 393.063; a nondangerous mentally ill person as defined in Florida Statutes § 394.455(18); or a child who is found to be dependent as defined in Florida Statutes § 39.01 or § 984.03, or a child in need of services as defined in Florida Statutes § 984.03 or § 985.03.

**Comment [FHC29]:** Took counsel advise adding statutory definition consistent with Community Residential Homes

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**Comprehensive Plan.** The adopted Key Biscayne Comprehensive Plan, as amended.

**Concurrency.** The requirement under applicable State law administered by the Florida Department of Community Affairs that necessary public facilities and services to maintain the Village's adopted level of service standards, as defined in the Comprehensive Plan, are Available when the impacts of Development occur.

**Concurrency Determination.** A determination by the Village Council as to whether ~~required~~ Concurrency standards are satisfied for all facilities and services ~~needed to support Development will be Available concurrent, both generally from time to time and concurrently~~ with the impacts of ~~such~~ proposed new Development.

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**Cooking Facilities.** Any ~~device used for food preparation, specifically~~ facilities or devices used to cook, heat, or defrost food. ~~Such devices may include, but should not be limited to, a wet bar sink, including a stove, an oven, a microwave, or toaster or any combination of these.~~

**Comment [FHC30]:** Is this used consistently in the regs? Note uses of "kitchenette" in "Cabana" and allowances for limited facilities in hotel rooms

**Copy.** The wording on a Sign surface, either in permanent or removable letter form, including ~~trademark~~ trademarked or non-trademarked art, emblems or reproductions.

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**Courtyard.** Open Space, partially defined by Walls or Buildings.

**Covenant.** A written agreement executed by and between a property owner and the Village, and recorded in the public records of Miami-Dade County, Florida, pursuant to which the owner agrees to certain conditions, restrictions and/or limitations on the Use, maintenance or sale of property, which shall run with the land and be binding upon the owner, and successors and assigns.

**Day Care Facility.** A place supplementing parental care by providing for the care, enrichment, protection and health and other supervision of more than five children unrelated to the operator, on a regular basis, for a period of less than twenty-four hours per day, for which a payment, fee or grant is made. This definition includes the terms "Day Nursery" and "Nursery School".

**Comment [FHC31]:** counsel recommendation

**Deck.** A ~~platform located below the Base Flood Elevation whose horizontal surface of wood or other material that~~ is attached to the ground, either at grade or elevated.

**Dedication.** A grant or conveyance for designated public use of a property or property right.

**Density.** The ~~maximum number of Units per acre, which can be developed on a parcel of land (measured to the property lines)~~number of Dwelling Units or hotel rooms within a standard measure of land area, which shall be expressed as a number of units per acre unless otherwise specified in these Regulations.

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**Department.** The Village of Key Biscayne Building, Zoning and Planning Department.

**Developer.** Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these Regulations. Inasmuch as the Subdivision Plat is a necessary means to the end of assuring a satisfactory Development under the terms of the Village Code, the term Developer is intended to include the term Subdivider, even though the Persons involved in successive stages of the project may vary person or entity seeking to undertake a Development within the Village, including any person or entity subject to a Unity of Title and any subdivider of a Lot involved in the proposed Development.

~~Developer's Engineer.~~ A professional engineer registered in this State, and engaged by the Developer to plan and supervise the construction of the work required under these Regulations.

~~Development.~~ That meaning given in F.S. § 380.04.

**Development.** As defined in Section 380.04, Florida Statutes, as amended, or otherwise as specified by the Village Council or electors.

**Development Permit.** Any building permit, zoning or Permitted Use or Conditional Use approval, Subdivision ~~or Plat~~ approval, Site Plan approval, ~~Development Review Committee Order,~~ rezoning, ~~Conditional Use~~waiver, variance, sign permit, or other official action of a unit of the Village Council or the electors having the effect of permitting ~~the any~~ Development ~~of land.~~

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**Drive-In/Drive-Thru Establishment.** Any place or premises that by design or service methodology, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

**Duplex or Two-Family Residence.** Two (2) Dwelling Units within a single detached Building, each of which Dwelling Units provide a residence for a single Housekeeping Unit.

*Dwelling or Dwelling Unit.* A Structure or portion thereof used for human habitation.

**Comment [FHC32]:** Note: this doesn't include hotel room., which is now defined separately. Need to tailor "Residential Use"

**Easement.** An interest in land granted for limited Use purpose, but which does not convey fee title to real property.

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*Elevated.* The characteristic of a Structure situated entirely at or above BFE.

*Elevation.* The height of a surface relative to sea level as represented by NGVD (National Geodesic Vertical Datum).

**Enforcing Official-Officer.** The Village Manager, the Director, or officers and employees of the department, bureau or agency of the Village to whom the duty of enforcing the terms of these Regulations are assigned.

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**Established Grade.** ~~The Established Grade, as applied~~ As applicable to any a building site shall be, the average elevation of the sidewalk abutting such building site or, if there is no sidewalk, the average elevation of the crown of the road or Street ~~street~~, the Established Grade shall be the average elevation of the sidewalks abutting such building site, or if there are ~~not~~ no sidewalks, the average elevation of the crown of the ~~road on roads or~~ Streets abutting such building site.

*Family (or Housekeeping Unit).* Any number of individuals living together as a single housekeeping unit and cooking on the Premises, as distinguished from any number of individuals occupying a Lodging House or Hotel.

~~Family: Any number of individuals living together as a single housekeeping Unit and doing their cooking on the Premises, as distinguished from a group occupying a Boarding or Rooming House or Hotel.~~

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*Floor Area.* See Section 30-42.

*Floor Area, Gross (Gross Floor Area).* See Section 30-42.

**Floor Area Ratio.** ~~The total Floor Area of a Building or Buildings on a building site divided by the area of the site.~~ See Section 30-42.

**Frontage of a Property.** ~~The Plot property line that abuts~~ abutting a Street or separates the Plot from a Street. ~~other public space.~~

**Comment [FHC33]:** Caplan: The definitions of Floor Area, FAR, etc probably should in the definitions section instead of 30-42. These terms and the table at 30-100 need careful review and clean-up.

**Front Wall.** ~~That~~The Wall of a Building fronting a Street that contains the primary Access to the Building.

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~~Gazebo. A detached roofed trellised covered Structure open on at least three sides. A detached roofed or trellis-covered Structure. This definition includes the terms "Chickee Hut" and "Palapa".~~

Comment [FHC34]: Add "Accessory Use", similar to Cabana?

**Function.** The Uses allowed on property according to these Regulations.

Comment [FHC35]: Is "function" needed? Out of order, alphabetically

**Grade, Elevated.** A series of Elevations along a horizontal constructed or natural surface.

Comment [FHC36]: Not sure if Grade - Elevated and Non-Elevated came out as intended

~~Grade, Non-Elevated Building. Equal to the Base Flood. An Elevation. Grade, Non-elevated Building. Equal equal~~ to the crown of the adjacent road.

**Hazardous Substances** ~~Waste.~~ Any substance ~~or~~of material which, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health or safety of any Person handling or using or otherwise dealing with such material or substances. ~~including substances regulated as hazardous under federal, state or local law.~~

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**Home, One Story.** ~~Is a home~~ A residence with exterior ~~Building~~ Wall height not exceeding 14 feet from BFE for Elevated Homes or from the grade of the lowest finished floor for Non-Elevated Homes.

Comment [FHC37]: Is "Home" the proper term? "Residence"? "Dwelling"

**Home, Non-Elevated.** A ~~home~~ residence having any finished floor below Base Flood Elevation (BFE).

**Hotel.** A Building, or part thereof, in which sleeping accommodations are offered to the public, primarily on a short term or transient basis.

**Hotel Room or Hotel Unit.** A room, or group of rooms with ingress or egress, intended for rental to transients on a day-to-day, week-to-week, or month-to-month basis; but short-term or other transient basis, but not intended ~~for Use~~ or used as a permanent Dwelling. The definition includes:

- (1) A Hotel Room (meaning a sleeping room within a Hotel);
- (2) A living or sleeping room within a Dwelling used as a Hotel, having a separate entrance from outside the Dwelling other than the principal entrance of Building in which the Dwelling is located; and

(3) A living or sleeping room within a Dwelling Unit ~~of~~<sup>in</sup> a Multiple Family Dwelling, having a separate entrance from outside the Dwelling Unit.

**Comment [FHC38]:** Note the multiple types. For HR, do we want to specify (1), as opposed to (2) or (3)?

~~**Institutional (Use).**—A. Pertaining to a Use, Building, or organization of a public character or providing a public or semi-public service.~~

~~*Linear-Foot Frontage.*—A distance of one foot of a Main Street Frontage.~~

~~Landscape Terrace. A Deck, Patio, Pool Deck, Sun Deck or Terrace that is a landform.~~

~~Level of Service (LOS). An indicator of the extent or degree of service capacity provided by or proposed to be provided by a facility based on and related to the operational characteristics and capacity of the facility. LOS indicates the capacity per unit of demand for each public facility specified in the Comprehensive Plan in order to ensure that adequate facility capacity is provided and will be provided for existing and future Development.~~

~~**Local Business Tax Receipt.** A receipt issued by the Village as a prerequisite to the maintaining and conducting of a business, service or profession.~~

~~**Local Business Tax Receipt (Restricted).** Any Local Business Tax Receipt issued to a Person engaged in any business or profession whose place of business is his residence.~~

~~Lodging House. A single family residence where a room or rooms are provided for rent to an unrelated tenant(s).~~

**Comment [FHC39]:** Collapse with B&B?

~~Loft. An upper room or floor.~~

**Comment [FHC40]:** This definition should be reviewed in light of usage and different types of Loft meanings

~~**Lot.** A parcel or tract of land designated and identified as a single Unit of area building site, including platted lots, tracts or parcels of land as depicted in a Subdivision Plat officially recorded in the public records of Miami-Dade County, Florida. This definition includes the terms “site”, “platted Lot”, “Plot”, “property”, “land”, “tract” or “parcel and” as well as land described by metes and bounds; and all such terms are synonymous and may be used interchangeably. The words “Lot” or “land” shall include surface water upon the land and land under water.~~

~~Lot Area. The total area within Lot Lines.~~

~~**Lot, Corner.** A Lot at the intersection of two or more Streets; or Street and canal or other Waterway.~~

~~**Lot Coverage.**—The area of the Lot Occupied by all Buildings, covered Structures and Terraces above Maximum Lot Elevation, excluding the following: In Commercial, Office, or Multiple Family Districts, uncovered, open plazas located on the upper deck of a parking garage, so long as the upper deck is no higher than two 2.0 feet above the Base Flood Elevation constructed with an elevation at or below 3.0 ft. below grade; exterior steps and landings attached to and providing a means of ingress and egress from a~~

~~Building; Carport Canopies which occupy less than 300 square feet in area; Gazebos occupying a total area of up to two percent of the lot size; utility sheds; carports and porches that provide a ten foot setback pursuant to section 30-100(f)(12); planters with a maximum height of four feet above grade and patios, Decks and swimming pools that are located below the Maximum Lot Elevation. Lot Coverage shall specifically include any non-roofed areas enclosed by Walls (other than Building Walls) that exceed six feet in height and are attached to or otherwise form an integral part of a Building. — The percentage of Lot Area occupied by Structures.~~

**Comment [FHC41]:** The December draft put lot coverage definition and calculation within its own code section. Caplan – not sure this works. Re-think

~~Lot, Interior.~~ All Lots other than Waterfront Lots Any Lot that is not a Corner Lot.

Lot Line. The boundary that legally and geometrically demarcates a Lot.

Lot Line, Front. The line dividing a Lot from a Street. On a Corner Lot, the Front Lot Line shall be that Street Lot Line in line with the front line of the adjacent Interior Lot. If this situation exists with both Street Lot Lines on a Corner Lot, then both such Lot lines shall be considered Front Lot Lines for applying required Front Yard Setbacks and Lot Width. On Through Lots both Front Lot Lines shall require Front Yard Setbacks (see Article III).

**Comment [FHC42]:** “(reversed corner)” deleted. FC- What is “this situation?” Can’t we simplify this?

Lot Line, Rear. The Lot line opposite and most distant from the Front Lot Line. In the case of a triangular or gore-shaped Lot wherein the two Side Lot Lines converge in the rear, the Rear Lot Line shall be considered to be a line ten feet in length within the Lot parallel to and at the maximum distance from the Front Lot Line.

Lot Line, Side. Any Lot line other than a Front or Rear Lot Line. A Side Lot Line separating a Lot from a Street is called a Side Street Lot Line. A Side Lot Line separating a Lot from another Lot or Lots is called an interior Side Lot Line.

Lot Line, Street or Alley. A Lot line separating the Lot from a Street or alley.

Lot, Non-Waterfront. All Lots other than Waterfront Lots.

Lot, Through. Any Lot other than a Corner Lot having frontages on two parallel or approximately parallel Streets.

Lot, Waterfront. Any Lot which has with direct frontage on Biscayne Bay or any other body of water within the Village boundaries.

\*\*\*

Lot Width. The mean horizontal distance between the Side Lot Lines.

Maximum Lot Elevation. The maximum height of Lot fill as established by this chapter these Regulations.

**Mechanical Amusement Device.** Any machine or device other than an automatic merchandise Vending Machine, ~~Automatic or Coin-Operated Service Trade Machine, or juke box or an automatic or coin-operated service machine such as a laundry washing machine or drying machine,~~ that, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for ~~Use~~<sup>use</sup> as a game, entertainment or amusement, whether or not registering a score; including ~~but not limited to such~~ devices ~~such~~ as marble machines, mechanical grab machines, indoor shuffle boards, pinball machines, skill ball, shuffle alleys, ~~mechanical grab machines,~~ electronic game machines or movie machines.

Comment [FHC43]: Needed?

**Mixed Use.** Multiple Uses within the same Building or in multiple Buildings on the same site.

**Motel.** A one-story or two-story Building, or part thereof, in which sleeping rooms and/or living accommodations, with or without Cooking Facilities, are offered to the public, ~~with no Cooking Facilities for Use by the occupants,~~ primarily on a short-term or transient basis, with Access to the individual Units from the exterior of the Building and Parking facilities, for Use of occupants near their quarters.

Comment [FHC44]: 1 or 2 story to jibe with HR bonuses

N/A. Not applicable.

**Natural Features.** Physical characteristics of a subject property or area that are not man-made.

Comment [FHC45]: Needed?

**Nonconforming Building or Structure.** A Building or other Structure which lawfully existed prior to the adoption, revision or amendment of ~~this ordinance~~<sup>these Regulations</sup>, but which fails, by reason of such adoption, revision or amendment, to conform to the Regulations applicable in the Use district in which it is located.

**Nonconforming Use.** A Use or activity which lawfully existed prior to the adoption, revision or amendment of ~~this ordinance~~<sup>these Regulations</sup>, but which fails, by reason of such adoption, revision or amendment, to conform to the Regulations applicable in the Use district in which it is located.

\*\*\*

**Occupied.** ~~Includes~~ Utilized; not abandoned or temporarily vacant. The definition includes arranged, designed, built, altered, converted, rented or leased to be Occupied.

**Office Building.** A Structure designed to provide office space and space for ~~Professional Offices and~~ service activities, and providing a common Parking area or areas for tenants and their customers.

**Offices, Professional.** Offices ~~which are~~ utilized by Persons employed in a profession or occupation requiring special, usually advanced, education or skill, and not involving either sales or repair of any product or merchandise or the providing of any personal

services on the Premises. Professional Offices include, ~~but are not limited to:~~ uses for medicine, law, accounting, real estate, insurance, architecture, engineering, ~~stockbroker~~ stock trading and investments, banking and financial services, and private investigator services (excluding bail bonds).

**Official Zoning Map.** A map adopted by the Village Council showing zoning district designations of property.

\*\*\*

**Open Space.** Any land or water open to the sky, exclusive of permanent Buildings or enclosures, including parks, greens, courtyards, gardens at grade or on rooftops, playgrounds and pedestrian paths, together with associated landscaped areas.

**Comment [FHC46]:** Does this definition have value? - HR bonus application; function of Bld. Separation; Site plan value generally?

**Package ~~store~~-Store.** A vendor establishment licensed to sell all alcoholic beverages, in sealed containers only, for consumption off the premises.

**Parapet.** That portion of a Wall ~~which~~ that extends above the Roof Line.

**Park.** A Lot or area of land or water designated as such and used by the public for active or passive recreation or as Open Space.

**Parking.** The temporary, transient storage of ~~private passenger automobiles used for personal transportation, while their operators are engaged in other activities~~ motor vehicles. Parking shall not include storage of new or used cars for sale, service, rental or any other purpose other than specified above.

**Parking Lot.** An all -weather surface area, not in a Street or alley, that is used for the temporary Parking of ~~more than four~~ motor vehicles.

\*\*\*

**Patio.** See Terrace.

**Comment [FHC47]:** This said "see Deck". A patio is not a deck. Terrace at grade?

**Person.** Includes a natural person, association, or legal entity, including a partnership, corporation, limited liability company or a trust.

**Personal Service Uses.** Establishments ~~that are~~ primarily engaged in providing non-medical services involving the care of a Person, his or her apparel, or pets. ~~These Uses include but are not limited to,~~ including hair salons, laundry and dry cleaning services (drop off only), pet grooming salon services, shoe repair, diaper service, alterations, tailoring and alterations, jewelry repair, carpet and upholstery cleaning, photographic studios, funeral services, ~~steam baths, reducing fitness~~ salons, and health clubs, and clothing rental establishments.

**Pervious Area.** A permeable area of land ~~within the Building Lot which~~ that permits the drainage and percolation of stormwater.

Planter. A structural element that accommodates vegetation, which may be continuous or individual and separated.

**Plat.** A map depicting the division or Subdivision of land into Lots, ~~Blocks, parcels, tracts, or other portions thereof,~~ however the same may be designated, prepared in accordance with the provisions of these Regulations and those of any applicable law and/or local ordinance, which ~~may be designated to be~~ are placed of ~~[on]~~ record in the office of the Clerk of the Circuit Court of Miami-Dade County.

\*\*\*

~~Plot Line, Front.~~ The line dividing a Plot from a Street (public road Right of Way). On a Corner Plot the Front Plot Line shall be that Street Plot Line in line with the front line of the adjacent Interior Plot. If this situation exists with both Street Plot Lines on a Corner Plot (reversed corner), then both such Plot lines shall be considered Front Plot Lines for applying required Front Yard Setbacks and Plot Width. On Through Plots both Front Plot Lines shall require Front Yard Setbacks (see Article III).

~~Plot Line, Rear.~~ The Plot line opposite and most distant from the Front Plot Line. In the case of a triangular or gore-shaped Lot wherein the two Side Plot Lines converge in the rear, the Rear Plot Line shall be considered to be a line ten feet in length within the Plot parallel to and at the maximum distance from the Front Plot Line.

~~Plot Line, Side.~~ Any Plot line other than a Front or Rear Plot Line. A Side Plot Line separating a Plot from a Street is called a side Street Plot Line. A Side Plot Line separating a Plot from another Plot or Plots is called an interior Side Plot Line.

\*\*\*

~~Plot (Site) Plan.~~ A drawing to scale accurately showing the size and dimensions of a Plot, the size, dimensions and locations of all Buildings and Structures, Parking facilities and other paved areas, existing and proposed, the width or distance from centerline of adjoining public road Right of Way, and any other information pertinent to depicting the proposed physical Development of property.

\*\*\*

Plaza. An Open Space that may be improved, landscaped or paved, usually ringed by Buildings or Streets.

**Porch.** ~~An unairconditioned~~ An un-airconditioned, open air, roofed Structure attached to a ~~residence~~ Building at an entry to the Building, which must be at least 70 percent open on each exposed side. Only supporting columns may be visible above 42 inches from the finished Porch floor level. The definition includes the terms "Lanai", "Loggia" and "Portico".

**Porte-Cochere.** A roofed Structure attached to a Building and ~~Erected~~ erected over a driveway for a Building entrance not exceeding one Story in height and open on three sides.

\*\*\*

**Principal Building.** A Structure for the primary Use on a Lot.

**Psychic Help Uses/Use.** Establishments primarily engaged in providing advice or counseling to Persons based on readings of objects and/or extrasensory perceptions ~~for~~ either for guidance or entertainment. ~~Including but not limited to, including~~ fortune telling, astrology, handwriting analysis, phrenology, palm reading, tarot card reading, crystal readings, psychic counseling, numerology, and channeling. Psychic Help Uses may not be licensed as secondary or Accessory Uses where not listed as a ~~permitted~~ Permitted Use.

Comment [FHC48]: Needed?

**Public Utility.** Includes every Person, ~~corporation, partnership or association or other legal entity, their lessees, trustees or receivers now or hereafter,~~ either owning, operating, managing or controlling a system or proposing construction of a system that ~~is provided~~ provides or proposes to provide water or sewer service, electricity, natural or manufactured gas, or any similar gaseous substance, telephone or telegraph, cellular phone, beeper, internet service, beeper, cable television, or any electronic communication service to the public for compensation.

**Regulation or Regulatory Control.** A rule or order promulgated by the Village, or other competent authority with jurisdiction, controlling anything relative to the Use and/or Development of land, water or Structures within the Village. This may include provisions for the administration and enforcement of Regulations.

\*\*\*

**Retail.** The sale of commodities or goods which are sold to the ultimate consumer.

**Reveal.** The surface area between a Wall and an indentation or recess of the Wall.

**Right-of-Way.** A strip of land dedicated or deeded to the perpetual use of the public including a Street or alley, an Easement, or a canal or other navigable or non-navigable Waterway.

**Right-of-Way Intersection.** The intersection of private property lines at a Street intersection.

**Roof Line.** The top edge of the roof or the top of the Parapet, whichever forms the top line of the ~~Building~~ Structure.

~~Rooming House or Boarding House. See Lodging House.~~

**Satellite Dish Antenna.** A device ~~which is~~ designed to receive broadcast Signals from earth-orbiting communication satellites, including a low-noise amplifier (LNA) and a coaxial cable for the purpose of carrying signals to the interior of a Building.

**Screened Enclosure.** A frame ~~Erected~~ erected of metal ~~which framing and overhead supports are only~~ or wood covered only with insect screening of metal, fiberglass or other

approved ~~insect screening. The material, whose~~ framing and overhead supports ~~of such Screened Enclosure shall be~~ are solely for the purpose of supporting such screening.

**Service Station (Filling Station).** ~~Any An~~ establishment that sells, distributes or pumps fuels for motor vehicles.

**Setback.** The minimum horizontal distance within a Lot between the Lot ~~or property line and the nearest front, side or rear line of the Building (as the case may be), including Terraces or any covered projection thereof, excluding steps (also see Yard and Required Yard).~~ lines and the points at which a Structure may be located on the Lot.

**Shed.** A detached enclosed Structure used for storage.

**Shopping Center.** A ~~group (grouping of two or more) of~~ Retail stores, service establishments or ~~any other business, planned to serve~~ businesses serving a community or neighborhood, not necessarily under a single land ownership, which are adjacent to and utilizing a common Parking area or areas.

**Sidewalk.** The paved layer of public frontage dedicated exclusively to pedestrian or bicycle activity.

**Sign.** Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, Person, institution, business or solicitation, ~~including any permanently installed or situated merchandise;~~ or any emblem, painting, banner, pennant, placard or temporary Sign, device which advertises, identifies or conveys information, with the exception of the flags of the United States, the State of Florida, and the Village. For the purpose of removal, Signs shall also include all Sign Structures.

**Sign, Advertising.** ~~Any form of A~~ Sign intended to aid, ~~directly or indirectly,~~ in the sale, Use or promotion of a product, commodity, service, activity or entertainment.

**Sign, Animated.** A Sign ~~which~~ that includes action or motion of any part by any means, including wind power.

\*\*\*

**Sign, Awning-Canopy.** A Non-Illuminated Occupant Identification Sign affixed flat to the surface of an Awning or Canopy ~~and which, that~~ does not extend vertically or horizontally beyond the limits of such ~~Awnings~~ Awning or Canopy.

**Sign, Banner (Including Pennant, Streamer).** ~~Any A~~ Sign ~~that is~~ intended to be hung, either with or without frames, possessing characters, letters, illustrations, or ~~ornamentations~~ ornamentation applied to paper, plastic, or fabric of any kind. National

**Comment [FHC49]:** 34 sub-species? Prohibited signs at 30-191 include at least 6 that aren't defined. Follow up.

flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of ~~this article~~ these Regulations.

**Sign, Changeable Copy.** A Sign such as a movie marquee where slots are provided on a background for changeable letters to be added.

**Sign, Changing.** A Sign such as an electronically or electrically controlled public service, time, temperature and date Sign, message center or readerboard, on which different and changing Copy ~~changes~~ of a public service ~~noneommercial~~ non-commercial nature are shown on the same lampbank.

\*\*\*

**Sign, Directory.** A Sign at a Shopping Center or Office Building which provides general identification for the entire center or Office Building and contains specific advertising or identification for ~~two or more tenants of the center or Office Building~~.

\*\*\*

**Sign, Flat Wall.** A Sign attached to or ~~Erected~~ erected against the Wall or facade of a Building, the display surface of which is parallel to the ~~Building~~ Wall, not extending above the Roof Line of a Building except as provided in Article 8, § 8.5.A.10. of these Regulations, or extending more than 12 inches from the facade of the Building to which it is attached.

**Sign, Freestanding.** A Sign ~~Erected~~ erected on a freestanding frame, mast or pole, and not attached to any Building or ~~any~~ other Structure.

\*\*\*

**Sign, Illuminated.** A Sign ~~which is~~ lighted by any light source, internal or external, whether or not ~~said~~ the lights are physically attached to the Sign. This definition shall not include Signs ~~which are~~ illuminated by Street lights or other light sources owned by any public agency or light sources which are specifically operated for the purpose of lighting the area in which the Sign is located rather the Sign itself.

**Sign, Instructional.** A Sign not exceeding two square feet in area providing identifying restrooms, public telephones, walkways, exits, and such locations, ~~which provides instructions and~~ is located entirely on the property to which it pertains and which does not in any way advertise a business, ~~and does not exceed two square feet in area; identifying restrooms, public telephones, walkways and such.~~

\*\*\*

**Sign, Nonconforming.** A Sign or Sign Structure ~~which~~ that was lawfully ~~Erected~~ erected and maintained prior to such time as it came within the purview of these Regulations ~~and any amendments thereto~~, and which fails to conform to all applicable Regulations and restrictions as in effect from time to time.

\*\*\*

**Sign, Painted Wall.** A Sign painted on any outside Wall ~~of a Building~~.

\*\*\*

**Sign, Projecting.** A Sign other than a Flat Wall Sign ~~which~~that is attached to and projects from a Building or Structure face at any angle.

**Sign, Public Service Information.** A Sign ~~which provides~~providing general public service information, such as time, date, temperature, weather, directional information, community events, but no business identification advertising.

**Comment [FHC50]:** The term "public service" is used within sign definitions.

\*\*\*

**Sign, Roof.** A Sign Erected over or on ~~the~~a roof or extending above the Roof Line, which is dependent upon the roof, Parapet or upper Walls of ~~any~~a Building or portion thereof, for support.

\*\*\*

**Sign, Snipe.** A Sign which is tacked, nailed, posted, glued or otherwise attached to trees, poles, stakes or fences or to other objects with the message appearing thereon not applicable to the present Use of the Premises or Structures upon which the Sign is located.

**Sign, Temporary Political.** A Political Sign that does not require a permit ~~and need not comply with the requirements of the South Florida Building Code and Sign Regulations of the Village~~.

**Sign Structure.** A Structure that supports, has supported or is capable of supporting a Sign, including decorative cover.

\*\*\*

**Sign, Swinging.** A Sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent Wall or upright pole.

~~**Sign, Temporary Announcing.** A Sign Erected and maintained on vacant property or during construction to announce a future Use of the Premises. —~~**Sign, Temporary Construction.** A Sign Erected and maintained by an architect, contractor, subcontractor, and/or materials business, upon property for which such individual and/or materials business is furnishing labor or material for new construction or major renovation.

**Sign, Temporary Real Estate.** A Sign ~~Erected~~erected by an owner or his or her agent indicating that the ~~real~~ property upon which the Sign is located is for rent, ~~for lease or for~~ or sale.

\*\*\*

**Sign, Temporary Window.** A special purpose ~~(sale, paper Sign (indicating sales, promotions and the like) paper Sign~~ installed inside a window for purposes of viewing from outside the Premises.

\*\*\*

**Sign, V.** A point of sale sign with two sign faces, which is constructed of solid materials in the form of a “v”.

**Sign, Window.** A Sign ~~that is~~ painted on, applied to, attached to or projected upon the exterior of a Building, including doors and glass areas. Signs that are located within 15 feet of a glass area and can be seen from the outside of the Building are considered Window Signs. Such Signs include ~~but are not limited to~~ identification labels, messages, symbols, insignias, graphic representations, logos, or any other form ~~which~~that communicates information~~—.~~

**Site Plan.** A drawing, to scale, accurately showing the size and dimensions of a Lot, the size, dimensions and locations of all Buildings and Structures, Parking facilities and other paved areas, existing and proposed, the width or distance from centerline of adjoining Right-of-Way, and any other information pertinent to depicting the proposed physical Development of property.

**Specimen Tree.** A tree meeting the requirements of Section 18A-3(BBB) of the Miami Dade County Code, as amended.

**Story.** That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above or if there be no floor above it, then the space between such floor and the ceiling next above it.

**Street.** A strip of land designated for vehicular traffic ~~which affords~~affording a principal means of Access to a Lot, ~~or more than one Dwelling Unit~~, whether it is designated as a Street, highway, thoroughfare, parkway, throughway, road boulevard, lane, place or, however designated,; excluding however alleys and expressways.

**Comment [FHC51]:** Do we need all of these sub-species of “Street”?

**Street, Collector.** A Street that carries traffic from Local Streets to arterial Streets and includes the principal entrance Streets of a Subdivision or a Development and the Streets for circulation within such Subdivisions or Developments, ~~and for,~~ For purposes of these Regulations, a Collector Street shall be considered a Street of higher classification than a Local Street.

\*\*\*

**Street, Expressway.** A Street ~~which is~~ used only for the movement of vehicles providing for no vehicular or pedestrian Access to Abutting Property, except for Street Access by grade separation interchanges. Access to expressway is not permitted except at authorized and controlled points. The acquisition of ~~Right~~Rights-of-Ways~~Way~~ for expressways includes the acquisition of Access rights thereto.

\*\*\*

~~Street, Local. A Street designed and maintained to provide Access to Abutting Property. A Local Street is of limited continuity and not for through traffic.~~

**Street, Major Arterial.** A Street of higher classification than ~~Local~~Minor Streets used primarily for traffic traveling a considerable distance within or through an area not served by an expressway. A major arterial is of considerable continuity, used primarily as a main traffic artery. ~~A major arterial may also be a Limited Access Street.~~

Comment [FHC52]: Used only in definitions.

~~Street, Minor (or Local). A Street designed and maintained to provide Access to Abutting Property. A Local Street is of limited continuity and not for through traffic. Shall carry the same meaning as the term Local Street.~~

Comment [FHC53]: Used only in definitions. But critical to definition of "Street, Minor" which is used. Recommend deleting "Street, Local" and moving definition to "Street, Minor".

**Street, Minor Arterial.** A Street of higher classification than a Local Street ~~and is~~, used for continuous travel, primarily as a main traffic artery, but ~~is~~—more ~~intermittent~~intermittently than a major arterial and ~~carries~~carrying more traffic for greater distances than a Collector Street. A minor arterial serves to carry traffic from Collector Streets to expressways and major arterial.

**Street, Private.** ~~Any Street which~~ Any Street that has not been dedicated for public Use and not accepted for ownership or maintenance by the Village Council.

Comment [FHC54]: Needed?

\*\*\*

Street, Public. Any Street other than a Private Street.

Comment [FHC55]: Needed?

**Structure.** Anything constructed or ~~Erected, which~~erected that requires location on the ground or is attached to something having a location on the ground or below the surface of the ground or water.

**Structural Alteration.** Any change, except for repair or replacement, in supporting members of a Building or Structure, such as bearing Walls, columns, beams or girders.

\*\*\*

**Subdivision.** Any division or re-subdivision of a Lot, ~~tract~~ or parcel of land, regardless of how it is to be used, either by platting or by metes and bounds into two or more Lots,

Building sites or other divisions of one acre or less, for the purpose, whether for the immediate or future transfer of ownership, lease, legacy, or Building Development, including any division of land involving a Dedication, change or abandonment of a ~~Public~~ Street, site, Easement or other Right-of-Way for any public Use of facility.

Comment [FHC56]: 1 acre limit?

\*\*\*

**Text Change (Amendment to this chapter).** Any addition to, deletion of or change of wording in subject matter with respect to these ~~Zoning and Development~~ Regulations.

**Tower.** ~~That portion of a Building or Structure that is greater than 50 feet in height~~ A Structure having a height greater than its width, higher than its surroundings, and distinguished by its height if subordinate to a main Structure.

**Townhome (Townhouse) or Townhome (Townhouse) Development.** A grouping (more than two Units) of single Family attached or detached Units on one ~~site so~~ Lot such that no Unit is above another Unit with each Unit having separate ingress and egress. ~~For purposes of distinguishing a Townhome from an Apartment Unit for required Parking purposes, the Building, Zoning and Planning Director shall characterize a Unit as a Townhome if it substantially meets the following conditions: contains more than 1,000 square feet, the Parking spaces are located in close proximity to the Building, separate water and/or electrical meters and if the Building contains more than one floor.~~

\*\*\*

~~Trailer Control Devices.—Any mechanism used to regulate traffic, such as pavement striping, Signs, and the like excluding however, for the purpose of these Regulations any mechanical or electrical device, such as traffic lights.~~

~~Trailer, House.—(See Mobile Home.)~~

~~Trailer, Utility.—A Trailer designed to transport materials, goods or equipment. This includes boat trailers.~~

Trellis. A roof Structure constructed of lattice or parallel wood or other construction members.

Unit. See (Apartment Unit, Duplex, Hotel) A Dwelling Unit or Townhome.) a Hotel Room.

Comment [FHC57]: Hotel room and dwelling are different

**Unity of Title.** A ~~Written~~ written agreement executed by and between a property owner and the Village ~~of Key Biscayne, and recorded in the public records of Miami-Dade County, Florida~~, whereby the property owner agrees that the Lots ~~and/or parcels of land~~ constituting ~~the~~ a Building site shall ~~be not~~ be conveyed, mortgaged, and/or leased separate and apart from each other and that they shall be held together as one tract. The "Unity of Title" shall ~~be recorded in the public records of Miami-Dade County, Florida and shall~~ run with the land and ~~shall~~ be binding upon the property owner, ~~his/her~~ and successors and assigns.

**Use.** The purpose or activity for which land or a Structure thereon is ~~Occupied, utilized or maintained~~ designed, arranged or intended, or for which land, Structures or water is used.

**Use, Accessory.** A Use subordinate to the Principal Use of a Building or Lot, serving a purpose customarily incidental and subordinate to the Principal Use.

\*\*\*

**Use, Conditional.** A Use that is not a Permitted Use in a District but that is deemed appropriate for that District upon specific finding by the Village Council and/or electors, subject to ongoing compliance with specified criteria and standards.

**Use, Permitted.** The Principal Use or an Accessory Use as permitted in a district, or a Conditional Use approved as such in accordance with criteria and standards attributable to Conditional Uses.

**Use, Principal or Main Permitted.** The primary Use of the ~~Plot~~ Lot as distinguished from secondary or Accessory Uses. There may be more than one ~~principal or main~~ Principal Use ~~on the Plot.~~

**Use, Residential.** A Use for living or sleeping of Persons that is not institutional in character, such as a One-Family, Two-Family or Multiple Dwelling, Rooming House, Hotel, Motel, Tourist Home, ~~lodging house, Boarding~~ Lodging House, villas, or bungalow court.

**Comment [FHC58]:** Suggest: "non-institutional Use for living or sleeping of Persons ..."

**Comment [FHC59]:** Treat hotel use as residential use? Follow up

**Vacation.** To abandon, discontinue or close any existing ~~Public~~ Street, alleyway, Easement or any public lands ~~and,~~ Waterways or other Right-of-Way so as to renounce and disclaim any right of the Village and the public in and to any land in connection therewith.

**Variance.** A modification of, or deviation from ~~the~~ these Regulations ~~which is authorized and approved by the Village Council, in accordance with section 30-63.~~

**Vehicle, Commercial.** Any vehicle designed or used, or maintained primarily for the transportation of property and/or Persons for hire, including ~~but not limited to~~ tractors, ~~Trailers~~ trailers or any part thereof, wreckers, tow trucks or other vehicles equipped with a hoist or other mechanical equipment designed to perform a similar function, or taxicabs, or any vehicle commonly recognized as a truck or Commercial Vehicle or any vehicle whose maximum gross weight exceeds 10,000 pounds (Gross Vehicle Weight) or contains advertising markings in excess of three square feet per side ~~of~~ or per vehicle top.

**Vehicle, Recreational.** Any vehicle or portable Structure designed primarily to provide temporary living quarters for recreation, camping or travel use: ~~either,~~ consisting of a vehicular Structure mounted on wheels; self-powered or designed to be pulled by another

vehicle; or a Structure designed to be mounted upon and carried by another vehicle. This definition is intended to include the following:

- (1) **Camping Trailer.** A vehicular portable Structure mounted on wheels, constructed with collapsible partial side Wall of fabric, plastic or other material for folding compactly while being drawn by another vehicle, and when unfolded at the site or location providing temporary living quarters.
- (2) **Truck Camper.** A portable Structure, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters.
- (3) **House-Bus, Camp-Bus or Motor Home.** A Structure built on and made an integral part of self-propelled motor vehicle chassis primarily designed to provide temporary living quarters.
- (4) **Travel Trailer.** A vehicular, portable Structure built on a chassis designed to be pulled by a standard passenger automobile and to be used as temporary living quarters.

Comment [FHC60]: Sub-species of "trailer" needed?

\*\*\*

**Vending Machines.** Any machine or device which, upon the insertion of any form of currency, slug, token, plate, disc or card, or other object or numeric code that permits dispensing of merchandise, tickets, services or products.

**View Corridor.** An unobstructed, axial view terminating on a natural, historical or architectural feature.

Comment [FHC61]: Needed?

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**Yard.** A space on the same ~~Plot~~Lot with a Structure or Use, open and unobstructed from the ground to the sky except by encroachments specifically permitted in these Regulations. Yard measurements shall be the minimum horizontal distances. Yards shall extend and be measured perpendicular and inward from the respective ~~Plot lines.~~ The term Yard includes the term Setback, and these terms are synonymous. When the term Yard is used it shall mean the minimum Required Yard or Setback. Lot lines.

~~Yard, Front.~~ A Yard extending across the full width of the Plot along the Front Plot Line from Side Plot Line to Side Plot Line.

~~Yard, Rear.~~ A Yard extending across the full width of the Plot along the Rear Plot Line from Side Plot Line to Side Plot Line.

**Yard, Front.** The area of a Lot bounded by the Building façade continuous to all of the Side Lot Lines and the Front Lot Line.

**Yard, Rear.** The area of a Lot bounded by the rear Building façade extended to all of the Side Lot Lines and the Rear Lot Line.

**Yard, Required.** The minimum Required Yard ~~or Setback required by, taking into account the Setback, FAR, Lot Coverage and landscaping requirements pursuant to these Regulations.~~ Any Yard space supplied in excess of the minimum amount specified shall not be deemed to be a Required Yard.

**Yard, Side.** ~~A Yard extending along the Side Plot Line from the Front Yard to the Rear Yard~~The area of a Lot bounded by the side Building façade extended to the Front and Rear Lot Lines, the Front Lot Line, the Rear Lot Line, and the Side Lot Line.

\*\*\*

**Zone, Front.** The area between the Building and any adjacent Street(s), but in no event being less than 15 feet from any Street(s).

**Zone, Rear.** The area from the back of the Front Zone to the rear property line, or to the waterfront zone (if applicable).

**Zone, Waterfront.** The entire area within 25 feet from any body of water.

**Zoning Code.** The Zoning and Land Development Regulations of the Village, as amended from time to time.