

ORDINANCE NO. 2016-35

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF COCONUT CREEK BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 1, "GENERALLY," BY AMENDING SECTION 13-295, "DEFINITIONS," IN ORDER TO REMOVE OBSOLETE AND OUTDATED TERMS AND ADD LANGUAGE TO COMPLY WITH STATE AND FEDERAL LAWS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Coconut Creek has the authority to protect the health, safety, and welfare of its citizens; and

WHEREAS, the City of Coconut Creek has the authority to make regulations pertaining to land use and development within the City of Coconut Creek; and

WHEREAS, the City Commission desires to update zoning definitions in order to make them consistent with current terminology used in state and federal statutes; and

WHEREAS, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on June 8, 2016, and recommended approval of the changes; and

WHEREAS, the Planning and Zoning Board has determined that the changes are consistent with and further the goals, objectives, and policies of the Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the recitations set forth above are incorporated herein.

Section 2: That the Code of Ordinances of the City of Coconut Creek shall be amended by amending Chapter 13, "Land Development Code," Article III, "Zoning Regulations," Division 1, "Generally," by amending Section 13-295, "Definitions," to read as follows:

Sec. 13-295. - Definitions.

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

Accessory structure means any structure which houses an accessory use and which is located on the same parcel as the principal use.

Accessory use means a use which is clearly incidental to and customarily found in connection with the principal use to which it is related.

Adult day care center means any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three (3) or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.

Alley means a public or private way which affords a secondary means of access to abutting property.

Alteration means any change in size, shape, character, occupancy or use of a building.

Ambulatory Surgical Center means a facility the primary purpose of which is to provide elective surgical care, in which the patient is discharged from such facility within the same working day and is not permitted to stay overnight, and which is not part of a hospital.

Assisted Living Facility means a building, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator.

Bar, cocktail lounge, saloon means any establishment devoted primarily (fifty (50) percent or greater) to the retail sale (or area) of alcoholic beverages to be consumed on the premises, whether or not it is in conjunction with another use and where any sign visible from any public right-of-way is erected to indicate that alcoholic beverages are sold for on-premises consumption.

Basement means a story having less than fifty (50) percent of its clear height below surrounding grade elevations.

Billboard means a structure utilized for advertising an establishment, an activity, a product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which the sign is located.

Birth Center means a facility, institution or place, which is not an ambulatory center or a hospital or in a hospital, in which births are planned to occur away from the mother's usual residence following a normal, uncomplicated pregnancy.

Building means any principal or accessory structure, temporary or permanent, having a roof impervious to weather, including tents, awnings and/or cabanas, situated on public or private property, used for the shelter or enclosure of persons, animals, or property of any kind. This does not include screened enclosures without a roof impervious to the weather.

Building alteration means any change in supporting members of a building such as bearing walls, columns, beams, girders or siding; any addition to a building; any change in use from one (1) district classification to another; or removal of a building from one (1) location to another.

Building, attached means a building which has one (1) or more party walls in common with adjacent buildings.

Building coverage means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot including any areas under roof and supported by columns, but not having walls.

Building, detached means a building which has no party wall.

Building, enclosed means a building separated on all sides from adjacent open space or from other buildings or structures, by a permanent roof and exterior walls or party walls.

Building frontage means the length of a side or wall of a building approximately parallel and nearest to a street.

Building height means the vertical distance measured from curb or grade level to the highest point of a flat or mansard roof, to the mean height level between eaves and ridge gable on hip and gambrel roofs or for buildings set back from the street line the mean vertical distance from the average elevation of the finished grade along the front

of the building provided that this grade is not greater or less than the height of the grade above the established curb level.

Building line means a line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In the case of a cantilevered section of a building, the vertical plane will coincide with the furthest projected surface. All yard requirements are measured to the building line. Projected walls, fences and landscaping elements are not considered to be within the building line. Cornices, eaves and similar structures, may project into any required yard by not more than thirty (30) inches.

Building, semidetached means a building which has only one (1) party wall in common with an adjacent building.

Building site means a lot, or portion of lots used for a building. The total area includes the lot where the building is or will be located.

Business Services means a commercial business providing virtual offices, office-sharing, copy and printing services, mailbox services, and/or temporary placement agency.

Carport means an accessory structure or portion of a principal structure consisting of a roof and supporting members such as columns or beams, with one (1) or more sides open, designed and restricted for the storage of motor-driven vehicles.

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

Child Care Facility includes any child care center or child care arrangement which provides child care for more than five (5) children unrelated to the operator for a period of less than twenty-four (24) hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included: (a) Public schools and non-public schools and their integral programs, except as provided in Section 402.3025, Fla. Stat., as amended from time to time; (b) Summer camps having children in full-time residence; (c) Summer day camps; (d) Bible schools normally conducted during vacation periods; and (e) Operators of transient establishments, as defined in Chapter 509, Fla. Stat., as amended from time to time, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of Chapter 435, Fla. Stat., as amended from time to time.

Church means and shall include all uses as defined under the term "house of worship."

City means the City of Coconut Creek, Florida.

Clinic means a facility where healthcare services are provided to individuals and which tenders such services, including but not limited to a mobile clinic and a portable equipment provider, but specifically excluding pain clinic as defined below.

Club, private means an association or organization of a fraternal or social character, operated and/or maintained on a not-for-profit basis, to which there is restricted public access. The term does not include nightclub or other establishment operated for profit.

Cluster development means a development based upon gross dwelling unit density within a given zoning district, whereby lot sizes and yards are permitted to vary, provided the gross density is not exceeded. Cluster development is intended to create common open space and recreational amenities.

Commercial vehicle means any vehicle designed, intended or used for transportation of people, goods or things other than normally transported by private passenger vehicles, trailers, motor homes and campers for private nonprofit transport of goods and boats.

Common property means a parcel of land or an area of water or a combination of land and water, together with the improvements thereon designed and intended for the ownership, use and enjoyment shared by the residents and owners of a development. Common property may contain such accessory structures and improvements as are necessary and appropriate to the benefit of the residents and owners of the development common property.

Community Residential Facility means a residential facility for seven (7) to fourteen (14) unrelated residents as defined by Section 419.001(1)(a), Fla. Stat., as amended from time to time.

Community Residential Home means a community dwelling unit for up to six (6) unrelated residents as defined by Section 419.001(1)(a), Fla. Stat., as amended from time to time.

Comprehensive plan means a composite of the written and graphic proposals recommending the physical, social and economic development of the city adopted by the planning and zoning board and by the city commission, as amended from time to time.

Construction, actual means the placing of construction materials in a permanent position and fastened in a permanent manner commenced pursuant to a city building permit. Substantial demolition, excavation, or removal of existing materials or structures preparatory to new construction shall also be deemed actual construction.

Curb level means the average elevation of the curb front of the lot.

Density means the number of dwelling units per acre expressed in terms of gross or net density. Unless otherwise specified, permitted densities enumerated in this article are expressed as net densities.

Density, gross means the density of a building site calculated by dividing the total number of dwelling units by the total acreage of the site without reduction for nonresidential uses such as parks, waterways, streets, shops, houses of worship, schools, etc., (gross development area).

Density, net means the density of a building site calculated by dividing the total number of dwelling units by the total acreage of the site devoted to exclusive residential use. For the purposes of this definition, "exclusive residential use" shall include all yards or other open areas, private roadways and parking areas and private water bodies, but shall exclude all land and water areas dedicated to the public (net development area).

Distance between buildings means the shortest straight line distance between the building line of adjacent buildings upon the same lot. This term shall not apply to the party wall of attached or semidetached buildings or dwellings.

District or zoning district means a specifically delineated area or district within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

Dwelling means a building or portion thereof which is designed for or used for residential purposes.

Dwelling, attached means a residential structure on a lot, a portion of a lot held in common ownership, consisting of three (3) or more dwelling units, having at least two (2) party walls shared with adjacent dwelling units, except for end or corner units.

Dwelling, detached means a single dwelling unit physically detached from other buildings, dwelling units or structures.

Dwelling, multiple-family means a building or structure containing three (3) or more dwelling units.

Dwelling, patio means an attached, detached or semidetached dwelling wherein each plot has a perimeter wall upon one (1) or more boundaries of and surrounding the usable plot area designed so as to create a patio which is an integral part of the living area of an individual dwelling unit.

Dwelling, semidetached means a residential structure having no more than two (2) dwelling units attached by a party wall, such as a duplex.

Dwelling, single-family means a building or structure containing only one (1) dwelling unit.

Dwelling, townhouse means an attached dwelling of three (3) or more dwelling units which may be placed upon individual lots, in accordance with the provisions of Article II of this chapter held under common ownership with the dwellings upon a single lot. In all instances, however, exterior design features and appurtenances shall be harmonious. The maximum height of townhouses shall not exceed three (3) stories.

Dwelling, two-family or duplex means a building or structure containing two (2) dwelling units. A semidetached dwelling.

Dwelling unit means a room or group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family, and which include complete kitchen and sanitary facilities permanently installed.

Dwelling unit; minimum size means the sum of the gross horizontal area of all floors of a building measured from the exterior faces of exterior walls or from the centerline of party walls. Attics, basements, porches, terraces and attached and detached garages and storage buildings shall not be counted in determining dwelling unit size.

Easement means a grant of one (1) or more property rights by a property owner for use by public or private entities.

Efficiency means a dwelling unit consisting of not more than one (1) habitable room together with kitchen or kitchenette and sanitary facilities.

Electronic cigarette or e-cigarette means any device that uses an atomizer or similar device that allows users to inhale nicotine vapor or other vapor without the use of fire, smoke, or ash. The definition of e-cigarette shall include, but is not limited to: electronic cigars, electronic cigarillos, hookahs, vaporizers or electronic pipes, and any cartridge or other component of the device or related product including any liquid products that are manufactured for use with e-cigarettes.

Essential public facilities means any structure, or facility (not including buildings over two hundred (200) square feet in interior area) required by a utility owned by the city or contracted to operate within the city limits which, by its nature, is customarily required to be within a specific proximity to the area it serves as determined by the city engineer.

Extended Congregate Care Facility means a facility that provides personal services and care to fourteen (14) or more individuals pursuant to Part I, Chapter 464, Fla. Stat. by persons licensed thereunder while carrying out their professional duties and other supportive services. The purpose of such services is to enable residents to age in place in a residential environment despite the mental or physical limitations that might otherwise disqualify them from residency in a facility licensed as an assisted care community per Section 429.02, Fla. Stat., as amended from time to time.

Facade means the total wall surface, including door and window area of a building's principal face.

Family means one (1) person or a group of two (2) or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, or a group of persons not more than four (4) in number who are not so interrelated, occupying the whole or part of a dwelling as a separate housekeeping unit with a single set of culinary facilities. Any person under the age of 18 years who is considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this definition.

Family Day Care Home means an occupied residence in which child care is regularly provided for children from at least two (2) unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. The specific capacity restrictions as set forth in Section 402.302(8), Fla. Stat., as amended from time to time, apply.

Family Foster Home means a private residence in which children who are unattended by a parent or legal guardian are provided twenty-four (24) hour care, as defined in Section 409.175(2)(e), Fla. Stat., as amended from time to time.

Fence means an artificially constructed barrier of any material or combination of materials directed to enclose or screen areas of land. Pool fences shall have openings not more than four (4) inches apart.

First floor area means that portion of a building at ground level, excluding basements and garages, measured from the exterior faces of exterior walls or from the centerline of party walls, at the ground level of the building or structure.

Floor area, gross means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls or from the centerlines of party walls. This term also includes floor space in penthouses or attics providing structural headroom of seven (7) feet six (6) inches or more; floor space or roofed balconies of mezzanines; any floor space used for dwelling purposes, no matter where located within either a principal building or accessory building.

Floor area, minimum means the sum of horizontal floor area measured from the exterior faces of exterior walls or from the centerlines of party walls, excluding the area of corridors external to the dwelling unit, garages whether separate or integral, carports, porches open to the sky, breezeways or storerooms not accessible from the interior of dwelling units.

Freestanding means a structure, prefabricated by a manufacturer or constructed by a homeowner, that is unattached to a principal building requiring a building permit.

Garage, private means an enclosed space for at least one (1) automobile either attached to a dwelling unit or built as an accessory building. A carport shall be considered a private garage.

Garage, public or commercial means a building or space other than a private garage for the storage of motor vehicles.

Golf course means an area designed for executive (minimum par 60) or regulation (minimum par 70) play, installed on reasonably contiguous tracts having areas greater than forty (40) acres. A golf course may also include accessory uses and structures such as clubhouses, pro shops, cart sheds, starter sheds, maintenance buildings or structures, and dining and refreshment facilities.

Guest house or cottage means a dwelling unit in a building separate from the principal residential structure on a lot intended for intermittent or temporary occupancy by nonpaying guests.

Hospice Facility means a centrally administered corporation or a limited liability company that provides a continuum of palliative and supportive care for multiple terminally ill patients and their family. Terminally ill means that the patient has a medical prognosis that his or her life expectancy is one (1) year or less if the illness runs its normal course.

Hospital means any establishment that offers healthcare services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and that regularly make available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent.

Homeowner or condominium association means an incorporated organization operating in a development under recorded covenants or declarations through which each dwelling or property owner is automatically a member and entitled to use the common property. Owners of dwelling units are charged a proportionate share of the expenses for the organization's maintenance and operation. Such charges include any maintenance costs levied against the association by the city.

House of worship means a building or portion thereof used as a place wherein persons regularly assemble for the sole purpose of religious worship, including but not limited to sanctuaries, temples, mosques, chapels and cathedrals, and where permitted, such other onsite buildings supporting the principal use such as parsonages, friaries, convents, fellowship halls, non-academic religious schools such as Sunday schools, but not including day care centers, community recreation facilities and private primary and or secondary educational facilities.

Industrial or office park means an area wherein more than one (1) building or structure is erected for office, industrial, and/or research and development purposes as a part of an integrated and planned unit. The buildings are not necessarily erected simultaneously, but roadways, utility services, etc., are installed in accordance with the provisions of Article II of this chapter.

Inpatient Rehabilitation Facility means a facility that provides acute medical rehabilitation through specialized medical care and treatment dedicated to improving, maintaining or restoring physical strength, function, cognition and mobility to no less than fourteen (14) enrollees who are admitted as inpatients from a hospital licensed under Part I of Chapter 395, *Fla. Stat.*, as amended from time to time. The length of stay for enrollees shall be determined based on medical conditions, but in no circumstance shall an enrollee's stay be longer than six (6) months. The medical care and treatment provided shall assist enrollees to gain greater independence following illness, injury or surgery.

Laboratory means the physical location in which services are performed by a licensed practitioner to provide information or materials for use in diagnosis, prevention, or treatment of a disease or the identification or assessment of a medical or physical condition.

Light Manufacturing means fabrication, assembly, processing, finishing work, or packaging.

Loading space means an off-street space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial or public service vehicle during loading or unloading.

Lot means any parcel of land separated from other parcels or portions by a subdivision plat or deed of record or by metes and bounds description except that for purposes of this article, contiguous undersized lots under one (1) ownership shall be considered one (1) lot. Further, no portion of a public street shall be included in calculating the lot boundaries or areas.

Lot area means the area contained within the lot lines of a lot.

Lot, corner means a lot at the junction of and abutting two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees.

Lot depth means a mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot, double frontage means a lot, other than a corner lot, with street frontage on two (2) or more sides.

Lot frontage means the horizontal distance between side lot lines measured along the street line. The minimum lot frontage shall be the same as the lot width except on cul-de-sacs and other curved alignments, in which case the minimum frontage shall be measured at the front setback line. In the case of a corner lot, either street frontage may be considered the lot frontage.

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

Lot line means a line of record bounding a lot which divides one (1) lot from another lot or from a public or private street or any other public space.

Lot of record means a lot which is part of a subdivision recorded pursuant to F.S. Ch. 117 or a parcel recorded by metes and bounds description.

Lots, reversed frontage means a lot on which the frontage is at right angles or approximately right angles to the general pattern in the area. A reversed frontage lot may be a corner lot, an interior lot, or a through lot.

Lot, through means a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as "double frontage lots."

Lot width means the mean horizontal distance between the side lot lines measured at right angles to the depth.

Lot, zoning means a single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, frontage, setback, and other dimensions, as required in the district in which the zoning lot is located. A zoning lot, therefore, may not necessarily coincide with a lot of record, but may be part of a lot of record or may include one (1) or more lots of record, provided all are under the same ownership and are subject to a unified title.

Mean high water line means the land contour line established by the United States Coast and Geodetic Study Survey.

Medical Office means an office providing services to the public by physicians, dentists, surgeons, chiropractors, osteopaths, physical therapists, nurses, acupuncturists, podiatrists, psychiatrists, radiologists, (who are also known as health care practitioners) or others who are duly licensed to practice their respective professions in the State of Florida, as well as others, including but not limited to technicians and assistants, who are acting under the supervision and control of a licensed health care practitioner. Also included in this section shall be all providers or facilities licensed under Fla. Stat. Sections 397.311(22)(a)2, "Day or Night Treatment", 397.311(22)(a)6, "Intensive Outpatient Treatment", 397.211(22)(a)8, "Outpatient Treatment" and 397.311(22)(a)9, "Residential Treatment" Level 1 only as defined by F.A.C. 65D-30.007, as amended from time to time.

Medical Research and Development means medical research to help the medical community, medical scientists and physicians gain greater knowledge about various diseases and their treatments, including, but not limited to the development of new medications.

Mental Health Facility means any hospital, community facility, public or private facility, or receiving or treatment facility providing for the evaluation, diagnosis, care, treatment, training, or hospitalization of persons who appear to have a mental illness or have been diagnosed as having a mental illness.

Model home or unit means a residential structure open to the public for inspection, for demonstration and sales, but not occupied as a dwelling unit. Plumbing and other apparatus may or may not be connected. A permanent certificate of occupancy will not be issued by the director of community development for such model home or unit as long as it is used for model purposes.

Nightclub means a restaurant, dining room, bar or other similar establishment providing food or refreshments where forms of paid entertainment are provided for customers as a part of the commercial enterprise.

Nonconforming building or structures means an existing structure or building which by size, location, or use which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Nonconforming lot means a lot of record which does not meet the minimum width, frontage, or depth or contain the minimum area requirements for the zoning district in which it is located.

Nonconforming use means any use of land, buildings, or structures lawfully existing at the time of the enactment of this article which does not comply with the provisions of this article or of any amendment to this article governing use for the zoning district in which such use is located.

Nonresidential Licensed Service Provider means a provider or facility under Fla. Stat. Sections 397.311(22)(a)1, “Addictions Receiving Facility”, 397.311(22)(a)4, “Detoxification”, 397.311(22)(a)5, and “Medication Assisted Treatment for Opiate Addiction”, as amended from time to time.

Nursing Home means any facility which provides nursing services as defined in Part I of Chapter 464 and which is licensed according to Part II, entitled “Nursing Homes”, of Chapter 400, Florida Statutes, as amended from time to time, pursuant to a contract, furnishing shelter and nursing care or personal services to a resident who resides in a facility that provides custodial care for fourteen (14) or more individuals, whether such nursing care or personal services are provided in the facility or in another setting

designated in the contract for continuing care, by an individual not related to the resident upon payment of an entrance fee.

On-site water and wastewater means private water and wastewater facilities serving one (1) or more dwellings on a lot, such as a well and a septic tank.

Open area means a portion of the total site, lot or parcel, not including the area covered by buildings or structures.

Open space means a portion of the open area, not including parking, drives, private streets, service areas and incidental open area adjacent to structures necessary for adequate privacy and light, which may be used for preservation of natural areas, landscaping, canals and drainage areas, and available for limited recreational activities. Structures, streets, parking and service areas, tennis courts and recreation structures are not permitted to be located within or included as required open space.

Outparcel means a parcel of land designated on a plat or site plan for one free-standing nonresidential building, where said parcel is adjacent to a right-of-way or property line and is located in front of a principal commercial development. An outparcel may be owned by the owner of the principal development or may be owned, leased, or rented to any entity other than the entity owning the principal development.

Pain clinic means any of the following described businesses:

- (1) Any pain management center, clinic, facility, or office, the primary focus or concentration of which is the prescribing and/or dispensing of pain medication to individuals with complaints of pain, chronic or otherwise, which center, clinic, facility, or office is unaffiliated with any hospital, hospice and/or facility for the treatment of the terminally ill in Broward County, Florida; and/or
- (2) Any privately owned center, clinic, facility or office that advertises in any medium as offering any type of pain management services which center, clinic, facility, or office is unaffiliated with any hospital, hospice, and/or facility for the treatment of the terminally ill in Broward County, Florida; and/or
- (3) Any privately owned center, clinic, facility, or office that engages the service of a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications which center, clinic, facility, or office is unaffiliated with any hospital, hospice, and/or facility for the treatment of the terminally ill in Broward County, Florida; and/or
- (4) Any center, clinic, facility, or office that is required to register with the State of Florida pursuant to F.S. § 458.3265 or § 459.0137, as amended from time to time, which center, clinic, facility, or office is unaffiliated with any hospital, hospice, and/or facility for the treatment of the terminally ill in Broward County, Florida; and/or

- (5) Any drug store, pharmacy, or other facility or establishment that engages in the dispensing of controlled substances, unless such drug store, pharmacy, or other facility is exempt hereunder by reason of meeting one (1) of the following criteria:
- a. The drug store, pharmacy, or other facility is affiliated with any hospital, hospice, and/or facility for the treatment of the terminally ill in Broward County, Florida, including any facility licensed pursuant to F.S. Ch. 395;
 - b. The drug store, pharmacy, or other facility is located within and affiliated with an establishment where licensed Florida physicians provide surgical services;
 - c. The drug store, pharmacy, or other facility is affiliated with an accredited medical school where training and education is provided for medical students;
 - d. The drug store, pharmacy, or other facility is owned or operated by a governmental or other public agency;
 - e. The drug store, pharmacy, or other facility is located within a retail store selling either food, sundries, and/or cosmetics, which retail store contains a minimum of thirty thousand (30,000) square feet or retail space; maintains more than ten (10) locations within Broward County, Florida; and is owned by a publically held corporation whose shares are traded on a national exchange.

Parcel means a contiguous land area which is considered a unit, subject to single ownership and legally recorded as a single piece.

Parking space means a space for the parking of a motor vehicle within a public or private parking area.

Paved area means an area of ground caused to be less than fifty (50) percent pervious by the application of semipervious or impervious paving material.

Permitted use means any use of land or buildings permitted by this article.

Personal Care means assistance to a patient in the activities of daily living, such as dressing, bathing, eating, or personal hygiene, and assistance in physical transfer, ambulation, and in administering medications as permitted by rule.

Personal Services means direct physical assistance or supervision of the activities of daily living and the self-administration of medication and other similar services. "Personal Services" shall not be construed to mean the provision of medical, dental, nursing, or mental health services.

Place of assembly means a building or portion thereof used as a place where persons regularly congregate for entertainment, religious or cultural activities or meetings and, include, but are not limited to houses of worship, fraternal lodges, schools, libraries, museums, amphitheaters, theatres, stadiums arenas or any other publicly or privately owned facility where individuals gather for the aforesated purposes.

Planning board means the Planning and Zoning Board of Coconut Creek.

Plat means a map representing a tract of land showing the boundaries and location of individual properties and streets or a map of a subdivision.

Plot means land occupied or intended to be occupied by a building or use and accessory uses together with all yards, open spaces, easements, setbacks or similar areas.

Porch means a roofed over space attached to the outside of an exterior wall of a building having no enclosure other than exterior walls of such building. Screening alone shall not be considered to form an enclosure.

Principal building means a building which is occupied by or devoted to a principal use or an addition to an existing principal building which is larger than such existing building.

Principal use means the primary purpose for which a lot or building is used or is intended to be used.

Private school means a privately administered institution of education whose general course work is comparable to the public school system and whose curriculum is approved by the state department of education and/or the school board of the county.

Public water and public wastewater means water and wastewater systems either privately or publicly owned and operated, with centralized facilities approved by appropriate local city, county and state agencies serving more than one (1) dwelling or other building.

Residential agriculture means the growing and harvesting of plant life and the keeping of farm animals for the enjoyment of the residents on the property and not primarily for commercial purposes.

Residential Licensed Service Provider means a service provider or facility licensed under Sections 397.311(22)(a)3., "Day or Night Treatment with Community Housing" and 397.311(22)(a)9., Residential Treatment", Fla. Stat., Levels 2, 3, 4, and 5 only, as defined by F.A.C 65D-30.007, as amended from time to time, for the purposes of providing a structured live-in environment within a nonhospital setting on a twenty-four (24) hours a day, seven (7) days a week basis, and which include: facilities that provide room and board and treatment and rehabilitation within the primary residential facility. Residential Licensed Service Provider facilities shall be accommodated in the same

manner with respect to the number of residents and the number of units as required for the respective structures of either a single family unit, duplex unit, or multi-family unit in the zoning districts where allowed. See definition of *Medical Office for Residential Licensed Service Provider, Level 1.*

Restaurant, high turnover means an establishment or portion thereof whose principal business is the sale of pre-prepared food directly to the customer in a ready-to-consume state for consumption within the restaurant building or off-premises.

Restaurant, low turnover means an establishment or portion thereof whose business is the sale of foods or beverages to the customer in a ready-to-consume state involving only the serving of prepared food to the customer at tables or booths on the premises.

Retail electronic-cigarette/vaporizer store means a business establishment for which more than fifty (50) percent of the gross floor area is dedicated to the storage, mixing, display and/or retail sale of electronic cigarette devices, nicotine-enriched solutions and/or liquid products that are manufactured for use with e-cigarettes, such as cartridges, substances and additives.

Right-of-way means land acquired by reservation, dedication, prescription or condemnation and intended to be occupied or used for a public purpose.

Service station means any establishment servicing motor vehicles with fuel, supplies, accessories and minor repairs and adjustments.

Setback line means the minimum horizontal distance from a lot line and a building or part of a building.

Shed means a structure prefabricated by a manufacturer or constructed by a homeowner designed for the storage of domestic equipment for typical day-to-day domestic use and does not exceed eighty (80) square feet in size. A size larger than eighty (80) square feet shall be considered an accessory structure.

Sign means any structure or portion thereof on which any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interest of any person or product is placed in view of the general public.

Smoking lounge, cigar bar, hookah bar, vapor bar, vapor lounge means any business establishment for which the configuration of the enclosed indoor floor area is to facilitate on-site consumption of tobacco, cigarettes, nicotine-enriched solutions, or non-tobacco items designed to be combusted or inhaled or which produce a vapor, whether purchased on the premises or otherwise.

Special land use means a use which may be permitted in a particular zoning district only upon demonstration that such use in a specified location will comply with all the

conditions and standards for location or operation of such use as specified in the zoning district and authorized by the planning and zoning board.

Store, department means a building that offers more than three (3) consumer product lines.

Story means that portion of a building between any floor and the floor next above or if there is no floor above then the ceiling above, not including a basement.

Street means a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or otherwise, not including driveways to buildings.

Street line means the edge of an existing or proposed public or private right-of-way for street purposes forming the dividing line between the street right-of-way and a lot as shown on the recorded plats and surveys and/or the comprehensive plan.

Structural alteration means any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

Structure means anything constructed, assembled or erected which requires permanent location on the ground or attachment to something having permanent location on the ground, including buildings, fences, tanks, towers, signs, advertising devices, swimming pools and tennis courts.

Subdivision means the division of land into two (2) or more parcels for purpose of transfer of ownership or development.

Swimming pool or spa, portable means those which are not necessarily permanently installed, do not require water filtration, circulation and purification, do not exceed thirty-six (36) inches in depth, and do not exceed a surface area of one hundred (100) square feet.

Swimming pool or spa, private means artificially constructed residential pools, whether located above or below the ground, having a depth of more than thirty-six (36) inches and/or a water surface of one hundred (100) square feet or more; designed and maintained for swimming and bathing purposes by individuals and located on a lot as an accessory use and shall include all buildings, structures, and equipment appurtenant thereto.

Swimming pool, private community means a swimming pool that is restricted to the members and guests of an association or private project.

Swimming pool, public means a swimming pool and attendant equipment maintained and operated by a governmental unit for the general public or a swimming pool and attendant equipment maintained and operated by a private concern for profit and open to the public.

Tract means an area of land composed of one (1) or more lots adjacent to one another having sufficient dimensions and area to satisfy the provisions of this article for the use intended.

Use means the specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

Urgent Care Center means a facility or clinic that provides immediate but not emergent ambulatory medical care to patients beyond normal business hours.

Yard means an open space on the same plot, with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this article. A yard extends along a lot line, and to a depth or width specified as the setback for the zoning district in which such plot is located.

Yard, corner side means a side yard which adjoins a public street.

Yard, front means a yard extending along the full length of the front lot line between the side lot lines.

Yard, interior side means a side yard which is located immediately adjacent to another plot.

Yard, rear means a yard extending along the full length of the rear lot line between the side lot lines.

Yard, side means a yard extending along a side lot line from the front yard to the rear yard.

Zero lot line means the location of a residential dwelling where one (1) or more of the structure's sides rests directly on a lot line.

Zoning board means the Planning and Zoning Board of Coconut Creek.

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED FIRST READING THIS 28th DAY OF JULY, 2016.

PASSED SECOND READING THIS 11th DAY OF AUGUST, 2016.

Mikkie Belvedere, Mayor

Attest:

Leslie Wallace May, MMC
City Clerk

	<u>1st</u>	<u>2nd</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>

EML
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7/11/16

CODING: Words in ~~struck through~~ type are deletions from existing text.
Words in underscored type are additions to existing text.
A line of *** indicates existing text not shown.