

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



PLANNING, DESIGN & HISTORIC PRESERVATION DIVISION

673-7550

TO: CHAIRMAN & MEMBERS
ZONING BOARD OF ADJUSTMENT

May 6, 1994

FROM: DEAN J. GRANDIN, JR.
PLANNING & ZONING DIRECTOR

SUBJECT: STAFF RECOMMENDATIONS:
MAY 6, 1994 MEETING

FILE No. 2377 U.S.A. EXPRESS INC.
940 17TH STREET

The applicant, U.S.A. Express, Inc., is appealing an administrative decision rendered by the Planning and Zoning Director on March 16, 1994, relative to preliminary plans submitted for a site at 940 17th Street, Miami Beach. Specifically, it was the Director's administrative decision that the following three areas are to be included in the total floor area of the building in question when calculating its Floor Area Ratio (F.A.R.):

1. Exterior corridors/hallways
2. Open stairwells within the tower
3. Stairwells and elevator shafts on each floor with parking.

It is important to understand that this interpretation of the Zoning Ordinance 89-2665 has broad implications beyond the scope of the specific project being appealed. By excluding the contested items from the floor area of the proposed building, or any new building in the City, would effectively grant a significant floor area bonus above that which the Zoning Ordinance and the Comprehensive Plan now allow.

Before proceeding to examine each area being appealed, I believe it would be instructive in comprehending the current definition of floor area the Zoning Ordinance 89-2665. The definition is as follows:

79. **FLOOR AREA:** The sum of the gross horizontal areas of the floors of a Building or Buildings, measured from the Exterior faces of Exterior walls or from the Exterior face of an architectural projection, from the centerline of walls separating two attached Buildings.

However, the Floor Area of a Building shall not include the following unless otherwise provided for in this Ordinance.

- a. Accessory water tanks or cooling towers.
- b. Uncovered steps.
- c. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet, six inches.
- d. Terraces, breezeways, or open porches.
- e. Floor space used for required accessory Off-Street Parking Spaces. However if the parking garage is the main permitted Use, then the Floor Area of the parking levels shall be included in the calculation of the Floor Area Ratio.
- f. Mechanical equipment rooms located above main roof deck.
- g. Exterior unenclosed private Balconies.
- h. Floor Area located below Grade; however, if the ceiling is above Grade, 1/2 of the Floor Area that is below Grade shall be included in the FAR Floor Area Ratio calculation.
- i. Enclosed garbage rooms, enclosed within the Building on the Ground Floor level.

Volumetric Buildings, used for storage, where there are no interior floors, the Floor Area shall be calculated as if there was a floor for every eight (8) feet of height.

When Transfer of Development Rights are involved, see Section 6-29.C for additional regulations that address Floor Area.

Conceptually, the regulation of floor area by creating a floor area ratio is included in this Zoning Ordinance, as in other municipal zoning ordinances, as a mechanism to control the overall exterior mass of a building. That is why the floor area is measured to the exterior faces of exterior walls or from the exterior face of an architectural projection. It is from this total floor area volume that certain areas are excluded, as incentives to development.

Importantly, the current floor area definition is significantly similar to the definition in the prior Miami Beach Zoning Ordinance #1891, with a major exception. That definition reads as follows:

69. **FLOOR AREA:** The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the exterior face of a projection, the area of which is included in the floor area calculation or from the centerline of walls separating two attached buildings. Floor area includes space used for:

- a. Elevator shafts or stairwells at each floor.
- b. Mechanical equipment.
- c. Penthouses.
- d. Attic floor space, whether or not a floor has been laid, providing structural headroom of seven feet, six inches or more.
- e. Exterior corridors from which access is gained to dwelling and/or sleeping units.
- f. Interior halls, enclosed balconies or interior mezzanines.
- g. Enclosed porches.
- h. Accessory buildings.
- i. Measured floor area less 180 square feet for a one-car capacity or 360 accessory to a single-family or two-family dwelling.
- j. Any floor space used for residential use, no matter where located within the building.

However, the floor area of a building shall not include the following unless otherwise provided for in this Ordinance.

- a. Accessory water tanks or cooling towers.
- b. Uncovered steps.
- c. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet, six inches.
- d. Terraces, breezeways, or open porches.
- e. Floor space used for required accessory off-street parking spaces.
- f. Mechanical equipment rooms located above main roof deck.
- g. Exterior unenclosed private balconies.

If the major exception is not readily obvious, it is that the prior definition included a listing of those types of areas that are to be included in floor area. When the Miami Beach Zoning Ordinance Review Committee (ZORC) examined this definition as part of the process in creating the new Zoning Ordinance 89-2665, it was decided to remove the "included spaces" since such a listing could not be entirely inclusive and could not possibly anticipate all types of specialized areas within a building. The definition did provide a basis, however, for the interpretation of that Ordinance, and has carried over to the interpretation of the current Zoning Ordinance.

It is interesting to note that most cities generally define floor area in the same manner, as exemplified in the Ordinance excerpts for the City of Miami and the City of Fort Lauderdale (see attached). What differs in these definitions are those specific areas which are either included or excluded from the floor area calculation. For instance, the City of Miami, prior to 1990,

included stairways and elevator shafts in the floor area; after 1990, stairways were excluded. The City of Fort Lauderdale does not include stairways or elevators in its calculation of floor area. The point being made here is that there is no universal definition of what is, or is not, included within a floor area calculation -- each municipality defines the term to meet its own development objectives and needs.

With these introductory findings and observations put forth for consideration, the balance of this report will focus on the three specific areas of contention:

Exterior Corridors/Hallways

The first area of contention is the exterior corridors/hallways. The applicant is contending that these areas of the building "are nothing more than the functional equivalent of a terrace, open porch or breezeway". This argument might be acceptable if it were not for the fact that these exterior corridors offer the only means of egress to the hotel rooms and are a necessary component of the building's pedestrian circulation. Referring back to the prior Zoning Ordinance #1891, exterior corridors have continually been interpreted as areas to be included in the floor area of a building.

The applicant refers to the definition of "terrace" in the American Heritage Dictionary, Second College Edition, as an argument as to why these exterior corridors should be considered as terraces and be excluded from the floor area. Specifically, the definition is quoted as follows: "1a. an open colonnaded platform, as a porch or promenade. b. a platform extending outdoor from the floor of the home or apartment building...".

In rebuttal, I offer the following definitions which clearly describe a terrace as an area generally raised slightly above ground level and not a projecting balcony from a building: "1. a raised level with a vertical or sloping front or rider joined with masonry, turf or the like, esp. one of a series of levels rising one above another" -- Random House Dictionary of the English Language, 1968; or, "a level space raised above the adjoining land, and usually flanked by a building." -- Dictionary of Architecture, Saylor, 1963; or "1. an embankment with level top often paved, planted and adorned for leisure use" - Dictionary of Architecture and Construction, MacGraw Hill, 1993.

In conclusion, the Planning and Zoning Director contends that the exterior corridors/hallways are necessary as a means of building circulation and must be construed as elements of the building which are included in the floor area. Further, these exterior corridors are not the "functional equivalent" of a terrace, as the applicant has argued.

Open Stairwells within the Tower

The second area of contention is the open stairwells within the tower portion of the building. The applicant contends these stairwell areas, because they are open on the exterior side, fall into the category of "uncovered steps" which are excluded by definition in the current Zoning Ordinance. The argument proceeds, further, that because these stairwells are "not protected or concealed" that they are open and unenclosed.

To suggest that stairwells that are open and not concealed from view translates to mean that they are, therefore, "uncovered" is ludicrous. The first and second definitions in the Random House Dictionary are as follows: "1. to place something over or open, as for protection or concealment; 2. to be or serve as a covering for; extend over." Clearly, if the City of Miami Beach wanted to exclude open stairwells from FAR calculations, it would have referred to them as "unenclosed stairwells" or "open stairwells" in the Ordinance. In the opinion of the Planning and Zoning Director, the Zoning Ordinance is clear as to what is meant by the term "uncovered steps." -- these are the steps leading up to a porch, an at grade entrance, an outdoor deck or similar architectural feature and that are open to the sky.

Of important note, referring back to Zoning Ordinance 1891, there was a clear distinction made between stairwells and uncovered steps. Under the definition in that Ordinance, "Elevator shafts or stairwells [emphasis added] at each floor" were areas included in floor area and "uncovered steps" was an area excluded. There was a purposeful distinction between these two very different architectural conditions.

In conclusion, the Planning and Zoning Director has taken the position that open stairwells are not to be construed as uncovered steps and, therefore, are to be included in the floor area of a building.

Stairwells and Elevator Shafts on Each Floor with Parking

The third area of contention is the stairwells and elevator shafts on each floor with parking. The applicant contends that these areas are "a necessary and integral part of the required parking levels." The argument continues that "under the requirements of the South Florida Building Code and the various handicapped accessibility regulations, all off-street parking areas must have both elevator access and at least two fire stairs".

While at first this argument seems to make sense, the fact is that the remainder of the building must also, by Code, have stairwells and elevators and these areas are included -- not excluded -- from the floor area. More importantly, Zoning Ordinance 89-2665 only excludes "floor space used for required accessory Off-street

Parking Spaces". It does not mention vertical circulation which is needed to gain access from these areas to the floors above.

The prior Ordinance 1891 again provides some guidance into the interpretation of the current Ordinance in that under the definition of areas for inclusion in the floor area, "elevator shafts or stairwells at each floor" is listed. Each floor has, therefore, been interpreted to mean every floor in the building, regardless of the use of each floor -- parking levels, like residential and commercial levels, have consistently been included in the calculation of floor area.

In conclusion, the Planning and Zoning Director contends that the stairwells and elevator shafts on floors which accommodate required parking are to be included in the floor area of a building.

Conclusion

It is important for the Board to understand that these floor area calculation matters are by no means trivial, although they may be presented by the applicant in such a manner. Since each of the areas of contention involve the common circulation spaces within a building, they can represent upwards of 20% of total buildable area. In this specific case, the total permissible floor area for the site is 25,942 square feet. The applicant has presented the preliminary plans for a hotel, showing a total of 25,830 square feet; the exterior corridors, open stairwells and parking level stairwell/elevator shafts have been excluded from this calculation. In fact, these excluded areas represent 4,780 square feet, or 18.5% of the permissible floor area for the site. The Planning and Zoning Director is of the opinion that the areas of contention should be included in the floor area and, therefore, the proposed building is 18.5% larger in square footage than it should be.

These conclusions and the administrative decision of the Planning and Zoning Director in the interpretation of Zoning Ordinance 89-2665 have not been done capriciously or solely with regard to the project at hand. Consultation with City staff, who have been assisting in the administration of both the current Zoning Ordinance and the preceding Ordinance 1891, has confirmed that this interpretation has been consistently applied for at least the past decade -- perhaps longer.

In view of the foregoing, the Planning and Zoning Director urges the Board to uphold his administrative decision, and deny the appeal made by the applicant.

DJG/ljs

cc: Roger M. Carlton, City Manager
John Dellagloria, Chief Deputy City Attorney
Richard Gatti, Public Works Director

Sec. 2012. Definitions and methods of measurement relating to standard LUI ratios; requirements and limitations.

The following definitions and methods of measurement shall be used in the districts and for the uses regulated under the LUI system. Subject to modifications made herein, specifically or in general, where further detail is needed in connection with definitions or methods for measurement in relation to residential uses regulated by the system, reference shall be made to appropriate sections of MPS or MAP. The floor area, open space, livability space, and recreation space ratios shall be applied only to such land area as is allocated for residential uses and accessory uses incidental to and compatible with residential uses.

For nonresidential uses, the floor area, open space, and pedestrian open space ratios shall be applied only to such land as is allocated for nonresidential uses.

2012.1. Reserved.**2012.2. Residential land area.**

Residential land area is land for residential development and related uses, including open space on the lot or tract. Such lands shall be construed to include streets entirely within the residential portion of the development and lands accepted for dedication for public purposes. Residential land area shall not be construed to include lands not beneficial to residential use due to location or character, or areas used predominantly for commercial or other nonresidential purposes.

As a further guide, where floor area of a building is predominantly in residential use, the building site shall be included in residential land area (as, for example, in the case of a multifamily structure with ten (10) percent of its floor area in accessory commercial and service uses).

2012.3. Floor area defined; inclusions and exclusions; maximum limitations.**2012.3.1. Residential floor area defined; inclusions and exclusions; maximum limitations.**

Residential floor area is the sum of areas for residential use on all floors of buildings, measured from the outside faces to the exterior walls or windows, including interior and exterior halls, lobbies, stairways, elevator shafts, mechanical rooms, enclosed porches and private enclosed balconies, and floor areas below Plane 1 (as defined in section 2016.1) used for habitation and residential access.

Not countable as residential floor area are:

- (a) Open terraces, patios, atriums, or balconies;
- (b) Carports, garages, breezeways, tool sheds;
- (c) Special purpose areas for common use of occupants, such as recreation rooms or social halls;
- (d) Staff space for therapy or examination in group care housing;
- (e) Basement space not used for living accommodations; or
- (f) Any commercial or other nonresidential space.

Maximum residential floor area shall not exceed the number of square feet derived by multiplying gross residential land area by the floor area ratio (FAR) applying.

2012.3.2. Nonresidential floor area defined; inclusions and exclusions; maximum limitations. Nonresidential floor area is the sum of areas for nonresidential use on all floors of buildings, measured from the outside faces of the exterior walls or windows, including interior and exterior halls, lobbies, stairways, elevator shafts, mechanical rooms, enclosed porches and balconies, and floor areas below Plane 1 (as defined in section 2016.1) used for nonresidential uses.

Not countable as nonresidential floor area are:

- (a) Parking and loading areas within buildings;
- (b) Open terraces, patios, atriums or balconies; or
- (c) Floor areas specifically excluded from floor area limitations by special provisions of these regulations.

Maximum floor area shall not exceed the number of square feet derived by multiplying gross residential land area by the floor area ratio (FAR) applying.

2012.4. *Open space.*

2012.4.1. *Open space definitions, residential and nonresidential.*

2012.4.1.1. *Open space.* Open space is the total horizontal area of uncovered open space plus half the total horizontal area of covered open space subject to limitations set forth below.

2012.4.1.2. *Uncovered open space; residential and nonresidential.*

- (a) For residential uses, uncovered open space is total gross residential land area not covered by buildings, plus open exterior balconies and roof area improved as livability space.
- (b) For nonresidential uses, uncovered open space is total gross nonresidential land area not covered by buildings, plus open exterior balconies and roof areas improved as pedestrian open space.

2012.4.1.3. *Covered open space.* Covered open space is open space closed to the sky, designed for use as livability (residential) or pedestrian open space (nonresidential). Such space shall have not less than twenty (20) percent of its perimeter open or partially open. "Partially open" is to be construed as being unenclosed by grillwork, railings, glass or the like for at least fifty (50) percent of its surface area. Examples of covered open space are covered balconies, covered portions of roof area, or spaces under buildings supported by posts, columns, or cantilevers. The square feet countable as covered open space shall not exceed the square footage of the open or partially open sides.

2012.4.2. *Minimum open space requirements; residential and nonresidential.*

- (a) Residential open space required shall be not less than the number of square feet derived by multiplying gross residential land area by the residential open space ratio (OSR) applying.

City of Miami Z.O.
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Floor area, nonresidential. Nonresidential floor area is the sum of areas for nonresidential use on all floors of buildings, measured from the outside faces of the exterior walls, including interior and exterior halls, lobbies, enclosed porches and balconies used for nonresidential uses.

Not countable as nonresidential floor area are:

- (a) Parking and loading areas within buildings;
- (b) Open terraces, patios, atriums or balconies;
- (c) Stairways, elevator shafts, mechanical rooms; or
- (d) Floor areas specifically excluded from floor area limitations by special provisions of these regulations.

Floor area, residential. The sum of areas for residential use on all floors of buildings, measured from the outside faces of the exterior walls or windows, including interior and exterior halls, lobbies, enclosed porches and private enclosed balconies and floor areas below floodplain.

Not countable as residential floor area are:

- (a) Open terraces, patios, atriums, or balconies;
- (b) Carports, garages, breezeways, tool sheds;
- (c) Special purpose areas for common use of occupants, such as recreation rooms or social halls;
- (d) Staff space for therapy or examination in group care housing;
- (e) Basement space not used for living accommodations;
- (f) Stairways, elevator shafts or mechanical rooms; or
- (g) Any commercial or other nonresidential space.

Florists. See Retail.

Food processing. A commercial establishment in which food is prepared or otherwise processed for human consumption but is not consumed on premises and is generally sold to a distributor.

Food establishment—take-out only. An establishment serving prepared food, not for consumption on the premises, from which tables, chairs, eating counters and stools are excluded. Such establishments shall not encompass waiting areas totalling over one hundred (100) square feet in size.

Fortuneteller. See Astrologists.

Fraternity; sorority; student center. The terms "fraternity," "sorority" or "student center" refer to buildings or portions of buildings constructed and reserved primarily for fraternity, sorority, or student center purposes. Application of the regulations herein set out is intended

Dwelling, multiple-family. See "Apartment."

Dwelling, one-family. A "one-family dwelling" is a detached building designed for or occupied exclusively by one family.

Family. A "family" is one or more persons living together as a single housekeeping unit, supplied with a kitchen or facilities for doing their cooking on the premises.

Fence. A fabricated vertical physical barrier extending above grade and anchored below it, but not constructed as a wall.

Floor area. The gross floor area measured from the exterior faces of the exterior walls, the exterior faces of supporting exterior columns for any floor not enclosed by exterior walls, the centerline of any party wall separating two (2) buildings, or as measured from the exterior face of a projection, the area of which is included in this definition. Floor area does include:

- (1) Exterior corridor space from which access is gained to dwelling units or hotel rooms.
- (2) Floor space in penthouses.
- (3) Floor space in accessory buildings.
- (4) Floor space in interior balconies or mezzanines.

Floor area does not include:

- (1) Covered or enclosed parking areas.
- (2) Exterior unenclosed private balconies.
- (3) Floor space used for mechanical equipment for the building.
- (4) Elevator shafts and stairwells at each floor.

Fowl. "Fowl" is any guineas, peafowl, pigeons, pheasants or poultry.

Garage apartment. A "garage apartment" is a detached building that is erected as an accessory building and, where permitted, contains living quarters for not more than two (2) families in addition to the garage space. Unless garage space for more than two (2) automobiles is provided, living quarters for more than one family shall not be provided in the building, and the building must conform with all requirements for accessory buildings, and with the lot area and floor area of apartment buildings in the zone wherein located.

Supp. No. 81-1

Garage, mechanical. A "mechanical garage" is ~~is~~ **except** those described as a private or storage **where** automotive vehicles are mechanically repaired or reconstructed.

Garage, private. A "private garage" is a garage for business, service or industry connected directly or with motor vehicles is carried on.

Garage, public. A "public garage" is a building for public use for the storage and repair of automotive vehicles.

Garage, storage. A "storage garage" is a building ~~those~~ described as a private garage, used for the storage of automotive vehicles.

Gasoline and oil filling stations. "Gasoline and oil filling stations" are structures or places where gasoline and greases are supplied and dispensed to the motor vehicle where only minor repair work is performed.

Grade. The natural elevation of the ground, whether at abutting properties, or the grade established at a floor elevation by the flood insurance map published by the U.S. Department of Housing and Urban Development.

Sec. 2012. Definitions and methods of measurement relating to standard LUI ratios; requirements and limitations.

The following definitions and methods of measurement shall be used in the districts and for the uses regulated under the LUI system. Subject to modifications made herein, specifically or in general, where further detail is needed in connection with definitions or methods for measurement in relation to residential uses regulated by the system, reference shall be made to appropriate sections of MPS or MAP. The floor area, open space, livability space, and recreation space ratios shall be applied only to such land area as is allocated for residential uses and accessory uses incidental to and compatible with residential uses.

For nonresidential uses, the floor area, open space, and pedestrian open space ratios shall be applied only to such land as is allocated for nonresidential uses.

2012.1. Reserved.**2012.2. Residential land area.**

Residential land area is land for residential development and related uses, including open space on the lot or tract. Such lands shall be construed to include streets entirely within the residential portion of the development and lands accepted for dedication for public purposes. Residential land area shall not be construed to include lands not beneficial to residential use due to location or character, or areas used predominantly for commercial or other nonresidential purposes.

As a further guide, where floor area of a building is predominantly in residential use, the building site shall be included in residential land area (as, for example, in the case of a multifamily structure with ten (10) percent of its floor area in accessory commercial and service uses).

2012.3. Floor area defined; inclusions and exclusions; maximum limitations.**2012.3.1. Residential floor area defined; inclusions and exclusions; maximum limitations.**

Residential floor area is the sum of areas for residential use on all floors of buildings, measured from the outside faces to the exterior walls or windows, including interior and exterior halls, lobbies, stairways, elevator shafts, mechanical rooms, enclosed porches and private enclosed balconies, and floor areas below Plane 1 (as defined in section 2016.1) used for habitation and residential access.

Not countable as residential floor area are:

- (a) Open terraces, patios, atriums, or balconies;
- (b) Carports, garages, breezeways, tool sheds;
- (c) Special purpose areas for common use of occupants, such as recreation rooms or social halls;
- (d) Staff space for therapy or examination in group care housing;
- (e) Basement space not used for living accommodations; or
- (f) Any commercial or other nonresidential space.

Maximum residential floor area shall not exceed the number of square feet derived by multiplying gross residential land area by the floor area ratio (FAR) applying.

2012.3.2. Nonresidential floor area defined; inclusions and exclusions; maximum limitations. Nonresidential floor area is the sum of areas for nonresidential use on all floors of buildings, measured from the outside faces of the exterior walls or windows, including interior and exterior halls, lobbies, stairways, elevator shafts, mechanical rooms, enclosed porches and balconies, and floor areas below Plane 1 (as defined in section 2016.1) used for nonresidential uses.

Not countable as nonresidential floor area are:

- (a) Parking and loading areas within buildings;
- (b) Open terraces, patios, atriums or balconies; or
- (c) Floor areas specifically excluded from floor area limitations by special provisions of these regulations.

Maximum floor area shall not exceed the number of square feet derived by multiplying gross residential land area by the floor area ratio (FAR) applying.

2012.4. *Open space.*

2012.4.1. *Open space definitions, residential and nonresidential.*

2012.4.1.1. *Open space.* Open space is the total horizontal area of uncovered open space plus half the total horizontal area of covered open space subject to limitations set forth below.

2012.4.1.2. *Uncovered open space; residential and nonresidential.*

- (a) For residential uses, uncovered open space is total gross residential land area not covered by buildings, plus open exterior balconies and roof area improved as livability space.
- (b) For nonresidential uses, uncovered open space is total gross nonresidential land area not covered by buildings, plus open exterior balconies and roof areas improved as pedestrian open space.

2012.4.1.3. *Covered open space.* Covered open space is open space closed to the sky, designed for use as livability (residential) or pedestrian open space (nonresidential). Such space shall have not less than twenty (20) percent of its perimeter open or partially open. "Partially open" is to be construed as being unenclosed by grillwork, railings, glass or the like for at least fifty (50) percent of its surface area. Examples of covered open space are covered balconies, covered portions of roof area, or spaces under buildings supported by posts, columns, or cantilevers. The square feet countable as covered open space shall not exceed the square footage of the open or partially open sides.

2012.4.2. *Minimum open space requirements; residential and nonresidential.*

- (a) Residential open space required shall be not less than the number of square feet derived by multiplying gross residential land area by the residential open space ratio (OSR) applying.

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Floor area, nonresidential. Nonresidential floor area is the sum of areas for nonresidential use on all floors of buildings, measured from the outside faces of the exterior walls, including interior and exterior halls, lobbies, enclosed porches and balconies used for nonresidential uses.

Not countable as nonresidential floor area are:

- (a) Parking and loading areas within buildings;
- (b) Open terraces, patios, atriums or balconies;
- (c) Stairways, elevator shafts, mechanical rooms; or
- (d) Floor areas specifically excluded from floor area limitations by special provisions of these regulations.

Floor area, residential. The sum of areas for residential use on all floors of buildings, measured from the outside faces of the exterior walls or windows, including interior and exterior halls, lobbies, enclosed porches and private enclosed balconies and floor areas below floodplain.

Not countable as residential floor area are:

- (a) Open terraces, patios, atriums, or balconies;
- (b) Carports, garages, breezeways, tool sheds;
- (c) Special purpose areas for common use of occupants, such as recreation rooms or social halls;
- (d) Staff space for therapy or examination in group care housing;
- (e) Basement space not used for living accommodations;
- (f) Stairways, elevator shafts or mechanical rooms; or
- (g) Any commercial or other nonresidential space.

Florists. See Retail.

Food processing. A commercial establishment in which food is prepared or otherwise processed for human consumption but is not consumed on premises and is generally sold to a distributor.

Food establishment—take-out only. An establishment serving prepared food, not for consumption on the premises, from which tables, chairs, eating counters and stools are excluded. Such establishments shall not encompass waiting areas totalling over one hundred (100) square feet in size.

Fortuneteller. See Astrologists.

Fraternity; sorority; student center. The terms "fraternity," "sorority" or "student center" refer to buildings or portions of buildings constructed and reserved primarily for fraternity, sorority, or student center purposes. Application of the regulations herein set out is intended

Dwelling, multiple-family. See "Apartment."

Dwelling, one-family. A "one-family dwelling" is a detached building designed for or occupied exclusively by one family.

Family. A "family" is one or more persons living together as a single housekeeping unit, supplied with a kitchen or facilities for doing their cooking on the premises.

Fence. A fabricated vertical physical barrier extending above grade and anchored below it, but not constructed as a wall.

Floor area. The gross floor area measured from the exterior faces of the exterior walls, the exterior faces of supporting exterior columns for any floor not enclosed by exterior walls, the centerline of any party wall separating two (2) buildings, or as measured from the exterior face of a projection, the area of which is included in this definition. Floor area does include:

- (1) Exterior corridor space from which access is gained to dwelling units or hotel rooms.
- (2) Floor space in penthouses.
- (3) Floor space in accessory buildings.
- (4) Floor space in interior balconies or mezzanines.

Floor area does not include:

- (1) Covered or enclosed parking areas.
- (2) Exterior unenclosed private balconies.
- (3) Floor space used for mechanical equipment for the building.
- (4) Elevator shafts and stairwells at each floor.

Fowl. "Fowl" is any guineas, peafowl, pigeons, pheasants or poultry.

Garage apartment. A "garage apartment" is a detached building that is erected as an accessory building and, where permitted, contains living quarters for not more than two (2) families in addition to the garage space. Unless garage space for more than two (2) automobiles is provided, living quarters for more than one family shall not be provided in the building, and the building must conform with all requirements for accessory buildings, and with the lot area and floor area of apartment buildings in the zone wherein located.

Garage, mechanical. A "mechanical garage" is any building except those described as a private or storage garage where automotive vehicles are mechanically repaired or reconstructed.

Garage, private. A "private garage" is a garage in any business, service or industry connected directly or indirectly with motor vehicles is carried on.

Garage, public. A "public garage" is a building used for public use for the storage and repair of automotive vehicles.

Garage, storage. A "storage garage" is a building other than those described as a private garage, used for the storage of automotive vehicles.

Gasoline and oil filling stations. "Gasoline and oil filling stations" are structures or places where gasoline and oil greases are supplied and dispensed to the motor vehicle where only minor repair work is performed.

Grade. The natural elevation of the ground, when not abutting properties, or the grade established as the floor elevation by the flood insurance map published by the U.S. Department of Housing and Urban Development.