

## ORDINANCE NO.2021-004

**AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ADDING CHAPTER 15, "FORM-BASED CODE," TO THE UNIFIED LAND DEVELOPMENT CODE; ESTABLISHING DEFINITIONS AND STANDARDS APPLICABLE TO FORM-BASED DISTRICTS AND TRANSECT ZONES, GENERALLY INCLUDING, ARCHITECTURAL STANDARDS, PARKING REQUIREMENTS, AND SITE REQUIREMENTS; CONFORMING CHAPTER 2, "RELATIONSHIP TO THE COMPREHENSIVE PLAN," CHAPTER 3, "DEFINITIONS," CHAPTER 4, "ADMINISTRATION AND ENFORCEMENT," CHAPTER 5, "PERMITS AND DEVELOPMENT APPROVALS," CHAPTER 6, "NONCONFORMITIES," CHAPTER 7, "VARIANCES," CHAPTER 8, "ZONING," CHAPTER 9, "GENERAL SITE DESIGN STANDARDS" AND CHAPTER 11, "SIGNS" OF THE LAND DEVELOPMENT CODE TO NEWLY ADOPTED DEFINITIONS, STANDARDS AND CONSISTENCY WITH NBV100; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR EFFECTIVE DATE**

**WHEREAS**, Florida Statute section 166.01 authorizes cities to establish, coordinate and enforce zoning and development laws that are necessary for the protection of the public; and

**WHEREAS**, during this 75<sup>th</sup> anniversary year, and following an extended public discussion about future growth and development, North Bay Village (the "Village") decided to update its Unified Land Development Code ("ULDC") as a part of master visioning and planning process that looks at the next twenty-five years; and

**WHEREAS**, "NBV 100", as that community planning process has come to be known, is centered on equipping the Village with the tools to become a more livable, sustainable and prosperous community that can adapt to the challenges of a changing climate, being steered by three guiding principles, all emanating from the common concerns of residents: Livability, Resilience, and Prosperity; and

**WHEREAS**, a critical part of implementing the NBV100 vision is the reform of the existing land use regulations with two central aspects of this project: (1) a new Form-Based Code and (2) updates for resiliency; and

**WHEREAS**, the update to the ULDC will create regulations that implement the NBV 100 goals, objectives, and policies in the Village's Comprehensive Plan and will be accomplished in phased approach; as phase 1, this Ordinance introduces the Form Base Code regulations and conforms remaining parts of the ULDC to new definitions; and

**WHEREAS**, the ULDC and the modifications provided herein are wholly consistent with the Village's Comprehensive Plan and the Florida Community Planning Act; and

**WHEREAS**, at a public hearing, the amendment as contemplated by this Ordinance was duly presented to the Planning and Zoning Board, which recommended approval; and

**WHEREAS**, this Ordinance was presented to the Village Commission in two readings, with the public hearing conducted for second reading on February 9, 2021; and

**WHEREAS**, the Mayor and Commission find that adoption of this Ordinance is the best interest of the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Village Code Amended.** The North Bay Village Unified Land Development Code of Ordinances is hereby amended by the addition of Chapter 15, "Form Based Code," as provided in Composite Exhibit "A" (inclusive of text, tables, and illustrations), which is incorporated herein and made a part hereof by this reference.

**Section 3. Conforming Code.** The City Manager, City Clerk, and City Attorney are hereby authorized to conform Chapter 2, "Relationship to the Comprehensive Plan," Chapter 3,

“Definitions,” Chapter 4, “Administration and Enforcement,” Chapter 5, “Permits and Development Approvals,” Chapter 6, “Nonconformities,” and Chapter 7, “Variances,” Chapter 6, “Nonconformities,” Chapter 7, “Variances,” Chapter 8, “Zoning,” Chapter 9, “General Site Design Standards” and Chapter 11, “Signs,” of the Unified Land Development Code to the new definitions and standards otherwise adopted herein.

**Section 4. Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Inclusion in Code.** The provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word

**Section 7. Implementation.** The Village Manager, Village Attorney, and Village Clerk are hereby authorized to take such further action as may be needed to implement the purpose and provisions of this Ordinance

**Section 8. Effective Date.** This Ordinance shall become effective immediately upon Ordinance 2021-01 becoming effective, which, pursuant to Florida Law, shall be 31 days after the state land planning agency notifies the local government that the comprehensive plan amendment adopted thereby is complete. If timely challenged, the underlying comprehensive plan amendment and this Ordinance do not become effective until the state land planning agency

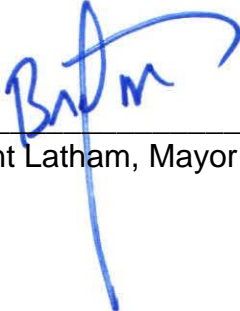
or the Administration Commission enters a final order determining the adopted comprehensive plan amendment has been brought into compliance.

The foregoing Ordinance was offered by Vice Mayor Wilmoth who moved its adoption on final reading. This motion was seconded by Commissioner Strout and upon being put to a vote, the vote was as follows:

Mayor Brent Latham	<u>YES</u>
Vice Mayor Marvin Wilmoth	<u>YES</u>
Commissioner Richard Chervony	<u>YES</u>
Commissioner Rachel Streitfeld	<u>YES</u>
Commissioner Julianna Strout	<u>YES</u>

**PASSED** on first reading on the 23<sup>rd</sup> of November, 2020

**PASSED AND ENACTED** on second reading on this 9<sup>th</sup> day of February, 2021

  
\_\_\_\_\_  
Brent Latham, Mayor

ATTEST:

  
\_\_\_\_\_  
Elora Riera, CMC  
Village Clerk

APPROVED AS TO LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, PL  
Village Attorney



Composite Exhibit "A"

Amendment to North Bay Village's Unified Land Development Code

Chapter 15, Form Based Code

## **CHAPTER 15, FORM-BASED CODE**

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## **§ 15.1. General Provisions**

### **A. Title.**

This Chapter shall be known as the NBV100 Form-Based Code or the Form- Based Code.

### **B. Purpose and Intent.**

This Chapter sets forth the standards applicable to Form-Based Districts and Transect Zones in North Bay Village. These standards are intended to:

1. Support the goals, objectives, and policies of the North Bay Village Comprehensive Plan.
2. Support the goals of the NBV100 Master Plan, which include Livability, Resiliency, and Prosperity.
  - a. Livability goals include:
    - (1) Prioritize people over cars.
    - (2) Embrace the waterfront.
    - (3) Improve the quality of life.
    - (4) Synergize public space to refresh NBV identity.
  - b. Resiliency goals include:
    - (1) Implement responsible and self-sustaining policies that reflect NBVs commitment to the stewardship of its waterfront and the water quality of Biscayne Bay.
    - (2) Help mitigate climate change through resource conservation and reductions in carbon admissions.
    - (3) Prepare for sea level rise and severe weather events by constructing stronger seawalls, improving stormwater management, and raising public infrastructure.
  - c. Prosperity goals include:
    - (1) Capitalize on existing resources.
    - (2) Increase private property value.
    - (3) Optimize and manage parking.
    - (4) Incentivize flexibility and predictability.

### **C. Form-Based Districts.**

1. The Form-Based Districts in North Bay Village are each composed of one or more Transect Zones. See Section 15.1.D and Section 15.5. Form-Based Districts Regulating Plan.
2. The extent of each Form-Based District and Transect Zone is described on the Form-Based Districts Regulating Plan and in the pertinent regulatory section for each District, see Section

15.2. General to Transect Zones, Section 15.3. Specific to Transect Zones, and Section 15.5. Form-Based Districts Regulating Plan.

**D. Form-Based Districts Regulating Plan.**

1. The Form-Based Districts Regulating Plan, Section 15.5. shows the boundaries of Form-Based Districts and Transect Zones in North Bay Village.
2. Locations within North Bay Village that are outside the boundaries of the Form- Based Districts and Transect Zones shall retain their current zoning designations and regulations under the NBV ULDC. Existing zoning and overlay districts are not shown on the Form-Based Districts Regulating Plan and are not subject to the regulations in the Form-Based Code.

**E. Applicability.**

1. Regulations in this Chapter for the Form-Based Districts shall replace the prior zoning and overlay districts within the boundaries described on the Form-Based Districts Regulating Plan. See Section 15.5 Form-Based Districts Regulating Plan.
2. The Form-Based Code shall apply to all new construction and substantial modifications, as defined by the Florida Building Code, within the Form-Based Districts.
3. The Form-Based Code shall supersede prior regulations in the North Bay Village Unified Land Development Code (ULDC) for properties within the Form-Based Districts except where specified. Where a conflict exists between the Form- Based Code and other portions of the ULDC, the Form-Based Code shall prevail.

**F. Rules of construction.**

1. In their interpretation and application, the provisions of Chapter 15, Form-Based Districts shall be the minimum requirements or maximum limitations, as the case may be, adopted for the promotion of the public health, safety, morals or general welfare.
2. The following general rules of construction shall apply to the text of this Chapter:
  - a. Headings. Section and subsection headings shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the Code.
  - b. Illustrations. In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control, unless the intent of the Code is clearly otherwise.
  - c. Terminology: Shall, may and should.
    - (1) "Shall" is always mandatory and not permissive. Standards, activated by "shall", are regulatory in nature. Deviations from these standards shall only be permitted by Variance in accordance with Chapter 7, Variances.



- (2) "Should" is advisory and identifies guidance provided by the Village Commission in the implementation of these regulations. Guidelines, activated by "should", are encouraged and recommended but not mandatory. The intent is to create the highest level of design quality while providing the needed flexibility for creative site design.
- (3) "May" is permissive.
- d. Any act authorized by this Form-Based Code to be carried out by a specific official or agency of the Village is impliedly authorized to be carried out by a designee of that official or agency.
- e. Any reference to federal laws, Florida Statutes, Florida Administrative Code, Miami-Dade County Code, or any other official code shall be construed to be a reference to the most recent enactment of the particular law and shall include any amendments to it as may be adopted from time to time.
- f. Capitalized terms in this Chapter refer to Definitions in Section 15.4.

**G. Nonconformities.**

- 1. Existing buildings and structures that do not conform to the requirements of this district may be occupied, operated, repaired, renovated or otherwise continue in use in their existing non-conforming state until such time as a substantial modification is requested to 50% or more of the structure, or as defined by the Florida Building Code.
- 2. The adaptive re-use of a Building shall not be required to comply with minimum Height standards established in the Development Standards for each Transect Zone. See Section 15.2, and Section 15.3.
- 3. The restoration or rehabilitation of an existing Building does not require the provision of parking in addition to the existing, if less than six (6) new spaces are required.
- 4. For all other Non-Conformities regulations, see Chapter 6, Non-Conformities.

**H. Procedures.**

- 1. See Chapter 4 – Administration and Enforcement
- 2. See Chapter 5 – Permits and Development Approvals
- 3. See Chapter 7 – Variances.
- 4. Deviations from this Code are permitted within the following conceptual framework. The specifics of the Procedures are governed by Chapters 4, 5, and 7 and other provisions of the

ULDC predating Chapter 15, Form-Based Code.

**a. Deviations related to Use.**

(1) A Warrant is a permit for a minor deviation from the Uses allowed by this Code that is granted administratively by the Village Manager upon review and recommendation by the Planning and Zoning Official.

- i. At the time of submitting the application to the Village Building and Zoning Department, the applicant shall notify all Abutting property owners, including those across a street or alley, by certified mail. In the case of Abutting condominiums, only one notice to the condominium association need be sent.
- ii. The applicant shall submit the certified receipts from all notices to the Building and Zoning Department at the time of application. The decision on a Warrant shall be posted on the Village website within five (5) days of the written decision.
- iii. Review and approval process.
  - (a) The Planning and Zoning Official shall review each submitted application for a Warrant for completeness. The Warrant application may be referred for development review if the Planning and Zoning Official determines that a review is necessary.
  - (b) The Village Manager shall issue an intended decision within fourteen (14) calendar days of a determination that the application is complete. The applicant shall have seven (7) calendar days from receipt of the notice of the intended decision to request a conference with the Planning and Zoning Official to discuss revisions or additional information regarding the application. Within seven (7) calendar days of the conference, or if no conference is requested, the Planning and Zoning Official shall issue written findings and determinations regarding the applicable criteria set forth in this Code and any other applicable regulations. The applicant and the Planning and Zoning Official may mutually consent to an extension of the time for issuance of the final decision. The findings and determinations shall be used to approve, approve with conditions, or deny the Warrant application.
  - (c) The Village Manager shall approve, approve with conditions, or deny the Warrant application, but in no event shall a Warrant be issued prior to thirty (30) calendar

days from the time of notice to the Abutting property owners. Approvals shall be granted when the application complies with all applicable regulations. Conditional approvals shall be issued when the applications require conditions in order to be found in compliance with all applicable regulations. Denials of applications shall be issued if after conditions and safeguards have been considered, the application still fails to comply with all applicable regulations.

iv. Review criteria.

- (a) As appropriate to the nature of the Warrant involved and the particular circumstances of the case, the following criteria shall apply to a Warrant application. The application shall be reviewed for compliance with this Chapter and not in violation of the North Bay Village's Unified Land Development Code. The review shall consider the intent of the Transect expressed in Section 15.1, the guiding principles of NBV100, and the manner in which the proposed Use will operate given its specific location and proximity to less intense Uses. The review shall also apply Section 15.7.I. - Design Review Criteria, as applicable.

v. Procedure for appealing an administrative decision on a Warrant.

- (a) Appeal of the determination of the Village Manager shall be in compliance with the procedures set forth in Chapter 4 – Administration and Enforcement, Sections 4.4, and 4.5, of this Code.

vi. A Warrant shall be valid for a period of two (2) years during which a building permit or Certificate of Use must be obtained. This excludes a demolition or landscape permit. A one-time extension, for a period not to exceed an additional year, may be obtained if approved by the Village Manager.

- (2) A Use Exception is a permit for a major deviation from the Uses allowed by this Code that requires a Public Hearing. See Chapter 4, Section 4.4 – Public Hearings procedures.

b. Deviations not related to Use.

- (1) A Waiver is a permit for a minor deviation from the requirements of this Code other than for Use that is granted administratively by the Village Manager or designee upon review and recommendation by the Planning and Zoning Official. Waivers are

intended to relieve practical difficulties in complying with the strict requirements of this Code. Waivers are not intended to relieve specific cases of financial hardship, nor to allow circumventing of the intent of this Code.

- i. As appropriate to the nature of the Waiver involved and the particular circumstances of the case, Waivers up to ten percent (10%) of that particular standard of this Code except Density, Intensity and Height, may be granted when doing so promotes the intent of the particular Transect Zone where the proposal is located; is consistent with the guiding principles of this Code; and there is practical difficulty in otherwise meeting the standards of the Transect Zone. The inability to achieve maximum Density, Height, or floorplate for the Transect shall not be considered grounds for the granting of a Waiver. This Waiver cannot be combined with any other specified Waiver of the same standard. For exceptions to the height requirements that may be granted by Waiver, see Section 15.2.C.4.
- ii. Prior to submitting an application for an administrative Waiver, the prospective applicant shall meet in a preapplication meeting with the Planning & Zoning Official to obtain information and guidance as to matters related to the proposed application.
- iii. At the time of submitting the application to the Village Building and Zoning Department, the applicant shall notify all Abutting property owners, including those across a street or alley, by certified mail. In the case of Abutting condominiums, only one notice to the condominium association need be sent.
- iv. The applicant shall submit the certified receipts from all notices to the Building and Zoning Department at the time of application. The decision on a Waiver shall be posted on the Village website within five (5) days of the written decision.
- v. Review and approval process
  - (a) The Planning and Zoning Official shall review the Waiver application, as required under this Code, The application shall be reviewed for compliance with this Chapter, and not in violation of the North Bay Village's Unified Land Development Code or the Florida Building Code. The review shall consider the intent of the Transect expressed in Section 15.1 and the guiding principles of NBV100. The review shall also apply Section 15.7.I. - Design Review Criteria, as applicable. The Waiver

application may be referred for development review if the Planning and Zoning Official determines that a review is necessary.

- (b) Based on the applicable findings and recommendations of the Planning and Zoning Official, the Village Manager or designee will issue a final decision on the Waiver request within fourteen (14) calendar days of receiving the Planning and Zoning Official's findings and recommendations. The application shall be approved, approved with conditions, or denied, but in no event shall a Waiver be issued prior to thirty (30) days from the time of notice to the Abutting property owners.
- (c) Approvals shall be granted when the application complies with all applicable regulations. Conditional approvals shall be issued when such applications require conditions in order to be found in compliance with all applicable regulations. Denials of applications shall be issued if, after conditions and safeguards have been considered, the application still fails to comply with all applicable regulations.

vi. Procedure for appealing an administrative decision on a Waiver.

- (a) Appeal of the determination of the Village Manager shall be in compliance with the procedures set forth in Chapter 4 – Administration and Enforcement, Section 4.5.

vii. A Waiver shall be valid for a period of two (2) years during which a building permit or Certificate of Use must be obtained. This excludes a demolition or landscape permit. A one-time extension, for a period not to exceed an additional year, may be obtained if approved by the Village Manager.

(2) A Variance is a permit for a major deviation from the requirements of this Code other than for Use that requires a Public Hearing. See Chapter 7, Variances.

## **§ 15.2. General to Transect Zones**

### **A. Explanation of Transect Zones.**

The Transect, as a framework applied to urban conditions, identifies a range of habitats from the most natural to the most urban. It is a continuum that, when subdivided, lends itself to the creation of zoning categories. These categories include standards that encourage diversity similar to that of organically evolved settlements. The standards overlap (they are

parametric), reflecting the successional ecotones of natural and human communities. The Transect methodology allows for a wide range of Building types in each Transect Zone, arranged to provide balanced walkable streetscapes. This Code contains the following Transect Zones:

1. The Urban Core Zone (T6) consists of the highest Density and greatest variety of Uses, including Civic Buildings. A network of small blocks has walkable Thoroughfares with wide Sidewalks, with steady tree planting and Buildings set close to the Frontage with frequent doors and windows.
2. Reserved – T5
3. Reserved – T4
4. Reserved – T3
5. Reserved – T2
6. Reserved – T1

**B. Lots and Frontages.**

1. Lots facing Thoroughfares on more than one (1) side shall have designated Primary Frontage(s) and may have Secondary Frontage(s). A Primary Frontage shall be that facing the Thoroughfare of higher pedestrian importance or intensity (i.e., traffic volume, number of lanes, etc.), as determined by the Building and Zoning Department upon request by the Planning and Zoning Official.
  - a. Lots shall have at least one (1) Primary Frontage, except waterfront Lots shall have at least two (2) Primary Frontages, one of which shall be the waterfront and shall conform to Building Development Standards for each Transect Zone as described in Section 15.3. Specific to Transect Zones.
  - b. If two Thoroughfares are of equal importance, each Frontage shall be considered a Primary Frontage.
  - c. Lots with two or more Frontages may consider other non-fronting Property Lines as sides.
  - d. Where an existing lot of record is located adjacent to a Thoroughfare in a manner that creates an irregular Frontage such that the side or rear yards cannot be determined as with a regular lot, the Planning & Zoning Official shall determine, by Waiver, the yard and setbacks for the lot as fits the circumstances of the case.
  - e. For Frontage Types, see Section 15.6.A. Frontage Types Table.
2. Reserved – T3.

**C. Measurement of Height.**

1. Unless otherwise specified herein, the Height of Buildings shall be measured in feet Stories from

the Base Flood Elevation (BFE) plus Freeboard. Refer to FEMA Flood Insurance Rate Map (FIRM) for BFE. Refer to Section 10.5.B. for Freeboard requirements and Section 15.7.B.5. and Section 15.7.C.5. for building height requirements.

2. A Story is a Habitable level within a Building and shall conform to the Building Development Standards for each Transect Zone as described in Section 15.3. Unless otherwise specified herein, a Story shall be measured from Finished Floor to Finished Floor. For the topmost Story, the Story shall be measured to the top of a flat roof or to bottom of eaves on a pitched roof. Basements, Understories and roof decks are not considered Stories for the purposes of determining Building Height.
3. The Height of Fences and Site Walls and walls shall be measured in feet from grade.
4. Except as specifically provided herein, the Height limitations of this Code shall not apply to any roof Structures for housing stairways, elevators, tanks, ventilating fans, solar energy collectors, green roofs or similar equipment required to operate and maintain the Building, provided that such Structures shall not cover more than twenty percent (20%) of roof area and shall not exceed the maximum Height by ten (10) feet; nor to church spires, steeples, belfries, monuments, water towers, flagpoles, vents, or similar Structures, which may be allowed to exceed the maximum Height by Waiver; nor to fire or parapet walls, which shall conform to the Building Development Standards for each Transect Zone as described in Section 15.3. Solar energy collectors, wind turbines, and the structural components of green roofs are subject to the Height exceptions provided by Sec. 8.17.G.

**D. Thoroughfares.**

1. Thoroughfares are intended for use by vehicular, transit, bicycle, and pedestrian traffic and to provide access to Lots and Open Spaces.
2. Thoroughfares consist of lanes for vehicles, transit, bicycles, and Public Frontages. The lanes may have a variety of widths for movement and parking. The Public Frontages contribute to the character of Transect Zones. They may include swales, Sidewalks, curbing, Planters, bicycle paths and street trees. See Section 15.6.A. Frontage Types Table and Section 15.6.B. Definitions Illustrated Table.
3. Thoroughfares should be designed in context with the urban form and desired design speed of the Transect Zones through which they pass. The Public Frontages that pass from one Transect Zone to another should be adjusted accordingly.
4. Pedestrian comfort should be a primary consideration of Thoroughfare design and dimensions. Design conflict between vehicular, bicycle and pedestrian movement should be

decided in favor of the pedestrian.

5. Bicycles are a sustainable and viable mode of transportation and recreation in North Bay Village. Bicycle use of Thoroughfares should be as follows: Bicycles and vehicles may share use of lanes on all Thoroughfares. Thoroughfares that have sufficient paving width to accommodate bicyclists' safety should include dedicated Bicycle Lanes. Greenways, the Island Walk and other Civic Spaces should include Bicycle usage.

#### **E. Shopfront Standards.**

1. General.
  - a. Shopfront windows, doors, signage, awnings, lighting, and architectural details shall be designed as a unified composition.
  - b. Each Shopfront shall be limited to three Sign types and shall conform with the tables and illustrations in Section 15.6.E. and Section 15.6.F.
2. Shopfront Finishes. The majority of exposed finishes apart from glazing shall be custom metal work, steel frame, stone, stucco, brick, wood or wood-like materials, not extruded aluminum and panels.
3. Shopfront windows. Reflective glass shall not be permitted along any commercial street. In flood-prone areas, glazing below the BFE plus Freeboard shall be equipped with certified flood-proofing.
4. Entrance Doors.
  - a. Each tenant space shall have at least one three-foot wide door at the main entry. Shopfront entrances are encouraged at Building corners.
  - b. Shopfront entrance doors shall be recessed to allow the door to swing out without obstructing pedestrian flow on the sidewalk.
  - c. Walls providing entry door recesses should be glazed to match shopfront display windows.
  - d. Entry doors should be a minimum of eight (8) feet in Height.
  - e. The business address should be advertised with a window sign on the transom above the entry door. If there is no transom, address shall be displayed on a plaque next to above the door.
5. Other Doors.
  - a. Where appropriate, sliding, or folding doors that allow the activity of the business to open adjacent to and onto the public sidewalk may be installed for restaurants and food services.



- b. Rear and side doors facing service alleys and parking lots are encouraged, but not required.
- 6. Bulkheads. Shopfronts shall have a minimum 12-inch-high masonry Bulkhead or knee wall along all street frontages. Shopfront Bulkheads shall be a maximum of 30 inches above the adjacent sidewalk. Bulkheads shall be designed as an integral component of the overall Shopfront. Flood-proof Bulkheads of the maximum allowed Height are encouraged in flood-prone areas.
- 7. Signage Bands. Shopfronts should have a horizontal signage band above the first-floor fenestration to accommodate a band sign. A Signage Band is an architectural feature that should be integral with the design of the Shopfront's facade and may be a contrasting color to the Building, see Section 9.20 and Section 15.6. F. Sign Bands shall have a maximum Height of thirty (30) inches and may extend the entire length of the Shopfront. Signage Bands shall not be internally illuminated but may be externally lit.
- 8. Security Gates and Shutters.
  - a. Solid metal security gates and solid roll-down shutters shall not be permitted.
  - b. Interior link or grill security devices may be permitted with approval by the Village if they are completely enclosed or hidden from view when not in use.
- 9. Awnings.
  - a. All awnings shall be integral to the overall design of the Shopfront and shall respect column and window spacing.
  - b. Awnings shall be a metal armature stretching a non-translucent membrane and shall have a maximum of two colors. They shall consist of sloping squares or rectangles and should be coordinated with the top edge of the ground floor windows and doorframes and the bottom of the transom windows, see Section 15.6. F. Side panels are allowed but not encouraged. Soffit panels are not allowed.
  - c. Awnings may be fixed or retractable.
  - d. Awnings shall be a minimum of five (5) feet wide by five (5) feet deep. They shall be installed a minimum of seven (7) feet from the ground and project no more than eight (8) feet from the Building Facade. Awnings shall have a maximum slope of 1:3 (33%) from the Building to the edge.
  - e. Round, half domed, and plastic awnings are prohibited.
  - f. Awnings may be used as signs and shall conform to the Sign Standards. See Section 15.1. F. and Section 15.6. F.

- g. Alternative materials such as glass or metal are allowed.
  - h. Awnings shall not be backlit from below or inside but may be externally lit from above.
  - i. Awnings are not allowed under Galleries or Arcades.
10. Canopies function like awnings, but are rigid, project horizontally from the Building at close to a 90-degree angle and are generally fixed in place. They shall be installed a minimum of eight (8) feet from the ground and project no more than eight (8) feet from the Building Facade.

**F. Sign Standards.**

- 1. Exempted Signs. The signs specified in this section are exempt from signage regulations other than the regulations contained in this section. Exempted signs may be erected without a sign permit.
  - a. Changing copy, maintaining, or repainting a sign are exempt, provided structural and electrical changes are not made without a permit.
  - b. Signs erected entirely within the confines of a nonresidential or mixed-use site, provided the sign cannot be viewed from streets, the Bay, the Island Walk, Island Walk Public Access Walkways, or common property.
  - c. Address and Residential Identification Signs.
    - (1) Any sign identifying the street number of a Shopfront or commercial unit if hand painted on the transom window above the Primary Entrance door.
    - (2) Any identification sign at the entrance of a residential unit or affixed to a mailbox, such as a sign which bears only the street number, mailbox number, or name of the occupant of the premises.
  - d. Holiday Decorations. Holiday decorations, flags, streamers, and similar.
  - e. Flags. A flag of any nation, government, sports team, or nonprofit organization which is deployed from a permanent freestanding or wall-mounted flagpole or, with respect to the United States flag, in a manner acceptable for the display of the national ensign as set forth in the U.S. Flag Code, and adheres to Section 8.13(N).
  - f. Official Signs.
    - (1) Any sign erected by North Bay Village.
    - (2) Any sign erected by a government.
    - (3) Public utility and traffic signs.
  - g. Political Signs.
    - (1) Political signs conforming with the following requirements do not require permits:
    - (2) Political signs are limited to 3 square feet and may not exceed 30 inches above grade.

- (3) Political signs may be erected 25 days prior to an election and shall be removed within 7 days of the election.
  - (4) Up to three (3) signs total are allowed per residential lot, or per Shopfront, except at polling places. Of the three (3) sign signs permitted, no more than one sign is allowed per candidate or referendum item.
  - (5) See Section 11.7 – Temporary Sign Permits for additional requirements.
- h. Residential Construction Signs, subject to the following.
- (1) Signage may only identify the contractor, subcontractor, or architect. Name, contact information, website, and license information may be included.
  - (2) The contractor, the architect, and subcontractor are each allowed one (1) sign with a maxim area of four (4) square feet.
  - (3) Signs may only be erected after a building permit has been issued.
  - (4) Signage must be removed within five (5) days of the final inspection.
- i. Residential Rental Signs, subject to the following.
- (1) One sign may be attached to a single-family house or fastened to a stake mounted in the yard and one additional sign may face a water frontage.
  - (2) Rental signs may be attached directly to a single-family house. Signs mounted in yards shall be removed once the house or ADU is rented for a sixty (60) day period or longer.
  - (3) Signs are limited to 1 square foot in area.
- j. Warning and Instructional Signs.
- (1) Any warning sign, non-advertising signs (e.g., “no trespassing,” “no dumping”), or non-advertising symbol which pertains to the parcel of property upon which it is located, provided any such sign does not exceed four (4) square feet in copy area and is not illuminated.
  - (2) Any special instruction sign (e.g., “open,” “closed,” “hours of business,” “no smoking”) provided any such sign does not exceed eight (8) square feet in copy area.
- k. Miscellaneous Signs.
- (1) Any memorial sign or commemorative plaque.
  - (2) Any generic, architectural feature that is designed, integrated, and constructed as part of a building.
  - (3) Any sign which is integrated into or on a point-of-sale purchase display.

(4) Any sign carried by a person.

2. Prohibited Signs and Sign Locations.

a. Billboards.

b. Any sign advertising products or articles that are not manufactured, assembled, processed, repaired, or for services sold on the premises.

c. Snipe signs.

d. Two or more signs that convey a single, cumulative advertising message, part of which is contained on each sign in the series.

e. Illuminated, Animated, Moveable, or Inflatable Signs

(1) Any sign that simulates emergency lights on emergency vehicles, traffic-control signals or devices, directional, informational, or warning signs erected by a government, utility, or similar agency.

(2) Any sign that uses an intermittent light or lights, including flashing lights, beach lights, strobe lights, rotating beacons, chasing lights, or zip lights.

(3) Any sign that is wind or power operated including flags, streamers, pinwheels, and balloons.

f. No signs may be located in a way that causes a hazard to pedestrian or vehicular traffic.

(1) Temporary signs at street intersections are limited to thirty (30) inches in height within a triangle measured thirty (30) feet from the intersection along each right-of-way.

(2) No permanent sign may be located within a triangle measured thirty (30) feet from the intersection along each right-of-way.

3. Permitted Signs.

a. General.

(1) Signs shall conform with the following standards, as specified in Section 15.6.E. and illustrated in Section 15.6.F.

(a) Sign type limitations by Zone.

(b) The height and area of the sign;

(c) The number of signs per site;

(d) The height of sign copy.

(2) Exterior signs shall be made of durable, weather resistant materials.

- (3) A permit is required for all signs permitted under this section.
  - (4) No sign, once approved, may be moved, or altered without additional approval, excluding maintenance or repainting required to restore a sign to its original, approved condition.
- b. Signs shall provide the following clearance:
- (1) A minimum of 9 feet over pedestrian ways, except for signs on Awnings and Canopies.
  - (2) A minimum of thirteen and one half (13.5) feet over vehicular travel ways and parking aisles, except in parking structures.
  - (3) Signs located along streets shall be a minimum of two (2) feet from a curb, ramp, driveway, light pole, street sign, or fire hydrant.
- c. Removal.
- (1) Signs shall be removed as specified in Section 15.6.E. Sign Restriction Table, and as follows:
    - (a) (P) Permanent; Signs do not require removal.
    - (b) (O) Occupancy; Signs shall be removed within 7 days of the end of tenant occupancy.
    - (c) (B) Business; Signs shall be removed when the business is closed.
    - (d) (T) Temporary; Signs shall be removed within the time period specified by sign type.
  - (2) Any moveable signs shall be removed from outdoor spaces during high winds or other weather conditions that might pose a hazard to public safety.
- d. Sign Templates.
- (1) The permitting and inspections department supplies templates for Open House, Model Home, and Under Construction signs
- e. Illumination.
- (1) Internal sign illumination is limited to window and wall signs within Shopfronts.
  - (2) Light sources shall be mounted, shielded, and pointed towards the sign face to eliminate spill-over glare onto any adjacent streets, properties, or skyward.
  - (3) Exposed bulbs or lamps shall not exceed the equivalent of 25 watts of incandescent light.
- f. Electronic Message Center (EMC) Signs.

- (1) EMC signs are permitted for use on ground signs for Churches and Place of Assembly facilities.
  - (2) Each image shall remain static for a minimum of eight seconds.
  - (3) Transitions shall be instantaneous, without intervening flashing, animation, or movement of any kind.
  - (4) Signs shall be equipped with automatic dimming technology.
  - (5) Signs shall not exceed 0.3-foot candles above ambient light measured at a distance of two hundred (200) feet.
4. Requirements by Sign Type as described below and illustrated in Section 15.6.F.
- a. Band Signs. (Syn. Wall Signs.)
    - (1) Band signs may be located above tenant Shopfronts, below second Story windows, and beneath the building cornice or coping.
    - (2) Band sign copy shall be at least 6 inches from building corners.
  - b. Banner Signs.
    - (1) Banner signs shall be made of flexible materials such as cloth, canvas, and vinyl.
    - (2) Banner signs may be hung on the side of a building or suspended from a portion of a building structure.
  - c. Commercial Construction Signs, subject to the following:
    - (1) Signs may identify the project and feature the names of developer, contractor, sub-contractors and professionals associated with the project. Names, websites and contact information may be included.
    - (2) Signs may only be erected after a building permit has been issued. Signs shall be removed within 5 days of the final inspection.
    - (3) Signs shall have a maximum height of eight (8) feet and shall not be above 4 feet from street grade.
  - d. Commercial Rental Signs.
    - (1) All commercial rental signs require NBV approval.
  - e. Corner Signs.
    - (1) Corner signs are only permitted at building corners where each facade is along a street.
    - (2) Corner signs may extend up to 6 feet above parapets.
  - f. For Sale Sign.

- (1) Signs shall be removed within 7 days of closing.
- g. Garage Sale, Yard Sale, Estate Sale, and Moving Signs.
- (1) Signs and stakes provided by the permitting and inspections department shall be used, limited to 5 signs per sale.
  - (2) Signs are valid for 10 days from the date of sale and shall not be reused.
  - (3) Signs may be erected 1 day prior to the sale and shall be removed within 5 hours of the end of the sale.
  - (4) Signs shall not be altered.
- h. Ground Signs.
- (1) Ground signs are limited to the following locations:
    - i. Forecourts
  - (2) The bottom of the sign shall be within 2 feet of sidewalk grade.
  - (3) Ground signs shall be set back a minimum of 10 feet from property lines.
- i. Marquee Signs.
- (1) Marquee signs may be used for lodging and movie theaters. The Village may permit marquee signs for other businesses upon request.
- j. Projecting Signs.
- (1) Projecting signs shall be erected on a wall of a building.
  - (2) Projecting signs may project up to 4 feet from the wall of the building on which it is erected.
- k. Open House, Model Home Signs.
- (1) An annual permit is required.
  - (2) Signs shall be free standing on a stake or frame.
  - (3) The business name shall be identified on signs, 2 in. copy minimum.
  - (4) Balloons, streamers and other types of decoration may not be used.
  - (5) Signs are allowed for 3 consecutive days in any one week.
  - (6) Up to 4 signs may be located off site.
- l. Window Signs
- (1) Window signs may be:
    - (a) Letters painted directly on the window;
    - (b) Hanging signs hung interior of the glass;
    - (c) Vinyl appliqué letters applied to the window, consisting of individual letters or

graphics with no visible background.

- m. Wayfinding signs shall be free standing and constructed using solid materials to prevent the sign from being destroyed or blown away.

## **G. Special Area Plan**

The purpose of a Special Area Plan is to allow parcels of at least two (2) Abutting acres in size to be master planned so as to allow greater integration of public improvements and Infrastructure, to enable connectivity; to encourage a variety of Building Heights, massing, and to provide high quality design elements and greater flexibility so as to result in higher or specialized quality building and Streetscape design within the Special Area Plan, to further the intent of this Code expressed in Section 15.1.

### 1. General.

- a. The single or multiple owner(s) of Abutting properties in excess of two (2) acres may apply for a rezoning to a Special Area Plan and shall be approved by the process of rezoning following review by the Planning and Zoning Board and Village Commission with the site plan approval process.
- b. All regulations of the underlying Transect Zone and this Code that are not otherwise addressed by the SAP shall apply.
- c. A Special Area Plan shall assign Thoroughfares (as appropriate), Cross Block Pedestrian Passages, and Civic Spaces, with appropriate transitions to Abutting areas. Guidelines for Thoroughfares and Public Frontages may be adjusted to the particular circumstances of the Special Area Plan.
- d. A Special Area Plan shall include a site plan, map of the proposed layout, circulation, view corridors, and the standards that deviate from the requirements of Chapter 15, Section 15.3., and this Code.
- e. A Special Area Plan shall assign at least five percent (5%) of its aggregated Lot Area to a Civic Space Type. The developer shall be responsible for constructing any required public improvements within the Special Area Plan, including but not limited to the Civic Spaces, and Thoroughfares.
- f. Development within the Special Area Plan shall be pursuant to a recorded development agreement that will establish the allocation of Civic Spaces, Thoroughfares, and Building area among the Building sites.
- g. Unless a Building is specifically approved as part of the Special Area Plan, any Building shall be reviewed by the Planning & Zoning Official for conformance with the Special Area Plan and this Code and referred to the Village Manager for final approval per the requirements of Section 5.9, prior to issuance of the Building Permit.
- h. A parking management program that enables shared parking among public and private Uses.
- i. Flexible allocation of development capacity and Height, excluding Density on individual sites within the Special Area Plan may be allowed so long as the capacity or Height distribution does not result in



development that is out of Scale or character with the surrounding area, and provides for appropriate transitions.

2. Special Area Plan Permit

See Section 5.2 – Development Permit Required.

**H. Bonuses - Density Bonus Program**

Density bonuses may be approved by the Village Commission for participation in the Village public benefit program, in compliance with the following provisions (See also Chapter 8, Sections 8.13.D. and 8.15)

1. During the site plan review and approval process, the Village Commission may approve density up to 120 dwelling units per acre if the applicant for development approval sets aside a minimum five percent (5%) of the total units for non-subsidized workforce housing and pays the community contribution fee for each additional unit of density above the base density of 70 dwelling units per acre, as stipulated in subsection H.4.a. below.
  - a. Development approvals shall be valid for two (2) years in accordance with these regulations following final approval by the Village Commission unless otherwise approved by development order. Approved site plans may be granted no more than two (2) one-year renewals, subject to approval by the Village Commission. To avoid expiration of the site plans, the applicant must apply for and obtain a full building permit within the timeframes set forth above. Expiration of the site plan will result in the forfeiture of the density bonus community contribution fee.
  - b. In addition to providing workforce housing, a development whose site plan approval has expired will be assessed another community contribution fee per additional unit of density upon reapplication for site plan approval.
2. Within two (2) years from the adoption date of these regulations, projects may apply for additional bonus density up to 150 dwelling units per acre. Total density including bonuses shall not exceed 150 dwelling units per acre.
  - a. Additional density above 120 dwelling units per acre may be approved by the Village Commission during the site plan review and approval process, with the provision of workforce housing, if the applicant for development approval sets aside a minimum five percent (5%) of the total units for non-subsidized workforce housing and pays the community contribution fee per additional unit of density. Community contribution fees are payable to the Village as stipulated in subsection H.4.a. below .
  - b. Within the two-year timeframe, projects are required to receive site plan approval by the Village Commission.
3. Applications for density greater than 120 dwelling units per acre made more than two (2) years

from the adoption of these regulations may be granted additional density bonuses as a percent of workforce housing units included in the development up to a maximum density bonus of twenty-five percent (25%), as enumerated in subsection H.4.b. below. Density bonus applications shall be subject to the payment of a community contribution fee for each additional unit of density. Community contribution fees are payable to the Village as stipulated in subsection H.4.a. below.

4. Community Contribution Fee

a. Community contribution fees for additional density shall be set by the Commission, and modified from time to time, by resolution, as part of the Village's Fee Schedule, and shall be payable to the Village as stipulated as follows, unless otherwise stipulated in the approval

- i. Twenty-five percent (25%) of the total fee shall be payable within 90 days of Commission approval of the site and development plan and shall be non-refundable.
- ii. The remaining seventy-five percent (75%) of the fee shall be payable prior to or upon the issuance of a building permit and shall be non-refundable.

5. Workforce Housing Density Bonus Program

- a. The purpose of this regulation is to provide a Workforce Housing density bonus to property owners with land located in the T6-24 and T6-30 transect zones along Kennedy Causeway, for the planning and construction of housing affordable to workers in North Bay Village.
- b. Additional density bonuses above 120 dwelling units per acre may be granted as a percent of workforce housing units in the development up to a maximum density bonus of twenty-five percent (25%) as follows:

<u>Workforce Housing Units Set Aside</u>	<u>Density Bonus</u>
<u>5%</u>	<u>5%</u>
<u>6%</u>	<u>9%</u>
<u>7%</u>	<u>13%</u>
<u>8%</u>	<u>19%</u>
<u>9%</u>	<u>21%</u>
<u>10%</u>	<u>25%</u>

I. **Density and Intensity Calculations [Reserved].**

J. **Sustainability**

All new and substantial redevelopment applications for residential, commercial, office, hotels, and civic uses; all new mixed-use development applications; and all Village-owned civic or office construction projects located in the Transect Zones are subject to the green building and resilience standards and requirements contained in Chapter 8, Division 5; Chapter 9, Division 6; and Chapter 10, Sec. 10.5 of

the ULDC.

### **§ 15.2.1. Workforce Housing Program Administration**

#### **A. Purpose.**

The purpose of this section is to create administrative procedures for the implementation of the Workforce Housing Program established pursuant to Chapter 15, Section 15.2.H. of the North Bay Village Unified Land Development Code, and applicable to mixed-use developments in the T6-24 and T6-30 transect zones along Kennedy Causeway.

#### **B. Definition of Terms.**

The definitions contained in Chapter 15, Section 15.2.1. of the North Bay Village Unified Land Development Code, shall apply to this chapter in addition to the following:

*Area Median Income (AMI)* means the median income level for North Bay Village ~~the Miami-Dade County Metropolitan Statistical Area~~, as established, and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development and adjusted for household size.

*Condominium* means that form of ownership of real property created pursuant to Chapter 718 of the Florida Statutes, which is comprised entirely of units that are owned by one or more persons, and which there is, appurtenant to each unit, an undivided share in common elements.

*Condominium Conversion* has the meaning established by Sections 718.604—718.622 of the Florida Statutes.

*Control Period* means each 30-year period during which the affordability restrictions imposed by this article shall apply. The control period begins at the time of any sale or resale of the affected unit by every new Workforce Housing Unit owner.

*Covered Development* means all developments providing Workforce Housing units pursuant to Chapter 15, Section 15.2.H. of the North Bay Village Unified Land Development Code

*Department* means, unless otherwise indicated, the Department or Division designated by the Village Manager to administer this program or any successor agency.

Developer means any person, firm, corporation, partnership, limited liability company, association, joint venture, or any entity or combination of entities that apply for development orders or permits for residential dwelling units seeking to utilize the density bonus available pursuant to Chapter 8, Sections 8.12.5, 8.13.D, 8.15, and Chapter 15, Section 15.1.H. of the North Bay Village Unified Land Development Code, but does not include the state or any county, municipality, or any governmental entity.

Program Administrator means, unless otherwise indicated, the individual or individuals designated by the Village Manager to administer the Workforce Housing Program.

Eligible Household means a household whose total income is between 80% and 100% of North Bay Village Area Median Income.

Eligible Household Income means any income derived from any proposed occupants of a Workforce Housing unit who are 18 years of age or older and who will use the unit as their primary residence.

Household means any natural person who occupies a Workforce Housing unit as their primary residence.

Market Rate Dwelling Units means all dwelling units in a covered development that are not Workforce Housing units as defined herein.

Qualified Household means an eligible household with annual incomes within the affordability ranges established in this Code.

Qualified Improvement means any addition or replacement to the Workforce Housing unit that adds materially to the value of the unit, prolongs the unit's useful life, or adapts the Workforce Housing unit to new uses and the replacement of any existing amenities.

Workforce Housing Density Bonus Agreement means a written agreement between an applicant for a development and the Village containing specific requirements to ensure the continuing affordability of the workforce housing units included in a development during the control period.

Workforce Housing Unit means a rental dwelling unit occupied by an eligible workforce household where the maximum monthly rental cost shall be restricted to an amount affordable to a workforce household with a total annual income between 80% and 100% of North Bay Village AMI.

Workforce Housing Unit Rent means rents that do not exceed the maximum monthly Rent Limits as determined for Miami-Dade County by the U.S. Department of Housing and Urban Development in its annual Income Limits and Rent Limits and as used by Florida Housing Finance Corporation for its multifamily rental programs (published annually at <http://www.floridahousing.org>.

C. Compliance procedures.

Workforce Housing Declaration of Restrictive Covenants and Workforce Housing Agreement.

1. Every Workforce Housing unit established pursuant to Chapter 15, Section 15.2.1. of the North Bay Village Unified Land Development Code shall be offered for rent to a qualified household to be used for their own primary residence.
2. Prior to the initial rental of any workforce unit, the owner must record the Workforce Housing Density Bonus Agreement in the chain of title for that unit, at no cost to the Village, and submit recordation documentation to the Village. The rental contract for the unit must also contain a clause summarizing the workforce housing requirements and rent level control and referencing the recorded Workforce Housing Density Bonus Agreement.
3. The maximum rental rates for workforce units shall not exceed the affordability limit of an eligible workforce household making an annual income within the applicable AMI range pursuant to this section as published annually by North Bay Village ~~or Miami-Dade County~~ and the U.S. Department of Housing and Urban Development.

D. Application of Workforce Housing Density Bonus

1. Any development proposing to utilize the density bonus allowed in a transect zone must submit a Workforce Housing Density Bonus zoning application with their application for site plan review to the Village for consideration and approval by the City Commission. At a minimum, the density bonus application shall include:
  - a. General description of the development including location, size, land use, zoning, and the number of rental units and/or for sale units the development will contain;
  - b. Conceptual development plan showing the proposed location of the Workforce Housing rental units;
  - c. Total number of market rate and Workforce Housing units;
  - d. Estimated initial monthly rent for each Workforce Housing unit;
  - e. Provide the size in terms of square feet and number of bedrooms for each Workforce Housing unit;

- f. Location in development of each Workforce Housing unit and its applicable AMI affordability range;
- g. If construction is to be phased, a phasing plan identifying the number of Workforce Housing units and market-rate units in each phase;
- h. Documentation and plans regarding the interior and exterior appearances, materials, and finishes of the bonus units if not exactly the same as the market-rate units; and
- i. Any other relevant information requested by the Village.

E. Workforce Housing Density Bonus Unit Criteria

- 1. Workforce Housing units shall be built on the same site as the proposed development.
- 2. Workforce Housing units must be reasonably dispersed throughout the project, and not clustered together or segregated in any way, from the market-rate units.
- 3. On average, Workforce Housing units must contain the same number of bedrooms and quality of construction as the other market-rate units in the development.
- 4. Workforce Housing units shall be developed simultaneously with, or prior to the development of the other market-rate units.
- 5. If the development is phased, the phasing plan shall provide for the construction of Workforce Housing units proportionately and concurrently with the market rate units; and
- 6. The interior building materials and finishes of the Workforce Housing units shall be substantially the same type and quality as market-rate.

F. Workforce Housing Density Bonus Agreement

- 1. Prior to the approval of any development order or permit for any development in which the Workforce Housing density bonus is requested, the applicant shall enter into a Workforce Housing Density Bonus Agreement with the Village, which shall set forth the commitments and obligations of the applicant to ensure compliance with these regulations.
- 2. The applicant shall execute all documents deemed necessary by the Village in a form to be established by the Village Attorney, including without limitation, restrictive covenants, deed restrictions and related instruments including requirements for income qualification for tenants of rental units.

G. Maintenance of Rent Affordability

1. On an annual basis, the Village Manager, or his/her designee, shall make available copies of updated AMI ranges, and associated rental rate limits applicable to Workforce Housing units in North Bay Village based on official information available from Miami-Dade County or the U.S. Department of Housing and Urban Development.
2. The time period during which the rental rate for a Workforce Housing unit under these regulations is required to be controlled within a specified affordability range is 30 years.
3. Workforce housing rental unit owners are required to submit an annual report to the Village on or before January 30 of each year, verifying that all designated Workforce Housing units they own are being rented at rates affordable to area households with annual incomes within the affordability ranges established in this Code. Documentation may be in the form of a notarized affidavit stating the current annual rent for each unit together with collaborating documentation, or other form acceptable to the Village Manager.

#### H. Violations

1. It is a violation of this ordinance to:
  - a. Fail to file required affidavits or audits when required.
  - b. Rent or lease a Workforce Housing unit to a person or family that is not income eligible as required by this Code.
  - c. Knowingly give false or misleading information relating to this program to any Village employee.
  - d. Participate, in any way, in the lease or rental of a Workforce Housing unit which violates any provision of this Code or a Workforce Housing Density Bonus Agreement.
2. The fine for each violation of these provisions shall be in conformance with the procedures and fines in Chapter 153 of the North Bay Village Code of Ordinances, as amended.
3. Appeals to any violations issued by North Bay Village under these regulations shall be processed pursuant to the North Bay Village Code Compliance appeals procedure in Chapter 153, North Bay Village Code of Ordinances, as amended.

### **§ 15.3. Specific to Transect Zones**

#### **A. Kennedy Boulevard District (KBD)**

## 1. **General.**

- a. Purpose and Intent. This Chapter sets forth the standards applicable to development within the Kennedy Boulevard District (KBD), which is composed of Urban Core Transect Zones (T6). These standards are intended to:
- (1) Support the goals of the NBV 100 Master Plan.
  - (2) Transform Kennedy Causeway into a walkable, mixed-use boulevard that supports vibrant retail and a wide range of transportation modes.
  - (3) Facilitate the short-term activation of Pirates Alley into a Village Center.
  - (4) Lay the groundwork for the long-term incremental development of a great urban center and Main Street that supports diverse locally oriented businesses and cultural institutions.
  - (5) Provide improved standards for a wider, more active, and more accessible Island Walk.
  - (6) Attract development of underused and vacant lots in a manner that improves the public realm, increases access to the water and contributes to a robust economic base.
- b. Applicability.
- (1) Section 15.3.A provides development regulations that shall be employed in the mixed-use development of lands within the Kennedy Boulevard District (KBD).
  - (2) The Kennedy Boulevard District (KBD) includes all lots fronting Kennedy Causeway on Treasure Island. The Kennedy Boulevard District (KBD) is composed of Urban Core Transect Zones (T6) as shown on the Form-Based Districts Regulating Plan in Section 15.5.
    - (a) T6-24, which includes all properties fronting the south side of Kennedy Causeway on Treasure Island.
    - (b) T6-30, which includes all properties fronting the north side of Kennedy Causeway on Treasure Island.

## 2. **Development Standards for T6 Transect Zones**

### a. **Building Disposition.**

- (1) Newly platted Lots shall be dimensioned according to the tables and illustrations in Section 15.7.B. and Section 15.7.C.
- (2) Lot coverage by any Building shall not exceed that shown in Section 15.7.B. and



Section 15.7.C.

- (3) Buildings shall be disposed in relation to the boundaries of their Lots according to the tables and illustrations in Section 15.7.B. and Section 15.7.C.
- (4) Buildings shall have their Primary pedestrian entrances on Kennedy Causeway. Buildings in the T6-30 Zone should also have entrances on the View Corridor and Island Walk. Buildings in the T6-24 Zone should also have entrances on Secondary Frontages and Pirates Alley, if feasible.
- (5) Up to the top of the Pedestal, Facades shall be built parallel to the Primary Frontage Line along a minimum of seventy percent (70%) of its length on the Setback Line as shown in the tables and illustrations in Section 15.7.B. and Section 15.7.C. Pedestrian Forecourts are allowed and shall not exceed 25% of the Facade length. In the absence of a Building along the remainder of a Frontage Line, a Streetscreen shall be built along the Setback Line and co-planar with the Facade to define the space of the Thoroughfare and to shield parking and service areas.
- (6) At the first Story, Facades along a Frontage Line shall have frequent doors and windows; pedestrian entrances shall occur at a maximum spacing of seventy-five (75) feet. Vehicular entries shall occur at a minimum spacing of sixty (60) feet unless approved by Waiver.
- (7) Setbacks for Buildings shall be as shown in the tables and illustration in Section 15.7.B. and Section 15.7.C. Where the property to be developed abuts an existing Building, a Waiver may be granted so as to match the dominant setback of the block and its context.
- (8) Above the fifth Story, the minimum spacing between Towers is sixty (60) feet. Above the fifth Story and at the top of pedestal, a non-habitable floor is allowed up to a maximum of six (6) feet in Height without additional setback to accommodate depth of swimming pools, landscaping, transfer beams, and other structural and mechanical systems.
- (9) All lots in T6-30 shall comply with minimum standards for the View Corridor, as described in Section 15.3.A.2.g.(2).
- (10) For sites with three hundred and forty (340) feet Frontage length or more, a Cross-Block Passage shall be provided as follows: If the Frontage Line of a site is at any point more than three hundred and forty

(340) feet from a Thoroughfare intersection, the Building shall provide a Cross-Block Pedestrian Passage as a recorded public Easement. If the Frontage Line of a site is at any point six hundred and fifty (650) feet from a Thoroughfare intersection, a vehicular Cross-Block passage shall be provided as a recorded public Easement. Such a Cross-Block Pedestrian Passage may be covered above the first Story by a maximum of fifty percent (50%) of its length with Structures connecting Buildings, such as a terrace, pedestrian bridge, or vehicular bridge. A Pedestrian Passage, including Paseos, are encouraged to connect Kennedy Causeway to the Island Walk, other Thoroughfares, Pirates Alley, parks and other amenities. A Pedestrian Passage may be roofed and shall be lined with frequent doors and windows.

(11) Density shall not exceed that shown in the tables in Section 15.7.B. and Section 15.7.C.

(12) Sidewalks.

(a) Along Kennedy Causeway, a twenty (20) foot Easement for Public Sidewalks shall be granted and recorded with the Village. The Sidewalk shall be constructed and maintained by the property owner. The Sidewalk shall be continuous with the existing Sidewalk on the public ROW.

(b) The Sidewalk, including portions on the public ROW and in the Easement, may be raised no more than one and a half (1.5) feet above the highest existing sidewalk elevation fronting the property. This work shall be completed at the expense of the property owner and to standards determined by the Village. ADA compliant transitions shall be provided to adjacent sidewalk elevations with a slope no greater than 1:20 to avoid handrails.

**b. Building Configuration.**

(1) Development within Private Frontages shall comply with Section 15.6.A., the tables and illustrations in Section 15.7.B. and Section 15.7.C.

(2) Above the fifth Story, the Building Floorplate dimensions shall be limited as follows:

(a) 15,000 square feet maximum for Residential Uses

(b) 30,000 square feet maximum for Commercial Uses and for Parking

(c) 180 feet maximum length for Residential Uses

(d) 215 feet maximum length for Commercial Uses

(e) Wherever possible, the facade with the longer length should be placed perpendicular to the Primary Frontage/Kennedy Causeway.

- (3) Building Heights shall be measured from Base Flood Elevation (BFE) plus Freeboard to the level of the highest point of the building, excluding allowable projections above the roof line, and shall conform to the tables and illustrations in Section 15.7.B. and Section 15.7.C. and to the following standards.
- (a) At the first Story:
- i. The Height shall be no less than twenty (20) feet measured from the Base Flood Elevation (BFE) plus Freeboard to the finished floor of the second Story.
  - ii. Mezzanines in the first Story shall be limited to fifty percent (50%) of the habitable Floor Area and shall not count as a Story.
- (b) In a Pedestal (second to fifth Stories):
- i. The Height of a Story, including a Liner Story, shall not exceed twenty (20) feet measured from finished floor to finished floor.
  - ii. The maximum height of the pedestal (first to fifth stories) shall not exceed 100-feet.
  - iii. Mezzanines shall be limited to fifty percent (50%) of the habitable Floor Area and shall not count as a Story.
  - iv. The Height of a Parking Structure concealed by a Liner may be equal to the Height of the Liner, and this may result in a Liner Story concealing more than one level of Parking. The number of Liner Stories shall be used for purposes of determining the overall number of Stories in a Building.
- (c) In a Tower (above the Fifth Story):
- i. The Height of a Story is not limited within the maximum permitted building height.
  - ii. A Mezzanine shall count as a Story.
  - iii. Lots in the T6-30 shall provide Stepbacks above the podium along Kennedy Causeway, and the east and west side yards in compliance with Section 15.7.C. The development is not required to provide a Stepback above the podium in the Waterfront Yard (See Illustration 15.7.C.5.)
- (d) A Mezzanine extending beyond the specified limit shall be counted as an additional Story for purposes of calculating Building Height.
- (4) First Story Finished Floor Elevations.
- (a) For commercial uses fronting Kennedy Causeway, the finished floor elevation within first twenty (20) feet shall be flush with the existing sidewalk elevation or no higher than one-and-a-half (1.5) feet above the same.

- (b) For commercial uses fronting the Island Walk, the finished floor elevation within first twenty (20) feet shall be flush with the Island Walk or no higher than one-and-a-half (1.5) feet above the same.
  - (c) For residential uses, the finished floor elevation shall be no lower than BFE plus Freeboard.
  - (d) If the finished floor elevation is below the BFE plus Freeboard, certified flood-proofing shall be provided in accordance with Florida Building Code. Refer to Section 10.5 – Provisions for flood hazard reduction.
  - (e) On Shopfronts, a Bulkhead (or knee wall) of the maximum allowable Height is encouraged. See Section 15.1.E. for Shopfront standards.
  - (f) If a ramp is required for ADA access, it shall be provided inside the setback line. It may be located either within the building envelope or within a recessed exterior vestibule with Shopfront windows.
- (5) Pedestals, Parking Structures and Liners.
- (a) The Pedestal shall consist of no more than five Stories and shall be a maximum of 100-feet.
  - (b) A Parking Structure shall not extend beyond the Height of the Pedestal. For Building Heights in a Pedestal, see Section 15.3.A.2.b.(3).(b).iii.
  - (c) In T6-24, Liners are optional. Structures without liners on Primary and Secondary Frontages and facing Pirates Alley, shall use green or vegetated walls on a minimum 20% of the garage structure. The remainder of the parking structures not utilizing Liners shall be fully concealed by architectural screening or artwork approved by the Planning and Zoning Board (see also Ch. 9, Division 4 – Landscaping).
  - (d) In T6-30, Liners are optional. Liners facing Kennedy Causeway may encroach into the Setback above a Gallery. Structures without liners on Primary and Secondary Frontages, including Kennedy Causeway and the Waterfront and facing the View Corridor, shall utilize green or vegetated walls on a minimum 20% of the parking structure. The remainder of the parking structure not utilizing Liners shall be fully concealed by architectural screening or artwork approved by the Planning and Zoning Board (see also Ch. 9, Division 4 – Landscaping).
- (6) Encroachments shall be as follows:
- (a) In T6-24, a Gallery should be constructed on the Primary Frontage of Kennedy

Causeway over the sidewalk easement. Where a Gallery is constructed, it shall encroach the entire twenty (20) foot Setback and shall not extend into the right-of-way. Refer to the tables and illustrations in Section 15.7.B., and to Architectural Standards Section 15.3.A.2.e. for additional details.

- (b) In T6-30, a Gallery or Arcade shall be constructed on the Primary Frontage of Kennedy Causeway over the sidewalk easement. The Gallery or Arcade shall encroach the entire twenty (20) foot Setback and shall not extend into the right-of-way. A Gallery or Arcade is not required in front of a Pedestrian Forecourt. Refer to the Frontage Type Table in Section 15.6.A. and to Architectural Standards Section 15.3.A.2.e. for additional details.
- (c) In T6-30, cantilevered Awnings and entry canopies may encroach up to seven (7) feet into the waterfront setback, up to but not extending into, the Island Walk Easement. Above the first Story, cantilevered balconies, bay windows, and roofs may encroach up to seven (7) feet into the waterfront Setback, up to but not extending into, the Island Walk Easement.
- (d) All outdoor storage, electrical, plumbing, mechanical, and communications equipment and appurtenant enclosures shall not be allowed as Encroachments.
- (e) Loading spaces and service areas shall be internal to the Building and shall not be allowed as Encroachments.
- (7) Vehicular Access shall be as follows:
  - (a) Loading berths, service areas and parking shall be accessed from Alleys when available, and otherwise shall be accessed from the Secondary Frontage when available. Areas for drop-offs, pick-ups, and valet services shall be located along and accessed from Secondary Frontages, when available, or may be located along or accessed from Alleys, when available.
  - (b) Where Lots have only Primary Frontages, all vehicular access, including, but not limited to, areas for drop-offs, pick-ups, and valet services and access to parking, loading berths, and service areas, are not allowed along the Primary Building Frontage facing Kennedy. Curb cuts and vehicular access are allowed through the View Corridor and the side Setback.
  - (c) No more than 50% of the total area of the View Corridor may be used for vehicular movement.
  - (d) A vehicle accessing a Loading Berth is allowed to make one (1) turning movement

on an adjacent Thoroughfare to minimize the lot area devoted to this function.

- (8) Walls, hedges, fences and gates shall not exceed a Height of three and a half (3.5) feet within the setbacks of the Primary and Secondary Frontages and within the View Corridors. Elsewhere, walls, hedges, fences and gates shall not exceed a Height of eight (8) feet.
- (9) Streetscreens shall be between three and a half (3.5) and eight (8) feet in Height and constructed of a material matching the adjacent Building Façade or of masonry, wrought iron or aluminum. The Streetscreen may be replaced by a hedge. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access. Streetscreens shall be located coplanar with the Building Facade Line. Above three (3) feet in Height, Streetscreens shall be fifty percent (50%) permeable or articulated to avoid blank walls.
- (10) Screening shall be as follows:
  - (a) All loading spaces, service areas, outdoor storage, electrical, plumbing, mechanical, and communications equipment and appurtenant enclosures shall be concealed from view from any Frontage, Sidewalk or View Corridor by Liner Buildings, Streetscreens, walls, hedges, fences or opaque gates.
  - (b) All ground floor and roof top utility infrastructure and mechanical equipment shall be concealed from public view. At the Building Frontage, all equipment such as backflow preventers, siamese connections, and the like shall be placed within the line of the Façade or behind a Streetscreens. Exhaust air fans and louvers may be allowed on the Façade only on the Secondary Frontages above the first Story.
  - (c) On the roof, a parapet or screen wall shall conceal roof decks and all equipment except antennas from lateral view. Mechanical equipment on a roof shall be enclosed by parapets of the minimum Height necessary to conceal it and shall not exceed the maximum Height by more than ten (10) feet. Trellises may extend above the maximum Height up to fourteen (14) feet. Extensions more than ten (10) feet above the maximum Height for stair, elevator and mechanical enclosures or ornamental purposes only, shall be permitted by process of Waiver.

**c. Building Function and Parking Requirements.**

- (1) Buildings in T6-24 and T6-30 shall conform to the Functions and Parking Requirements Table described in Section 15.7.A. Certain Functions as shown in said Table shall require

approval by Exception. Refer to Section 8.16

– Supplemental Use Regulations, Section 8.17 – Supplemental Development Standards.

(2) First Story Uses.

- (a) A minimum of seventy-five percent (75%) of the linear Building Frontages along Kennedy Causeway, the Island Walk, Pirates Alley, and any side streets shall be Habitable Space to a minimum depth of twenty (20) feet.
- (b) A minimum of fifty percent (50%) of the linear Building Frontage along a View Corridor shall be Habitable Space to a minimum depth of twenty (20) feet.
- (c) The Habitable Space required along Kennedy Causeway that is not otherwise occupied by the Primary Entrance shall contain Commercial Uses and no Residential Uses. Retail Use, especially restaurants, is encouraged on all Frontages, including Kennedy, the Island Walk, and the View Corridor. Live-work units and Townhouses are the only Residential Use allowed in the First Story, apart from Building entrances.
- (d) Design for Tenant Flexibility.
  - i. The design of commercial spaces should anticipate restaurant requirements. Accommodation for restaurant venting and sewage utilities such as grease traps and interceptors should be designed into the Building.
  - ii. Designs shall anticipate potential commercial power and gas load needs.
  - iii. Buildings should provide generous clear space between interior columns for ground floor retail and activity spaces.

**d. Parking and Loading Berth Standards.**

- (1) Refer to Section 9.3.E. Design Standards for Off-Street Parking and Section 9.3.G. Mechanical Parking.
- (2) Shared Parking shall be allowed in compliance with Section 15.6.C. Shared Parking Standards Table.
- (3) Loading Berths shall be provided in compliance with Section 15.6.D. Loading Berth Standard Table.
- (4) Off-street Bicycle Parking Standards.
  - (a) The required number of Off-street bicycle parking spaces shall conform with Section 15.7.A. Building Function (Uses) and Parking Standards Table – T6.

- (b) After the first fifty (50) required bicycle spaces are provided, additional spaces may be reduced by one-half.
- (c) Required bicycle parking shall meet the following standards:
  - i. Required bicycle parking shall be provided in a safe, accessible and convenient location.
  - ii. Bicycle parking facilities shared by more than one use are encouraged.
  - iii. Required bicycle parking facilities may be located within the project site or in a shared bicycle parking facility located within 300 feet of the Primary Entrance.
  - iv. When required off-street vehicular parking is covered, the required bicycle parking shall also be covered.
  - v. When required bicycle parking is provided in racks, one (1) standard U-rack will accommodate two (2) bikes and each rack shall meet the following standards:
    - (i) The bicycle frame and one (1) wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;
    - (ii) A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
    - (iii) The rack shall be securely anchored.
  - vi. When required bicycle parking is provided in lockers, the lockers shall be securely anchored.
  - vii. Parking and maneuvering areas.
    - (i) Each required bicycle parking space shall be accessible without moving another bicycle;
    - (ii) There shall be an aisle of at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering;
    - (iii) The area devoted to bicycle parking shall be hard surfaced.
  - viii. A directional sign shall be required if the bicycle parking area is not visible from the Thoroughfare or Primary Entrance. Said sign shall be at minimum of one (1) square foot in area and be posted at the Primary Entrance indicating the location of the bicycle parking.

**e. Architectural Standards.**



- (1) Permanent and Temporary Structures
  - (a) Only permanent structures shall be allowed, unless specified otherwise in this Code.
  - (b) Temporary structures such as mobile homes, construction trailers, travel trailers, recreational vehicles and other temporary structures shall not be allowed except as per the Code of Ordinances and this Code, with the following exceptions by Warrant.
    - i. Island Walk: Temporary Structures such as kiosks, stands, and tents may be allowed within the Island Walk easement and the Waterfront Setback.
    - ii. Pirates Alley: Temporary Structures such as shipping containers, food trucks, kiosks, stands, and tents may be allowed.
- (2) Private Frontages and Facades.
  - (a) The Sidewalk-Level Facades of all Buildings shall be glazed with no less than seventy percent (70%) clear glass as measured between the finished floor and ceiling including the glass area of the front door.
  - (b) The Facades of all Sidewalk-Level Commercial Spaces shall be detailed as Shopfronts. Shopfronts shall conform to Section 15.2.E. Shopfront Standards. Lobbies, live-work units, and townhouses are not required to be detailed as Shopfronts.
  - (c) Outdoor Commercial Uses.
    - i. Temporary exterior commercial uses and displays along the shopfront's adjacent sidewalks are encouraged and allowed by Warrant. All temporary displays shall maintain a minimum clear pedestrian walkway of five (5) feet.
    - ii. For outdoor dining areas on sidewalks that are in the public right-of-way, see Section 8.17.H. Outdoor dining and sidewalk cafes in Supplemental Development Standards.
    - iii. Outdoor dining areas on sidewalk easements and the Island Walk easement are encouraged and allowed by Warrant, subject to the following standards:
      - (i) Outdoor dining areas may be separated from public walkways and streets using railings, wrought-iron fences, planters, and landscaping; and
      - (ii) A minimum unobstructed pedestrian path of at least five (5) feet wide shall be provided.

(d) Galleries and Arcades.

- i. For the Gallery Frontage Type, see Section 15.6.A.g. Frontage Type Table.
- ii. For the Arcade Frontage Type, see Section 15.6.A.h. Frontage Type Table.
- iii. See also Section 15.7.D. Section Detail Illustration – T6.
- iv. The Height shall be the same as the Height of the first Story.
- v. The columns shall be located two (2) feet from the Property Line.
- vi. Columns shall be spaced approximately twenty (20) feet on center and no less than eighteen (18) feet on center.
- vii. A cornice or roof extension shall project one (1) foot minimum and two (2) feet maximum from the outer face of the Gallery or Arcade and shall not overhang the ROW.
- viii. Gallery details.
  - (i) Galleries shall be made of metal.
  - (ii) Columns shall be round with a maximum diameter of ten (10) inches.
  - (iii) The ceiling decking that is visible from the Sidewalk shall be wood or a wood-like material.
  - (iv) A roof deck on top of the Gallery at the second Story is allowed. Decking for the roof deck shall be made of wood or a wood-like material. Railings shall be made of metal.
- ix. Arcade details.
  - (i) Arcades shall be made of materials that complement the architecture of the Building.
  - (ii) Columns shall be no more than four (4) feet wide and two and a half (2.5) feet deep.

f. **Sign Standards. See Section 15.2.F.**

g. **Landscape and Waterfront Design Standards.**

- (1) Landscape Standards.
  - (a) Open Space shall be ten percent (10%) of the total lot area.
  - (b) Where a Gallery or Arcade is not provided, street trees shall be planted. The trees shall be planted two (2) feet inside the Property Line, aligned with the Gallery or Arcade columns. Tree wells may encroach into public right-of-way. The

spacing shall be similar to the Gallery or Arcade columns, between twenty (20) and twenty-five (25) feet on center. The species shall be native or Florida-friendly. See Chapter 9 Division 4, Landscaping.

(2) Island Walk.

(a) Purpose and Intent. The Island Walk is a public access, mixed-use Pedestrian Promenade along the waterfront that shall feel public, provide visual access to the Bay, enhance visual quality, connect to other public areas, and provide venues for public art, historic signage, and environmental education signage. Where practical, retail, restaurants with outdoor dining, boating and fishing activities should be incorporated into waterfront designs. Boat access from the water to the land is encouraged.

(b) General requirements.

i. Every waterfront property shall provide an eighteen (18) foot wide Island Walk Easement within the twenty-five (25) foot waterfront Setback.

ii. The location of the easement shall be indicated on the site plan for the site plan approval process and recorded with the Village.

iii. The Island Walk shall be open to the public from AM until PM every day.

iv. Restaurants with outdoor dining, retail, kiosks for food and retail sales are all allowed and encouraged.

v. Access to docks for boats or overwater seating is allowed and encouraged.

vi. Railings, walls, fences are not allowed between the circulation zone and the water.

vii. The surface shall be six (6) to eight (8) inches below the sea wall cap.

(c) Design Standards for the Island Walk. The easement shall consist of three zones, which are listed below in order from the landward edge of the sea wall cap and progressing landward towards the private property. See Section 15.7.B. Section Detail Illustration – T6.

i. Safety zone. A minimum three (3) foot wide area adjacent to the sea wall that shall be paved and/or landscaped.

(i) Whereas railings, walls and/or other barriers are not desirable along the water's edge, waterfront users should be warned when coming close to

- the water with a minimum three (3) foot wide safety zone consisting of a rough textured surface that discourages walking.
- (ii) Paving within the safety zone shall be a type of cobble stone with “river rock,” approximately ¾ to 1 ½ inches in diameter, set in concrete leaving a relief of ¼ to ½ inches or similar aggregate pavers with ADA domes.
  - (iii) Planting beds shall be a minimum three (3) feet wide with palm trees planted at grade providing shade to pedestrians. Trees shall be evenly spaced at approximately twenty (20) to twenty-five (25) feet on center. Low level plantings may be provided at the base of the trees or palms, not to exceed two (2) feet in Height. Landscape lighting may be provided to accentuate trees or palms in this area.
  - (iv) In areas between the planting beds, a minimum three (3) foot wide uniform exposed aggregate finish such as a river rock textured surface shall be provided to warn pedestrians of the water’s edge meeting Americans with Disabilities Standards.
  - (v) Bollard lighting within the textured surface adjacent to the circulation zone shall be installed to provide pedestrian/pathway lighting. Bollards shall be evenly spaced at the same spacing as trees, when present, or approximately twenty (20) to twenty-five (25) feet on center.
- (d) Circulation zone. A twelve (12) foot wide minimum unobstructed, linear pedestrian walkway. The maximum width is nineteen (19) feet.
- i. The circulation zone will typically be located immediately adjacent to the riparian right-of-way. However, it may meander within the twenty-five (25) foot shoreline setback.
    - (i) Offsets in the alignment of the walkway shall not exceed seven (7) feet and be spaced not less than fifty (50) feet apart.
    - (ii) The circulation zone shall align with previously completed portions of the Island Walk on adjacent parcels.
    - (iii) The passive zone shall follow the path of the circulation zone.
    - (iv) The safety zone shall follow the edge of the sea wall.
  - ii. Obstructions to movement (trees, bollards, lighting, etc.) within the circulation zone shall not reduce the clear width of the walkway to less than fifteen (15)

feet at any point.

- iii. The circulation zone shall be constructed of non-slip paving materials with high aesthetic appearance and structural qualities to support emergency vehicle access.
  - iv. The circulation zone shall feature a distinctive paving pattern throughout the length of the Island Walk. The pattern shall be approved by the Village Commission.
  - v. The promenade surface shall be at a constant elevation and shall be accessible to handicapped persons throughout the entire length of the waterfront. Where slopes are required to harmonize with existing conditions, the slope shall be less than 1:20, if possible, so as to avoid handrails.
- (e) Passive zone. A minimum three (3) foot wide area located along the inland side of the circulation zone, interspersed with shade trees, low level plantings, site furniture, lighting, accessories, and concessions.
- i. Short lengths of the passive zone not to exceed ten (10) feet may be elevated eighteen (18) to twenty-four (24) inches above the level of the promenade for plantings, seating, and enhanced bay views.
  - ii. All benches shall have back rests, and their placement shall emphasize direct views of the water.
  - iii. Site furniture may include overhead canopies, concessions, etc. and shall be confined to this zone. All furniture shall be permanently installed preferably by direct burial in concrete.
  - iv. Accessories include benches, trash receptacles, drinking fountains, pedestrian scale light poles and landscape lighting. Appropriate additional furniture including overhead canopies or shelters, drinking fountains, etc., shall be confined to the passive zone.
  - v. The passive zone may be paved in plain concrete or the paver on the main circulation zone.
  - vi. Where the transition zone has active uses, connections shall be provided between the transition zone and the circulation zone.
- (f) Transition zone. A maximum seven (7) foot wide zone that is the balance of the waterfront setback that is not part of the Island Walk easement. Typically, it is located on the landward side of the easement fronting the Building, but it may be

located between the easement and the water to accommodate active uses such as outdoor seating. A property owner may opt for no transition zone, in which case the width of the Island Walk easement equals the waterfront setback.

- i. Active uses are allowed and encouraged, including restaurants, outdoor seating, retail Shopfronts, and kiosks/stands for food and retail sales and rental of recreational equipment.
- ii. Where the Building features active uses, these shall be connected to the Island Walk. They shall not be screened visually.
- iii. The entire transition zone may be paved. The paving should be flush with the Island Walk, pervious and feature a pattern distinct from the circulation zone.
- iv. If landscaped, the grade may be flush with the Island walk or elevated up to twenty-four (24) inches.
- v. Security to limit public access to private property may be provided by fences, grade changes or retaining walls. All screens and walls shall be landscaped to reduce their visual impact on the walkway.
- vi. For adjacent developments that serve the public (i.e., restaurants, shops, hotels, entertainment, etc.) provision of wide, visible, and easy pedestrian access to the waterfront shall be assured.
- vii. In general, landscaping and security barriers shall not visually screen the waterfront from adjacent active uses, such as retail restaurants, or entertainment.

(g) Exceptions.

- i. Where existing obstructions, such as swimming pools or buildings, obstruct the path of the Island Walk, it may be constructed over the water with permission of the Planning and Zoning Board. The overwater version shall follow the same dimensions and include the same zones as described in the Design Standards for the Island Walk.

(h) Standards and Guidelines for Design Elements.

- i. Landscaping.
  - (i) Plant material shall be salt-tolerant and primarily native or Florida-Friendly.
  - (ii) Royal Palms shall be planted along the Safety Zone spaced

approximately twenty (20) to twenty-five (25) feet on center.

(iii) Shade trees shall be planted within the passive and transition zones spaced approximately twenty (20) to twenty-five (25) feet on center.

(iv) Low-level plantings, including shrubs, low shrubs, and groundcovers, should be planted at the base of trees and palms to enhance Island Walk aesthetics and to help buffer the walkway perimeters.

(v) Raised planters, if used, shall be confined to the passive zone, and all planter walls shall double as sitting walls, eighteen (18) to twenty-four (24) inches in height.

ii. Lighting.

(i) Lighting at the water's edge shall be confined to eight (8) inch diameter bollards, which shall be twenty-four (24) to thirty (30) inches high and spaced approximately twenty (20) to twenty-five (25) feet on center.

(ii) Bollards shall be illuminated with one hundred (100) watt LED lamps with down illumination not extending beyond the sea wall line.

(iii) Overhead lighting shall be confined to the passive zone and consist of down lighting with lamps not over fourteen (14) feet high, 175-watt LED, and spaced approximately forty (40) to fifty (50) feet on center.

(iv) Uplighting of landscaping shall not be allowed unless the light source is not visible to adjacent residential units.

(v) The color temperature of lamps shall be no more than 2,700K.

(vi) Colored lighting, except for private signs, shall not be used.

(vii) Simple contemporary fixture design shall be used as opposed to highly stylized, vintage or period designs.

iii. Signage.

(i) All public access waterfront walks shall be marked with a standard Island Walk identification sign, to be specified by the Village.

(ii) All major public access points, including park walkways, roadways, dedicated midblock walks and public plazas, shall be marked with a standard Island Walk identification sign, to be specified by the Village.

(iii) Adjacent accessible publicly oriented private development, such as cafes or shops, shall identify the use with signage in the transition zone. See

Shopfront standards in Section 15.5.E and Signage standards in Section 15.1.F.

- (iv) Uniformly designed historic or environmental markers and descriptive plaques shall be placed in the passive zone.
- (v) Signage shall identify access points and adjacent activities (cafes, shops, etc.) for boaters.

**(3) View Corridors.**

- (a) Purpose and intent. The purpose of a View Corridor is to provide visual access to the public from Kennedy Causeway to the water. In addition, it should provide public access to and from the Island Walk in an appealing, Woonerf-type shared space that prioritizes the pedestrian experience over vehicles. The View Corridor may serve as the primary pick-up, drop-off and valet zone, and it may provide access to parking, loading and service areas that are screened from view.
- (b) The width of the View Corridor shall equal twenty percent (20%) of the lot width. In T6-30, the View Corridor shall be located on the west side of the lot.
- (c) The entire View Corridor shall be open space, of which fifty percent (50%) may be landscaped. All non-landscaped areas shall be paved with pervious pavers.
- (d) The grade shall not rise more than two (2) feet above the Island Walk.
- (e) Landscaping shall be flush with the pavement except that twenty-five percent (25%) of the landscaped area may be in raised planters. The planters shall not be higher than eighteen (18) inches above grade and shall be designed to accommodate seating.
- (f) To preserve views and foster safety, there shall be minimal vegetation and foliage between three (3) and eight (8) feet above the grade of the Island Walk. This restriction shall not be construed to limit tree trunks and palms.
- (g) Curbs, if present, shall be flush.
- (h) Vehicular traffic is allowed on no more than fifty percent (50%) of the area. Parking is not allowed. Standing vehicles shall not exceed twenty (20) minutes. Turning movements associated with access to loading docks are allowed.
- (i) Vehicular traffic shall be controlled with paving patterns, bollards, flush curbs, and low planters. Where bollards are used, the minimum number should be deployed to control vehicular movements.



- (j) The ground floor of the Building facing the view corridor shall contain habitable spaces that are at least twenty (20) feet deep and shall conform to the Architectural Standards in Section 15.3.e.

**(4) Island Walk Public Access Walkways.**

- (a) All waterfront properties in the KBD shall provide and maintain a 5-foot (min.) wide public access connection walkway between the Island Walk and Kennedy Causeway.
  - (b) The Island Walk Access shall be located within the View Corridor. Additional Paseos or breezeways are encouraged.
  - (c) The path shall be ADA compliant and not contain any steps.
  - (d) The Island Walk Access shall not be separated or distinguished from the View Corridor.
  - (e) The Island Walk Access shall be open to the public during the hours that the Island Walk is open.
  - (f) The easement shall be indicated on the site plan for the site plan approval process and recorded with the Village.
- (5) **Waterfront Sites.** For additional standards, see Chapter 9 Division 5, Design Standards for Coastal Sites.

**h. Ambient Standards.**

- (1) Noise regulations shall be as established in the Village Code of Ordinances.
- (2) Average lighting levels measured at the Building Frontage shall not exceed twenty foot-candles (20 fc).
- (3) Lighting of Building and contingent Open Spaces shall be compatible with street lighting of Abutting public spaces. Interior garage lighting fixtures shall not be visible from streets, view corridors or the water.
- (4) The lighting fixtures of exposed rooftop parking shall be concealed by a parapet wall and shall not be seen from surrounding streets.

**i. Tables and Illustrations Specific to Zones.**

- (1) For T6-24, refer to Section 15.7.B.
- (2) For T6-30, refer to Section 15.7.C.
- (3) For T6 Section Detail, refer to Section 15.7.D
- (4) For design review criteria table, refer to Section 15.7.I.

**B. North Bay Island District (NBID) [Reserved]**

**1. General. [Reserved]**

**2. Development Standards for T3 Transect Zone. [Reserved]**

**a. Building Disposition. [Reserved]**

**b. Building Configuration [Reserved]**

**c. Building Function and Parking Requirements. [Reserved]**

**d. Parking Standards. [Reserved]**

**e. Architectural Standards. [Reserved]**

**f. Landscape and Waterfront Design Standards. [Reserved]**

**g. Sign Standards. [Reserved]**

**h. Ambient Standards. [Reserved]**

**i. Illustrations Specific to T3 Zones. [Reserved]**

## **§ 15.4. Definitions.**

This section provides definitions for terms in Chapter 15, Form-Based Code that are technical in nature or that might not otherwise reflect a common usage of the word. Refer to Chapter 3 for definitions of terms that are pertinent to other chapters of this Code. If a term is not defined in this section or Chapter 3, the Village Manager or his/her designee shall determine the definition of the term. If there is a conflict between Chapter 3 and this section, this section shall take precedence.

### **A. Definitions of Building Function (Uses). See tables Section 15.7.A. and Section 15.7.G. Building Function (Uses) and Parking Requirement.**

#### **1. Residential.**

This category is intended to encompass land use functions predominantly of permanent housing.

*Single-Family Residence.* Detached Building used as permanent residence by a single housekeeping unit. The term is general, applying to all detached house types. Also known as Primary Dwelling Unit.

*Community Residence.* A “resident”, for the purpose of a Community Residence, may include any persons as defined in the following statutes.

- A disabled adult or frail elder as defined in Section 429.65 (8) and (9), Florida Statutes
  - A physically disabled or handicapped person as defined in Section 760.22(7), Florida Statutes
  - A developmentally disabled person as defined in Section 393.063(12), Florida Statutes
  - A child as defined in Section 39.01(12), Florida Statutes
- (a) A Dwelling Unit of six or fewer residents that meet the definition in Section 419.001, Florida Statutes for a “community residential home” of such size; or
- (b) A Dwelling Unit licensed to serve clients of the State Department of Children and Families, which provides a living environment for seven to fourteen unrelated residents who operate as the functional equivalent of family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents, as defined in Section 419.001, Florida Statutes; or
- (c) An adult family-care home as defined in Section 429.65, Florida Statutes, which provides a full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives.

*Accessory Dwelling Unit (ADU).* A Dwelling Unit sharing ownership and utility connections with a Primary Building and contained on the same Lot. An Accessory Dwelling Unit may be attached by a Backbuilding or detached from the Primary Building, and the unit shall not count towards maximum Density calculations. Also known as an Accessory Unit, Ancillary Unit or Ancillary

### Dwelling Unit.

Two Family-Housing. Two (2) Dwelling Units sharing a detached Building, each Dwelling Unit of which provides a residence for a single housekeeping unit. Also known as a duplex.

Multi-Family Housing. A Building or portion thereof, containing three or more Dwelling Units where each unit has direct access to the outside or to a common hall. A multifamily Structure where Dwelling Units are available for lease or rent for less than one month shall be considered Lodging.

Dormitory. A Building used primarily for sleeping accommodations for students or staff related to an educational institution or place of employment.

Home Office. A space within a Dwelling Unit devoted to a non-retail business activity belonging to the resident thereof that is clearly secondary in Use to the residence, that does not alter the exterior of the property or affect the residential character of the Neighborhood, and that meets all legal requirements of the business.

Live-Work. A Dwelling Unit that contains a commercial or office component which is limited to a maximum fifty percent (50%) of the Dwelling Unit area.

Rowhouse. A rearyard building type. A single-family dwelling with common walls on the side lot lines, the facades forming a continuous frontage line. Rowhouses are the highest density type able to provide private yards. Syn. Townhouse, Terrace House.

Townhouse. See Rowhouse.

## **2. Lodging.**

This category is intended to encompass land Use functions predominantly of sleeping accommodations occupied on a rental basis for limited periods of time. These are measured in terms of lodging units: a lodging unit is a furnished room of a minimum two hundred (200) square feet that includes sanitary facilities, and that may include a Kitchenette.

Bed & Breakfast. A group of lodging units not to exceed ten (10) units that may provide services for dining, meeting, and recreation.

Inn. A group of lodging units not to exceed twenty-five (25) units that may provide services for dining, meeting and recreation.

Hotel. A group of lodging units exceeding twenty-five (25) units that may provide services for dining, meeting, and recreation.

## **3. Office.**

This category is intended to encompass land Use functions predominantly related to business, professions, service, or government.

Office. A Building or portion thereof used for conducting a business, profession, service, or government. Such facilities may include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, financial institutions, real estate companies, insurance companies, financial planners, or corporate offices, and exclude manufacturing activities.

#### **4. Commercial.**

This category is intended to encompass land Use functions of retail, service, entertainment, or recreational establishments and supporting office.

Auto-Related Commercial Establishment. A place of business serving auto-related needs including, but not limited to car rental, car wash, gas station, mechanic offering minor repairs, retail sales such as auto parts, tire store, indoor car sales. Uses not included: major mechanical work; body work; painting; steam cleaning; welding; outdoor car sales; storage of automobiles not in operating condition; commercial parking Lot or commercial garage; or any work involving undue noise, glare, fumes or smoke, all of which are considered auto-related industrial activities.

Entertainment Establishment. A place of business serving the amusement and recreational needs of the community. Such facilities may include, but not limited to cinemas, billiard parlors, teen clubs, dance halls, or video arcades. Uses not included: Entertainment Establishment, adult.

Entertainment Establishment, Adult. A place of business that sells, rents, leases, trades, barbers, operates on commission or fee, purveys, displays, or offers only to or for adults products, goods of any nature, images, reproductions, activities, opportunities for experiences or encounters, moving or still pictures, entertainment, or amusement distinguished by purpose and emphasis on matters depicting, describing, or relating by any means of communication from one (1) person to another to "specified sexual activities" or "specified anatomical areas" as herein defined. An adult entertainment or adult service establishment is not open to the public generally but only to one (1) or more classes of the public, excluding any person under eighteen (18) years of age. It is the intent of this definition that determination as to whether or not a specific establishment or activity falls within the context of regulation in this Code shall be based upon the activity therein conducted or proposed to be conducted as set out above and in these regulations shall not depend upon the name or title of the establishment used or proposed. Thus, the terms "adult bookstore," "adult massage parlor," "adult motion picture theater," "adult private dancing," and "adult escort service" are encompassed within this definition of "adult entertainment or services," but the term "adult entertainment or adult services" is not to be deemed limited by the enunciation of specific activities listed before.

*Food Service Establishment.* A place of business dedicated to the preparation and sale of food and beverage for immediate consumption on or off site.

*Alcohol Service Establishment.* A place of business selling alcoholic beverages for consumption on the premises, and where the sale of food may be incidental to the sale of such beverages. This includes any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale for consumption on the premises of alcoholic beverages as a Use. Alcohol beverage service establishments may include, but are not limited to bars, taverns, cocktail lounges, nightclubs, or supper clubs.

*General Commercial.* A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser. General commercial goods include, but are not limited to, clothing, food, furniture, pharmaceuticals, books, art objects and the like. General commercial services include, but are not limited to, barber shops; beauty salons; travel agencies; fortune tellers; retail dry cleaning; express delivery service; health spas and fitness studios; photo studios; Funeral Homes; Animal Clinics; repair service establishments, Employment Office; and the like. General Commercial services exclude: Auto-Related or Marine-Related Establishments; Commercial Storage Facilities, Pawn Shops, and the like.

*Marine-Related Commercial Establishment.* A place of business serving marine-related needs including but not limited to boat repairs, boat storage, boat servicing, boat rentals; or a place of business provides marine-related retail including but not limited to bait and tackle stores, boat sales, and marine supplies stores. Uses not included are; all industrial vessel paint and body work; and industrial major engine work or overhaul, all of which are considered marine-related industrial activities.

*Open Air Retail.* A retail sales establishment operated substantially in the open air including, but not limited to farmers market, Flea Markets, and the like. Uses not included are car sales, equipment sales, boats sales, and home and garden supplies and equipment.

*Place of Assembly (POA).* A commercial facility for public assembly including, but not limited to arenas, auditoriums, conference facilities, convention centers, exhibition halls, major sports facilities, theaters and performing arts centers, and the like.

*Recreational Establishment.* A place of business providing group leisure activities, often requiring equipment and open to the public with or without entry or activity fees. This may include, but is not limited to game courts, skating rinks, bowling alleys, commercial golf facility, gyms or sports rooms.

*Self-Storage Facility.* A building or portion thereof segregated into storage cubicles used exclusively for the dead storage of excess property. Such term shall not include the conduct of business activities other than rental of storage units on the premises nor allow outside storage of property.

## 5. Civic.

This category is intended to encompass land Use functions predominantly of community-oriented purposes or objectives including those of not-for-profit organizations dedicated to arts and culture, education, recreation, religion, government, and the like.

Community Facility. A non-commercial facility established primarily for the benefit and service of the general public of the community in which it is located. Such facilities include but are not limited to community centers; North Bay Village offices; and cultural facilities, such as libraries and museums.

Recreational Facility. A non-commercial facility, primarily an open space, serving the recreation needs of the general public. This may include but is not limited to golf courses, parks, camping facilities, playfields, and playgrounds.

Religious Facility. A facility used for regular organized religious worship and related activities.

Regional Activity Complex. A large facility encompassing at least one Principal Building with possible Accessory Structures designed and outfitted as a venue for large assemblies, performances, or events intended to serve as a regional destination. Regional Activity Complexes shall be located in parcels larger than four (4) acres; shall be equipped to provide permanent seating for more than 4,000 patrons or provide more than 100,000 square feet of exhibition space, and shall provide Off-Street Parking for more than 1,000 vehicles.

## 6. Civil Support.

This category is intended to encompass land uses predominantly supportive of other urban Uses and functions.

Community Support Facility. A facility providing basic services, for the benefit and service of the population of the community in which it is located. Such facilities may include but are not limited to police and Fire Stations, Extended Care Facilities, Nursing Homes, convalescent homes, Continuing Care Facility, and Assisted Living Facility or Adult Daycare Center as defined by Chapter 429, Florida Statutes.

Infrastructure and Utilities. A facility or Structure related to the provision of roads, water and sewer lines, electrical, telephone and cable transmission, and all other utilities and communication systems necessary to the functioning of a community.

Major Facility. A large facility of an institutional nature including but not limited to Hospitals, public health and social service facilities, research facilities, shelters, judicial Buildings, Jails, Detention Facilities, work camps, cemeteries, mausoleums, Ambulance Services,

Pharmaceutical Laboratories, or the like.

Marina. A facility for storage, servicing, fueling, berthing, or securing of boats. The Use does not include marine-related industrial activities.

Public Parking. A parking facility available to the general public for parking motor vehicles, including parking lots or garages.

Rescue Mission. A facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services.

Transit Facility. A facility providing accommodations by public, private, or nonprofit entities for the conveyance of persons from one place to another by means of a transportation system, including but not limited to bus terminal, railroad station, freight terminal, airport, heliport or seaport.

## **7. Educational.**

This category is intended to encompass land Use functions connected with providing education, training, or care of children and students of all ages.

Childcare. A facility where six (6) or more children are cared for on a part-time basis by day or by night including after-school care. The term does not include community based residential facilities, Family Care Homes, foster homes, group homes, rehabilitation or detention centers, orphanages, or other places operating primarily for remedial care.

College / University. A facility for post-secondary education that grants associate, bachelor, master or doctoral degrees, and may include research functions or professional schools.

Elementary School. A facility offering instruction at the elementary school level.

Learning Center. A facility offering to students training, tutoring or instruction in subjects such as languages, music, fine arts or dance. This may include provision of electronic testing and distance learning.

Middle / High School. A facility offering instruction at the middle or high school level.

Pre-School. A facility offering care and instruction of children who are pre-elementary school age.

Research Facility. A facility for research and development that does not involve the use of



human testing, animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, processing, or sale of products. Any facility involving human testing, animal husbandry, and the use of incinerators shall be considered a Major Facility.

*Special Training / Vocational.* A facility offering instruction or training in trades or occupations such as secretarial, paralegal, business, beauty, barber, bartender, acupuncture, massage, design, fine arts, music and dance or other similar vocations. This classification excludes training and education in any activity that is not otherwise permitted in the zone.

## **8. Industrial.**

This category is intended to encompass land Use functions connected with a business or activity involving manufacturing, fabrication, assembly, distribution, disposal, warehousing or bulk storage, trucking and equipment facilities, and other business serving primarily industrial needs. Residential Uses are not permitted except for live- aboard in commercial marinas, and limited work-live Uses.

### **B. Definitions of Terms**

*A-Frame Sign.* A type of freestanding, portable sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (also known as a sandwich board sign).

*Abandoned Sign.* A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least six (6) months.

*Abutting.* To reach or touch; to touch at the end or be contiguous with; join at a border or boundary; terminate on. Abutting properties include properties across a street or alley.

*Accessory Building.* A building separate from and subordinate to the principal building on a lot and used for purposes incidental to those of the principal building. Syn. Backyard Cottage, Garage Apartment, Granny Flat, Ancillary Apartment.

*Accessory Dwelling Unit (ADU).* See Accessory Dwelling Unit, in Section 15.4.A.1.

*Accessory Unit.* See Accessory Dwelling Unit.

*Address Plaque.* A small sign mounted to the front or side of a building at the pedestrian level, or dimensional letters mounted above the door, conveying the numerical street address of the building.

*Albedo.* The ratio of light reflected by a surface.

Allee. A regularly spaced and aligned row of trees usually planted along a street or Pedestrian Passage.

Alley. A Thoroughfare (not officially designated as a street) designated by a recorded plat, deed, or legal instrument, to be a secondary means of vehicular access to the rear or side of properties otherwise Abutting a street; an Alley may connect to a vehicular driveway located to the rear of Lots providing access to outbuildings, service areas and parking, and containing utility Easements.

Arcade. An open structure that projects from the front of a Building and covers a sidewalk, providing protected access along one or more sides of a Building. It is typically a substantial, masonry colonnade with or without arches supporting habitable space above. Compare to Gallery.

Arcade Frontage. See Section 15.6.A. Frontage Types Table. A Private Frontage conventionally for Retail use wherein the Facade is a colonnade that overlaps the Sidewalk, while the Facade at the Sidewalk level remains at the Frontage Line. The covered pedestrian way is within the Building and there is Habitable Space above.

Architectural Features. Prominent or significant parts or elements of a Building or Structure.

Architectural Screening. A decorative architectural element which may be incorporated into or applied to a building's façade to provide visual texture or layering; add permeability; regulate light, thermal, and/or sound; and provide privacy control or optical filtering. Screens come in a wide variety of materials, designs, and styles. See also Screening.

Average Sidewalk Elevation. The average of the record profile grade elevation of each of the streets Abutting a development, as determined and on file with North Bay Village Works Department.

Awning. A movable roof-like Structure, cantilevered or otherwise entirely supported from a Building, used to shade or screen windows or doors.

Awning Sign. A sign painted on, printed on, or applied to an awning.

Backbuilding. A single-story Structure with a maximum width of twelve (12) feet connecting a Primary Building to an Outbuilding.

Balcony. An unenclosed habitable Structure cantilevered from a Facade or Building Elevation.

Band Sign. See Wall Sign.

*Banner Sign.* A sign consisting of cloth, bunting, plastic, paper, or similar non-rigid material attached to a structure, staff, pole, rope, wire, or framing which is anchored on two or more edges. Banners are temporary in nature and do not include flags.

*Base Building Line.* The officially mapped street lines. Lines so established may fall within the boundaries of Lots and shall be used instead of the Lot lines adjacent to the streets in determining the Layers and Setbacks.

*Base Flood.* The 100-year flood, i.e., the flood that is estimated by FEMA to have a 1% chance of occurring in any given year. This is the event that is used by the National Flood Insurance Program (NFIP) for determining flood risk and for emergency planning purposes.

*Base Flood Elevation (BFE).* The estimated elevation of the Base Flood within a particular zone, as listed on the FEMA flood map and periodically updated based on new data and improved technology.

*Bay Window.* An architectural feature of habitable space with large windows that projects beyond the exterior wall of a building. The exterior walls shall be at least fifty percent (50%) glass.

*Bed and Breakfast.* See Section 15.4.A.2, Lodging Use

*Bicycle Lane.* A lane dedicated for bicycle use demarcated by striping or otherwise separated from vehicle lanes.

*Bicycle Rack Space.* Parking space for any two-wheel alternative mode of transportation including: bicycle, scooter, motorcycle, Segway®, etc.

*Bicycle Route.* A Thoroughfare designated for shared use of bicycles and automobiles.

*Billboard.* A sign which directs attention to a business, product, commodity, service, entertainment venue, or facility not located, conducted, sold, or offered upon the premises where such sign is located or which calls public attention to a candidate, cause, or public issue and which may be either freestanding or mounted upon a building.

*Block.* The aggregate of private Lots, passages, rear lanes and Alleys, the perimeter of which abuts Thoroughfares.

*Build-to Line.* A line established within a given Lot indicating where the outer edge of a Structure must be located.

*Building.* Any Structure having a solid roof intended for shelter or enclosing of persons, animals, chattels, property, equipment or a process of any kind or nature, excluding freestanding tents, freestanding awnings, and cabanas and screened enclosures.

Building Code. The State of Florida Building Code.

Building Configuration. The form of a Building, based on its massing, Private Frontage, and Height.

Building Height. The vertical extent of a Building measured in feet.

Bulkhead (in the context of Sea Walls). Synonym for Sea Wall. Definition forthcoming. A vertical wall which separates a body of water from adjacent land.

Bulkhead (in the context of Shopfronts). A low wall on a shopfront between the sidewalk grade and the shopfront windows typically between 18 and 30 inches in height.

Canopy. A multi-sided overhead architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building supported by columns at additional points, or freestanding, with or without signage.

Canopy Sign. A sign that is part of, or attached to, a canopy.

Cap (in the context of Sea Walls). A box structure which ties together a seawall at the top.

Civic. Uses held in private or public ownership but functioning for community purposes such as religious, cultural, environmental, or educational uses. See Section 15.4.A.5.

Civic Building. A Building designed specifically for a Civic Function.

Clearance. The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal clear distance between two objects.

Clear Window. The glass surface of a window that allows visual permeability without tinting or screening.

Code. The NBV 100 Code. May also be referred to herein as this Code.

Commercial. See Section 15.4.A.4.

Commercial Rental Sign: See Real Estate Sign.

Common Lawn. A frontage yard type with a deep setback, remaining unfenced and visually continuous with abutting yards, supporting a common landscape that may be densely planted to buffer from high-speed streets. See Section 15.6.A. Frontage Types Table.

Community Residence. See Section 15.4.A., Residential Use.

Comprehensive Plan. The North Bay Village adopted Comprehensive Plan.

Configuration. The form of a building based on its massing, Private Frontage and Height.

Construction Sign. Nonilluminated signs that identify the architects, engineers, planners, contractors, or other individuals or firms involved with a construction project or announce the character or purpose of a project that may be displayed at the project site.

Corner Sign. A sign mounted perpendicularly from a building edge along two frontages positioned at an equal degree to both frontages.

Cross-Block Passage. See Passage.

Crown of Road. The elevation of the crown of road. Refer to the Department of Public Works.

Density. The number of Dwelling Units within a standard measure of land area, usually given as units per acre.

District. See Form-Based District.

Dock. See Pier

Dormitory. See Section 15.4.A., Residential Use.

Dwelling Unit. Residence of a single housekeeping unit.

Easement. A legal instrument, in a form approved by the Village Attorney and recorded in the county and Village records, that allows access through real property of the conveyor.

Eave. The edge of the roof that meets or overhangs the walls of a building.

Ecotone. A region of transition between two biological communities.

Electric Vehicle (EV). A vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a nonelectrical source of power designed to charge batteries and components thereof.

Elevation, Building. An exterior wall of a Building not along a Frontage Line (See Facade).

Elevation, Floor. Height of floor level.

Electronic Message Center (EMC) Sign. A sign, or portion thereof, that consists of electronically changeable alphanumeric text.

Encroachment. Building element permissible within required Setback.

Enfront. To place an element along a frontage, as in “arcades enfront the street.”

Entrance, Primary. The main point of access for pedestrians into a Building. It shall remain open and unobstructed during regular business open.

Entry Height. The maximum or mini-mum vertical dimension from the side-walk level measured from the midpoint of the lot frontage to the entry floor of a building. Garages and outbuildings are exempt from this requirement.

Estate Sale Sign. A temporary sign advertising a home sale of household goods.

Exception. A permit for a deviation from the Uses allowed by this Code requiring a Public Hearing. See Chapter 4, Section 4.4.

Facade. An exterior wall of a Building that is set along a Frontage Line. All sides of a Tower shall be treated as Facades. (See Elevation, Building).

Fence. A permeable metal or wooden wall, independent of a Building, located along a Frontage line.

FEMA. Federal Emergency Management Agency.

Finished Grade. The final elevation of the average ground level adjoining a building at all exterior walls after development.

Finished Floor Level. The top of the structural floor members of the habitable spaces. See also Section 15.3.A.2.

FIRM. Flood Insurance Rate Map. Provides information on flood risk including flood zones and BFE.

Flag Sign. A sign printed or painted on a cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one

edge or supported or anchored at only two corners. This definition shall include “feather flags” and “flutter flags.”

*Flood-proofing.* Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents. Flood-proofing shall be certified by an engineer.

Floorplate. The total indoor and outdoor Floor Area of any given Story of a Building measured to the exterior of the wall or balcony.

*Floor.* See Story.

*Floor Area.* The floor area within the inside perimeter of the outside walls of the Building including hallways, stairs, closets, thickness of walls, columns and other features, and parking and loading areas, and excluding only interior Atria and open-air spaces such as exterior corridors, Porches, balconies and roof areas. Also means Building or Development Capacity.

*Floor Lot Ratio (FLR).* The multiplier applied to the net Lot Area that determines the maximum Floor Area allowed above grade in a given Transect Zone. The maximum FLR may exceed the actual capacity that a site can sustain when other regulations of the Code are applied to the site.

*Food Service Establishment.* See Section 15.4.A.4., Commercial Use.

*For Sale Sign.* See Real Estate Sign.

*Forecourt.* A three-sided courtyard on the front of a building that opens on one side to a Thoroughfare or public right-of-way. Typically, the Primary Entrance is located in the Forecourt. See Section 15.6.A.

*Frontage Types Table.*

*Form-Based Code.* A code that specifies form of the buildings graphically. Form-based codes generally prescribe building types, frontages, and other characteristics while loosening restrictions on use. They do this by making use of the ability of harmonious urbanism and architecture to overcome objections to mixed-use.

*Form-Based District.* An area composed of Transect Zones.

*Freeboard.* Minimum required additional height above the BFE that constitutes a factor of safety required by FEMA, typically at least one (1) foot in A zones and five (5) feet in V zones. (See also Chapter 10, Sec. 10.2),

Frontage. The area between a Building Facade and the vehicular lanes of a Thoroughfare or the pavement of a Pedestrian Passage.

Frontage, Building. Synonym for Facade.

Frontage, Pedestrian. That Frontage facing the public space that defines the primary, dedicated, and accessible pathway that runs parallel to the street.

Frontage, Primary (principal). That Frontage facing the public space such as a Thoroughfare of higher pedestrian importance (i.e., traffic volume, number of lanes, etc.).

Frontage, Private. The Layer between the Frontage Line and the Primary Building Facade. The Structures and landscaping within the Private Frontage may be held to specific standards regarding the depth of the setback and the combination of architectural elements such as Fences, Stoops, Porches and Galleries.

Frontage, Public. The area between the curb of the vehicular lanes and the Frontage Line. Elements of the Public Frontage include the curb, Sidewalk, planter, street tree, streetlight, street furniture, etc.

Frontage, Retail. Frontage that intended for retail use.

Frontage, Secondary. That Frontage facing the public space such as a Thoroughfare that is of lesser pedestrian importance (i.e., traffic volume, number of lanes, etc.).

Frontage Line. Property Line or Base Building Line Abutting a public space, such as a Plaza or Thoroughfare, whether at the front, rear, or side of a Lot. Facades parallel to Frontage Lines define the public realm and are therefore more regulated than the Elevations that coincide with other Lot Lines.

Function. The land Use allowed on property according to this Code.

Future Crown of Road. The highest projected elevation of the Crown of Road after the thoroughfare has been raised. Refer to the Stormwater Management Plan of the Department of Public Works for data.

Gallery. An open structure that projects from the front of a Building and covers a sidewalk, providing protected access along one or more sides of a Building. It is typically a light, metal colonnade with no habitable space above. See Gallery Frontage Type in Section 15.6.A. Frontage Types Table. Compare to Arcade.

Gallery Frontage. See Section 15.6.A. Frontage Types Table.



Garage Sale Sign. A temporary sign advertising a home sale of household goods.

Green Space. An Open Space outdoors, at grade, unroofed, landscaped and free of impervious surfaces.

Green Wall. Refer to Chapter 3, and Ch. 9, Division 4 – Landscaping. Green walls are also referred to as Living or vegetated Walls. See also Screening.

Ground floor. Synonym for first Story.

Ground Sign. A freestanding single or double-faced sign that is placed on or anchored in the ground.

Habitable Rooms. Rooms designed and used for living, sleeping, eating, cooking, or working or combinations thereof. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility spaces, basement recreation rooms, and similar areas are not considered Habitable Rooms.

Habitable Space. Building space which Use involves human presence with direct view of the enfronting streets or public or private Open Space, excluding Parking Garages, self-service storage facilities, warehouses, and display windows separated from retail activity.

Hanging Sign. A single or double-sided sign suspended from the underside of a canopy, awning, or structure contained wholly underneath the overhead structure.

Height. See Building Height.

Home Office. See Section 15.4.A.1, Residential Use.

Hotel. See Section 15.4.A.2, Lodging Use.

Inn. See Section 15.4.A.2, Lodging Use.

Intensity. The magnitude of development measured by Floor Lot Ratio permitted in the Restricted, Limited and Open categories of a Transect Zone.

Island Walk. The public shoreline walkway in North Bay Village, formerly known as the Baywalk.

Kiosk. A temporary booth, stand, or similar structure situated outdoors or affixed to the exterior of another structure at which goods or services are marketed. It does not include a structure

servicing the same purpose which is located within a primary structure, such as a hotel, retail establishment, restaurant, or the like.

*Kitchen.* A room or area inside a building fully equipped with all the standard cooking appliances including: a sink, stovetop, oven, and refrigerator.

*Kitchenette.* A room or area inside a building partially equipped with standard cooking appliances, including: a sink, stovetop, and refrigerator, but excluding an oven.

*Layer.* An area of a Lot which comprises a strip of land parallel to a Frontage Line within which certain elements are allowed or disallowed, as regulated in this Code. A Layer is typically specified as being the First, Second, or Third Layer. See Section 15.6.B. Definitions Illustrated Table.

*Layer, First.* The Layer between the Base Building Line and the required Setback including the Private Frontage. It is the most visible from the Thoroughfare. See Section 15.6.B. Definitions Illustrated Table.

*Layer, Second.* The Layer behind the First Layer starting at the Setback which includes that portion of the Building which enfronts the Thoroughfare. See Section 15.6.B. Definitions Illustrated Table.

*Layer, Third.* The Layer beyond the First and Second Layers towards the rear of the Lot. It is the least visible from the Thoroughfare. See Section 15.6.B. Definitions Illustrated Table.

*Letter Height.* The height of a letter from its bottom to its top, including any shadow lines which are constructed as part of the sign.

*Level.* Synonym for Story.

*Liner.* A Building or part of a Building with Habitable Space specifically designed to enfront a public space, masking a function that lacks the capacity to monitor public space, such as a parking lot, Parking Garage or storage facility.

*Livability.* See Section 15.1.B.2.a.

*Live-Work.* See Section 15.4.A.1, Residential Uses

*Living Sea Wall.* Concrete modules that are attached to existing seawalls that mimic natural shapes, which help to disperse wave action, create marine habitat, and increase biodiversity.

Living Shoreline. A protected and stabilized shoreline that is made of natural materials such as plants, sand, or rock.

Living Wall. See Green Wall.

Loading Berth. See Loading Space.

Loading Space. An area in which goods and products are moved on and off a vehicle, including the stall or berth and the apron or maneuvering room incidental thereto.

Lot. A Lot is any individual Lot, tract or parcel of land, intended as a single Building site or unit, having an assigned number or numbers, letter or letters, or other name through which it may be identified for development purposes. A Lot may also be any combination of Lots, tracts, parcels or other areas of land established by acceptable legal joinder, delineated by a closed boundary and assigned a number, letter or other name through which it may be identified, intended as a single unit for development purposes.

Lot Area. Lot area shall be the area within the Lot Property Lines, excluding any portions of street rights-of-way or other required dedications.

Lot, Corner. A Lot or parcel of land Abutting two (2) or more Thoroughfares at their intersection, or two (2) parts of the same Thoroughfare forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage. The area of the Lot occupied by all Buildings, excluding Structures such as decks, pools, and trellises.

Lot, Interior. A Lot Abutting only one (1) Thoroughfare.

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

Lot Width. The length of the narrowest dimension Frontage Line of a Lot.

Marquee. A permanent roof-like structure supported by a wall of a structure but having no relationship to the roof structure, generally designed and constructed for protection against weather.

Marquee Sign. A sign attached to a marquee.

Master Plan. A plan for a locality, embracing both the spheres of physical development and policy. A Master Plan is generally accepted by a legislative body but is not in itself a regulatory document.

Mezzanine. An intermediate, partial floor that projects between main floors of a building and it is counted among the overall floors of a building.

Mean Sea Level (MSL). Average sea level, commonly referred to as sea level.

Micro Unit. A small studio apartment, less than 400 square feet with a fully functioning and accessibility compliant kitchen and bathroom.

Multi-Family Housing. See Section 15.4.A.1, Residential Use.

Mixed-Use. Multiple functions within the same building or within the same area through superimposition or adjacency.

Mural. Artwork applied to the wall of a building, which covers all or most of the wall. Where a mural contains a commercial message, it shall be considered a wall sign.

NBV100. Master Plan for North Bay Village. See Final Report.

Nonconforming Sign. Any sign that has a valid permit and was erected prior to the effective date of the Code or any subsequent amendment hereto, to the provisions of which the sign does not conform.

Open House / Model Home Sign. See Real Estate Sign.

Open Space. Any parcel or area of land or water essentially unimproved by permanent Buildings and open to the sky; such space shall be reserved for public or private Use. Open Spaces may include Parks, Greens, Squares, Courtyards, Gardens, Playgrounds, Paseos (when designed predominantly for pedestrians), and pedestrian paths or associated landscaped areas.

Outbuilding. A Building usually located towards the rear of the same Lot as a Primary Building. It is sometimes connected to the Primary Building by a Backbuilding.

Parking Area. Any area designed and used for parking motor vehicles including parking lots and garages, driveways, garages serving residential Uses, and Thoroughfares.

Parking Garage or Parking Structure. A Structure containing vehicular parking, including mechanical parking systems.

Parking, Off-site. Spaces provided for vehicles and located outside of the boundaries of the Lots to be served.

Parking, Off-street. Any land area designed and used for parking motor vehicles including parking lots and garages, driveways and garages serving residential uses, but excluding areas of Thoroughfares.

Parking, Shared. The policy wherein day / night and weekday / weekend schedules allow the parking to be shared by more than one use or building.

Parking, Tandem. The placement of vehicles one behind the other as opposed to side by side.

Paseo. See Passage.

Passage. A pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages. They are public open spaces restricted to pedestrian use that also connect thoroughfares and other public use spaces.

Pedestal. In T6 Zones, that portion of a Building up to the fifth Story. Also known as podium.

Pedestrian Passage. See Passage.

Pervious Pavement System. A porous surface system with a stabilized base that allows water from precipitation and other sources to pass directly through, thereby reducing the runoff from a site, allowing groundwater recharge, and naturally cooling the surface through evaporation of water from pavement voids or from beneath.

Pier. A platform extending from shore over water used to secure and protect vessels or allow pedestrian access to extend over water.

Planter. The element of the public streetscape which accommodates street trees. Planters may be continuous or individual and separated.

Place of Assembly (POA). A commercial facility for public assembly including, but not limited to arenas, auditoriums, conference facilities, convention centers, exhibition halls, major sports facilities, theaters and performing arts centers, and the like.

Plaza. An Open Space available for civic purposes and programmed activities. A plaza shall be spatially defined by Building Frontages and may include street Frontages. Its landscape shall

consist primarily of pavement and trees. Plazas shall be located at the intersection of important Thoroughfares.

Political Sign. A sign advertising a candidate, political party, or position in connection with a local, state, or national election.

Porch. An open-air room appended to a Building, with floor and roof but no walls on the sides facing Frontages.

Porch and Fence Frontage. See Section 15.6.A. Frontage Types Table.

Primary Building. A Structure used to enclose or house the primary Use(s) located on a Lot; or the main Building on a Lot, usually located toward the front.

Primary Dwelling Unit. See Single-Family Residence.

Primary Frontage Line. A line established within a given Lot indicating where the Front Facade of a Structure must be Located. (Also Build-to Line).

Principal. Synonym for Primary.

Projecting Sign. A building-mounted, double-sided sign which is mounted perpendicular to a building's façade.

Promenade. A controlled pedestrian sequence designed to be aesthetic, as opposed to an itinerary, which is a controlled sequence without such ambition. A promenade is usually a sequence within a park, sometimes along a waterfront.

Property Line. Demarcation of private property ownership.

Prosperity. See Section 15.1.B.2.c.

Public Parking. See Section 1.1, Civil Support Use.

PZB. The Planning and Zoning Board of North Bay Village.

Real Estate Sign. A sign depicting sale or lease of a property on the premises of the property being advertised.

Recreational Watercraft. A vessel or craft designed and licensed to move across or through water, designed and outfitted exclusively for recreational use.

Regulating Plan. The Form-Based Districts Regulating Plan of North Bay Village. See Section 15.5. Form-Based District Regulating Plan.

Rental. See Real Estate Sign.

Residential Use. See Section 15.4.A.1.

Residential Construction Sign. See Construction Sign.

Resiliency. The capacity of a community, business, or natural environment to prevent, withstand, respond to, and recover from a disruption.

Retail. A business providing the sale and display of goods or sale of services directly to the consumer. Retail goods include: clothing, food, furniture, pharmaceuticals, books, used goods, and works of art. General retail services include, but are not limited to: barber shops, beauty salons, travel agencies, retail banking, real estate agents, retail dry cleaning, laundromats, photo studios, and repair services establishments for small domestic products.

Retail Frontage Line. Frontage Lines designated on a Special Area Plan that require the ground level to be available for retail Use.

Right-of-Way, Public. That land held in trust by the Village between the base building lines, including the sidewalk, swale and parkway area, and the roadway, street and highway.

Rip rap. Loose stone used to form a foundation for a breakwater or other structure.

ROW. Right-of-way.

Rules of Construction. A legal term referring to rules for how the code language is written and how it is to be interpreted. This term should not be confused with the Building Code.

Scale. The spatial relationship among Structures along a street or block front, including height, bulk and yard relationships. Scale also refers to the proportional relationship of the size of parts to one another and to the human figure.

Screening. Visually shielding or obscuring one Structure or Use from another or from a thoroughfare by a Liner Building, fencing, wall, or densely planted vegetation. See also Architectural Screening.

Sea Level Rise (SLR). The average long-term global rise of the ocean surface measured from the center of the earth, as derived from satellite observation.

Sea Wall. A wall or embankment made up of a bulkhead and cap erected to prevent the sea from encroaching on or eroding an area of land. See Bulkhead.

Setback. The distance from the Base Building Line to the point where a Building may be constructed. This area must be maintained clear of permanent Structures with the exception of encroachments described in each Transect Zone.

SF. Square foot.

Shared Parking Standards. An accounting for parking spaces that are available to more than one function.

Shared Use Path. A form of infrastructure that supports multiple recreation and transportation opportunities. Users include, but are not limited to: bicyclists, in-line skaters, wheelchair users, and pedestrians.

Shopfront. The ground floor facade of a commercial building visible from a street, sidewalk, parking area, or other public way, comprising an entrance to an establishment and display windows. See Section 15.2.E. Shopfront Standards.

Shopfront Frontage. See Section 15.6.A. Frontage Types Table.

Sidewalk. The paved layer of the Public Frontage dedicated exclusively to pedestrian activity.

Sign. Any writing, symbol, figure, representation, logo, emblem, flag, banner, device, letter, word, street clock or temperature announcement, which shall include any announcement, declaration, demonstration, display, illustration, name identification, description or insignia, which is used to advertise or promote the interest of any person or firm when such representation is placed in view of the general public.

Sign Band. A horizontal component of a Shopfront to accommodate band signs located above transom and Shopfront windows and below the transition band.

Sign Area. The area of a sign shall mean the area of all lettering, wording, accompanying designs, logos, and symbols, together with the background on which they are displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering.



wording, or symbols. Where the sign consists of individual letters, designs, or symbols attached to a building, awning/canopy, wall, window, or freestanding structure, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.

Sign Copy. Any letter, numeral, figure, symbol, logo, or graphic element displaying the content or message of a sign.

Single-Family Residence. See Section 15.4.A.1, Residential Use.

Snipe Sign. A sign attached to a tree, pole, stake, fence, public bench, streetlight, or other object, placed on public property, in the public right-of-way or on private property without the permission of the property owner (also known as a bandit sign).

Square. An Open Space available for unstructured recreation programs and civic purposes. A square is spatially defined by Building Frontages with streets on at least one Frontage. Its landscape shall consist of pavement, lawns, and trees formally disposed. Squares shall be located at the intersection of important thoroughfares.

Stepback. A recess in the mass of a Building above a specified elevation or level. It is measured horizontally from the exterior face of the Building below (not from the Property Line or Setback) to the exterior face above.

Stoop. A small, uncovered, exterior stair, most often with a landing, that connects a Building entrance to the Sidewalk. There may be a ramp in addition to or in place of the stair.

Stoop Frontage. See Section 15.6.A. Frontage Types Table.

Storefront. Synonym for Shopfront.

Story. That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the surface of the floor next above it; or, if there is no floor next above it, then the space between the floor and the ceiling next above it by which Height is measured. Synonymous with Floor and Level.

Streetscape. The urban element that establishes the major part of the public realm. The streetscape is composed of Thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and Sidewalks or paths for pedestrians) as well as the amenities of the Public Frontages (street trees and plantings, benches, streetlights, paving, street furniture, etc.), and the visible Private Frontages (Building Facades and Building Elevations, Porches, yards, Fences, etc.).

Streetedge. A masking structure stretching along the frontage line or co-planar with the facade, designed to remedy a gap of spatial definition or to mask parking. A streetedge shall consist of one or a combination of the following: a solid masonry streetwall (Streetscreen), matching the

finish of the Primary Building; a fence not less than 50% opaque; or a dense hedge.  
Streetscreen. A freestanding wall required in certain Transect Zones built along the Frontage Line, or coplanar with the Facade, often for the purpose of masking a parking lot from the Thoroughfare.

Structure. A Structure is anything constructed or erected, the use of which requires fixed location on the ground or attachment to something having fixed location on the ground or on or below the surface of the ground or water.

Sub-Urban Zone or T3 Zone. See Transect Zone (T-Zone). (Reserved)

Terrace. An elevated, uncovered patio along the front of a Building, larger than a stoop or stair landing.

Terrace Frontage. See Section 15.6.A. Frontage Types Table.

Thoroughfare. A vehicular way incorporating moving lanes and parking lanes within a right-of-way as part of an interconnected network for vehicular, pedestrian, and bicycle mobility.

Tower. In T6 Zones that portion of a Building that extends above the Pedestal.

Tower, Waterview. A habitable portion of a Building at or above the maximum Building Height that is intended for views of the water, and which may be used for access to the roof.

Transect. A system of ordering human habitats in a range from the most natural to the most urban. Transect Zones describe the physical character of place at any Scale, according to the Density and Intensity of land use and urbanism.

Transect Zone (T-Zone). The identification of areas of varying Density whose character is determined by the requirements for Use, Height, Setback and the form of Building and the form of the enfronting public streetscape. The elements are determined by their location on the Transect scale. Transect Zones include T1 Natural, T2 Rural, T3 Sub- Urban, T4 Urban General, T5 Urban Center, and T6 Urban Core, CS Civic Space, CI Civic Institutional. T3 through T6 Zones may be subcategorized as Restricted (R), Limited (L), and Open (O).

Transition Line. A horizontal line spanning the full width of a Facade, expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

Trellis. A lattice-pattern frame supporting climbing plants, usually made of wood. A trellis may arch to form a tunnel, be straight as a pergola, or be a screen affixed to a wall.

Two-Family Residence. See Section 15.4.A.1, Residential Use.

Type. A category determined by Function, disposition, and configuration, including size or extent, such as Thoroughfare types, Civic Space Types, etc.

Understory. The uninhabited ground level of a building designed to allow flood waters to pass through.

Use. The purpose or activity for which land, water or Buildings are designed, arranged, or intended, or for which land or Buildings are occupied or maintained.

Variance. A dispensation permitted on individual parcels of property as a method of relieving an unnecessary hardship, by allowing a reasonable use of the building, structure, or property, which, because of unusual or unique circumstances, is denied by the provisions of this code.

Verge. The green space between the Sidewalk and the Curb in the public right-of-way.

Vessel. Any watercraft, power-driven or not, mobile or stationary, surface, subsurface or hydrofoil, including but not limited to ships, boats, houseboats, air boats, and sea planes, but excluding Floating Structures.

Vessel, Commercial. A vessel built, altered, or used for the primary purpose of engaging in water-related commercial activity, including but not limited to charter boats, fishing boats, cruise ships, and freighters.

Vessel, Private Pleasure Craft. A vessel which is privately owned or leased primarily for recreational purposes. Private pleasure craft do not include commercial, official, or scientific vessels. For regulatory purposes, private pleasure craft are divided into two (2) classes. Minor: Under sixteen (16) feet in length; Major: Sixteen (16) feet and over in length. Private pleasure craft may or may not contain facilities qualifying them Residential Use. Where they do contain such facilities, Use within the Village limits shall be governed as provided in this Code and other applicable regulations.

Vestibule. A passage, hall, or room between the outer door and the interior of a building.

View Corridor. A portion of a lot that allows views of the water from a public thoroughfare. No parking or above-ground structures are allowed. Landscaping must not obstruct the view.

Village. North Bay Village.

Village Center. Typically comprised of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core.

Village Code. The Code of Ordinances of North Bay Village.

Waiver. Permits for a minor deviation from the code, other than for use, granted administratively. See Section 15.1.H.

Wall Sign. A sign erected against or painted on the wall of any building, displayed on windows or doors, or displayed with the exposed face thereof in a plane parallel to the face of said wall, window, or door.

Warning / Instructional Sign. An on-premises sign regulating the use of the premises, such as a “no trespassing,” “no-hunting,” or “no soliciting” sign.

Warrant. A minor use exception granted administratively. See Section 15.1.H.

Wayfinding Sign. A sign or series of signs directing from point to point or confirming progress along a route to a destination.

Window Sign. A sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

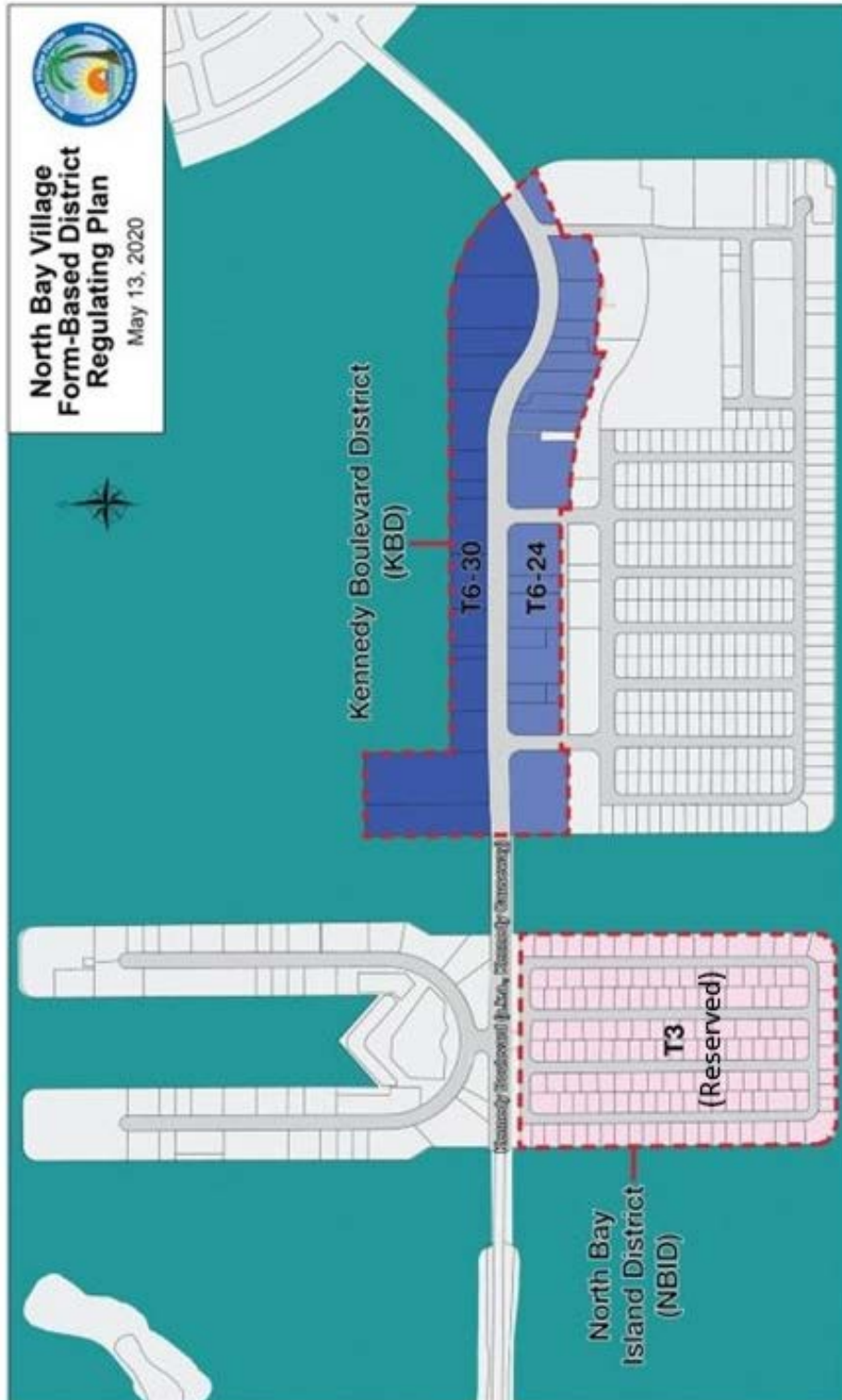
Work-Live. A mixed-Use unit that contains a commercial, office, or light industrial component. The work component exceeds fifty percent (50%) of the dwelling unit area.

Yard Sale Sign. See Garage Sale Sign.

Yard Sign. A freestanding sign placed along a property frontage.

## **Section 15.5. FORM-BASED DISTRICTS REGULATING PLAN**

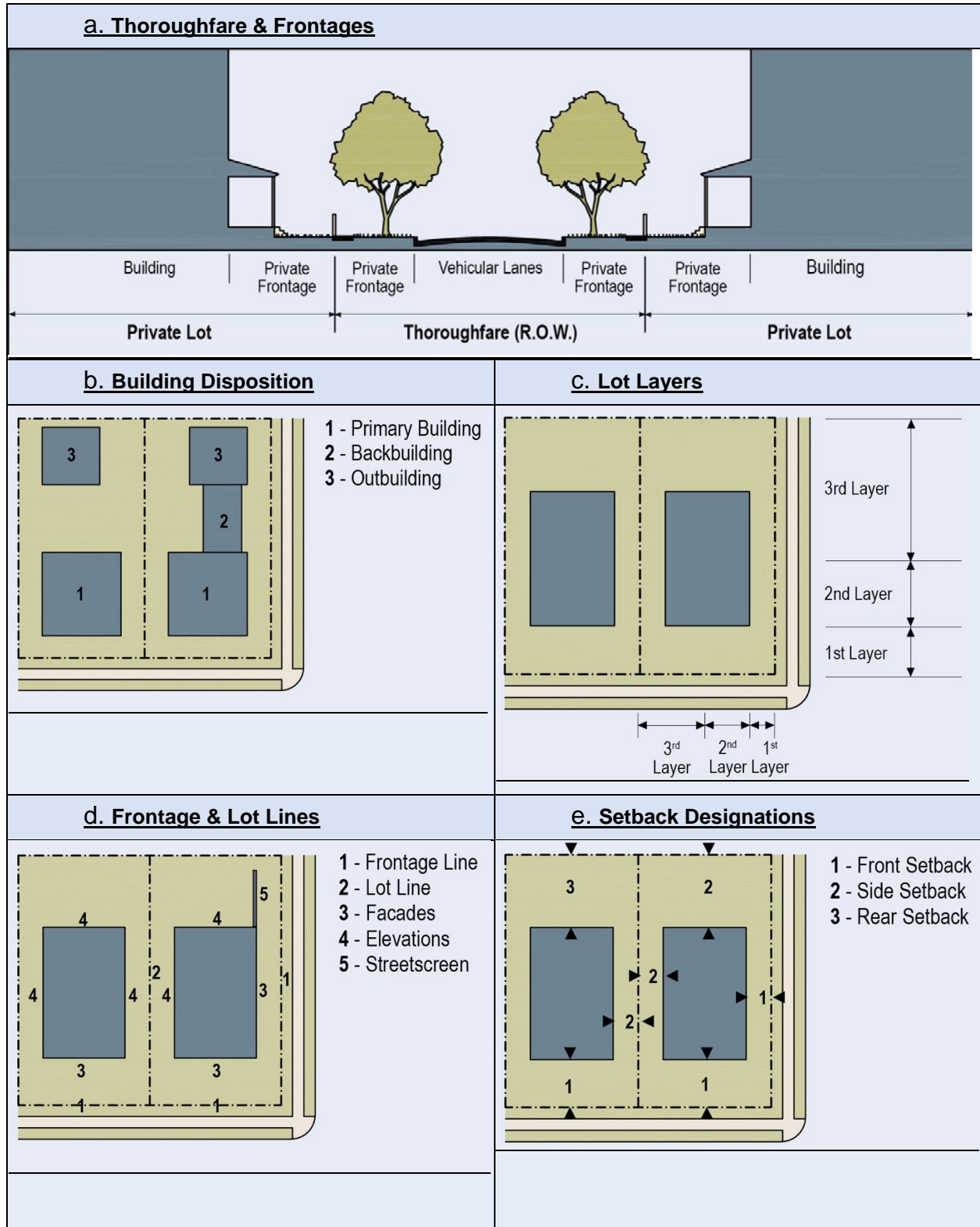
*The official Form-Based Districts Regulating Plan (a.k.a., Regulating Plan) is maintained in the Office of the Village Clerk. Refer to Section 15.1 for General Provisions. The Form-Based Districts and Transect Zones indicated on the Regulating Plan supersede zoning districts and overlay districts on the North Bay Village Zoning Map.*



**Section 15.6.A FRONTAGE TYPES TABLE.**

	SECTION		PLAN	
	LOT PRIVATE ► Frontage	R.O.W. ◀ PUBLIC Frontage	LOT PRIVATE ► Frontage	R.O.W. ◀ PUBLIC Frontage
<p><b>a. Common Lawn.</b> <i>[Reserved]</i></p> <p>A Frontage wherein the Facade is set back substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The Setback can be densely landscaped to buffer from higher speed Thoroughfares.</p>				T3
<p><b>b. Porch and Fence.</b> <i>[Reserved]</i></p> <p>A Frontage wherein the Facade is set back from the Frontage Line with an attached Porch permitted to encroach. A fence at the Frontage Line maintains the demarcation of the yard while not blocking view into the front yard.</p>				T3
<p><b>c. Terrace.</b></p> <p>A Frontage wherein the Facade is set back from the Frontage Line by an elevated terrace. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. The raised terrace is suitable for outdoor cafes.</p>				
<p><b>d. Forecourt.</b></p> <p>A Frontage wherein a portion of the Facade is close to the Frontage Line with a portion set back. The forecourt with a large tree offers visual and environment variety to the urban Streetscape.</p>				T6
<p><b>e. Stoop.</b></p> <p>A Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential Use.</p>				T6
<p><b>f. Shopfront.</b></p> <p>A Frontage wherein the Facade is aligned close to the Frontage Line with the Building entrance at sidewalk grade. This type is conventional for retail Use. It has substantial glazing at the sidewalk level and an Awning that may overhang the sidewalk.</p>				T6
<p><b>g. Gallery.</b></p> <p>A Frontage wherein the Facade is aligned at the Frontage Line with an attached lightweight colonnade overlapping a sidewalk. This type is conventional for retail Use. The Gallery shall be no less than 20 feet wide and shall overlap the whole width of the Kennedy Cswy. setback up to the property line.</p>				T6
<p><b>h. Arcade.</b></p> <p>A Frontage wherein the Facade is aligned at the Frontage Line with an open colonnade overlapping the sidewalk. Habitable space is found above the entirety of the Arcade for floors two through five. This type is conventional for retail Use. The Arcade shall be no less than 20 feet wide and shall overlap the whole width of the Kennedy Cswy. setback up to the property line.</p>				T6

**Section 15.6.B DEFINITIONS ILLUSTRATED TABLE.**



**Section 15.6.C. SHARED PARKING STANDARDS TABLE.**

a. Sharing Factor		
Function	with	Function
RESIDENTIAL		RESIDENTIAL
LODGING		LODGING
OFFICE		OFFICE
COMMERCIAL		COMMERCIAL

1	1.1	1.1
1.4	1	1.4
1.2	1.7	1.7
1.3	1	1.3
1.2	1	1.2
1		

The shared Parking Standards Table provides the method for calculating shared parking for buildings with more than one Use type. It refers to the parking requirements that appear in Section 15.7.A.

The parking required for any two Functions on a Lot is calculated by dividing the number of spaces required by the lesser of the two uses by the appropriate factor from this Table and adding the result to the greater use parking requirement.

For instance: for a building with a Residential Use requiring 100 spaces and a Commercial Use requiring 20 spaces, the 20 spaces divided by the sharing factor of 1.2 would reduce the total requirement to 100 plus 16 spaces. For uses not indicated in this chart on a mixed-use lot a sharing factor of 1.1 shall be allowed. Additional sharing is allowed by Warrant.

**Section 15.6.D. LOADING BERTH STANDARDS TABLE.**

USE				NOTES
<b>a. Residential<sup>1</sup></b>	<b>From 25,000 sf to 500,000 sf</b>			<b>Berth Types</b> Residential*: 240 sf = 10 ft x 20 ft (12 ft high) Commercial**: 420 sf = 12 ft x 35 ft (15 ft high) Industrial***: 660 sf = 12 ft x 55 ft (15 ft high)
	<b>Berth Size</b>	<b>Loading Berths</b>		
	420 sf	1 per first 100 units		
	240 sf	1 per each additional 100 units or fraction of 100		
<b>b. Lodging</b>	<b>From 25,000 sf to 500,000 sf</b>			<sup>1</sup> Residential loading berths shall be set back a distance equal to their length. <sup>2</sup> 1 Commercial berth may be substituted by 2 Residential berths <sup>3</sup> 1 Industrial berth may be substituted by 2 Commercial berths.
	<b>Berth Size</b>	<b>Loading Berths</b>		
	420 sf	1 per first 300 rooms		
	240 sf	1 per 100 rooms		
<b>c. Office, Commercial,<sup>2</sup> Industrial<sup>3</sup></b>	<b>From 25,000 sf to 500,000 sf</b>			A required Industrial or Commercial loading berth may be substituted by a Commercial or Residential loading berth by Waiver if the size, character, and operation of the Use is found to not require the dimensions specified and the required loading berth dimension could not otherwise be provided according to the regulations of this Code.
	<b>Berth Size</b>	<b>Loading Berths</b>	<b>Area</b>	
	420 sf	1st	25K sf - 50K sf	
	420 sf	2nd	50K sf - 100K sf	
	420 sf	3rd	100K sf - 250K sf	
	420 sf	4th	250K sf - 500K sf	
	<b>Greater than 500,000 sf</b>			
	<b>Berth Size</b>	<b>Loading Berths</b>	<b>Area</b>	
660 sf	1 per	500K sf		

**KEY:**

sf = square feet  
K = 1,000



**Section 15.6.E. SIGN RESTRICTIONS TABLE.**

<u>Sign Type*</u>	<u>Period</u>	<u>Number of Signs (Max.)</u>	<u>Sign Area (Max.)</u>	<u>Copy Height (Max.)</u>
<b><u>a. A-Frame</u></b>	<u>B</u>	1 per tenant	9 sf. each side	n/a
<b><u>b. Awning</u></b>	<u>O</u>	1 sloping plane, plus 1 valence per awning	75% of sloping plane; 75% area of awning valence	16 in. on sloping plane; 8 in. on valence
<b><u>c. Band Sign (Syn. Wall sign)</u></b>	<u>O</u>	1 per frontage	3 sf. per linear ft.	16 in. on sloping plane; 8 in. on valence
<b><u>d. Banner</u></b>	<u>T</u>	1 per event	Per NBV	Per NBV
<b><u>e. Canopy</u></b>	<u>P</u>	1 per canopy	2 sf. per linear foot of shopfront	Copy Height (Max.)
<b><u>f. Commercial Construction</u></b>	<u>T</u>	1 per construction site	32 ft.	n/a
<b><u>g. Corner</u></b>	<u>P</u>	1 per building	40 sf.	16 in. on sloping plane; 8 in. on valence
<b><u>h. For Sale</u></b>	<u>T</u>	1 per lot plus 1 per golf or lake frontage	3 sf. each side, 60 in. above grade	Per NBV
<b><u>i. Ground</u></b>	<u>P</u>	1 per frontage	36 sf. each side	Copy Height (Max.)
<b><u>j. Hanging</u></b>	<u>P</u>	1 per tenant	6 sf. each side	n/a
<b><u>k. Marquee</u></b>	<u>P</u>	1 per entry	n/a	16 in. on sloping plane; 8 in. on valence
<b><u>l. Mural **</u></b>	<u>P</u>	1 per frontage	n/a	per NBV
<b><u>m. Projecting</u></b>	<u>P</u>	1 per tenant	6 sf. each side	Copy Height (Max.)
<b><u>n. Open House Estate Sale Model Home</u></b>	<u>T</u>	1 per lot	3 sf. each side, 30 in. above grade	n/a
<b><u>o. Window</u></b>	<u>O</u>	1 per window	25% of glazed area	Per NBV
<b><u>p. Yard</u></b>	<u>T</u>	1 per 50 feet of frontage	6 sf. each side	Copy Height (Max.)

**Key:**

P - Permanent; Signs do not require removal.


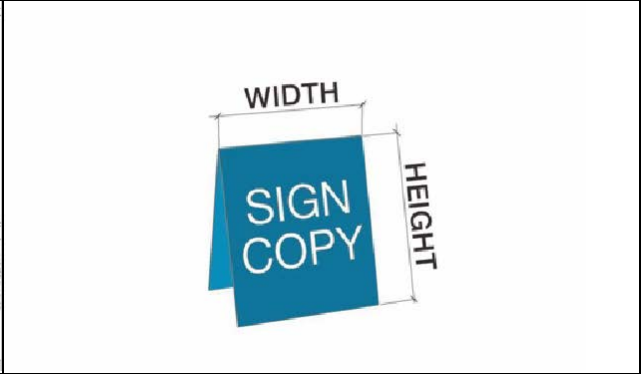
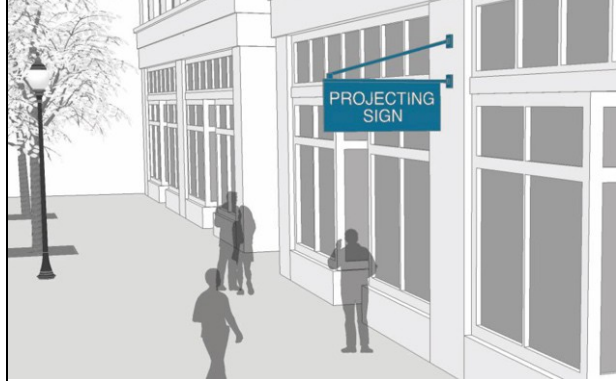
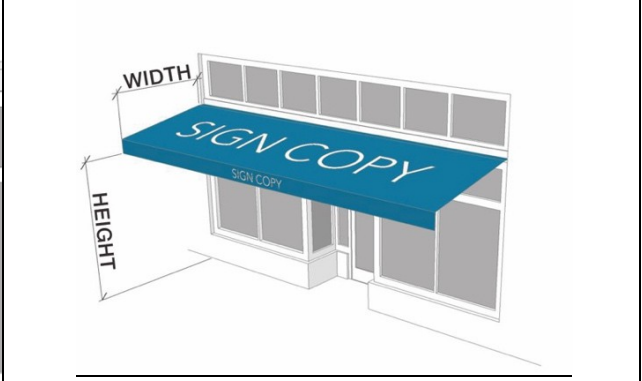

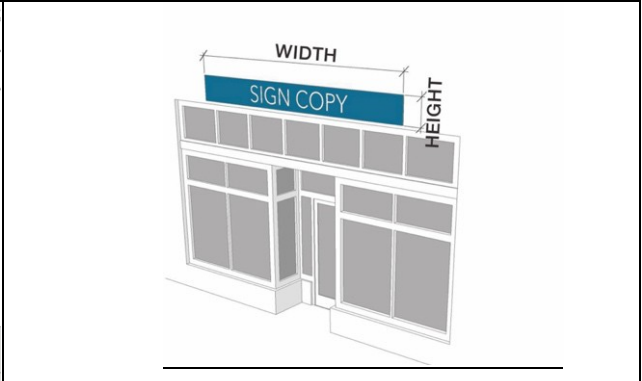

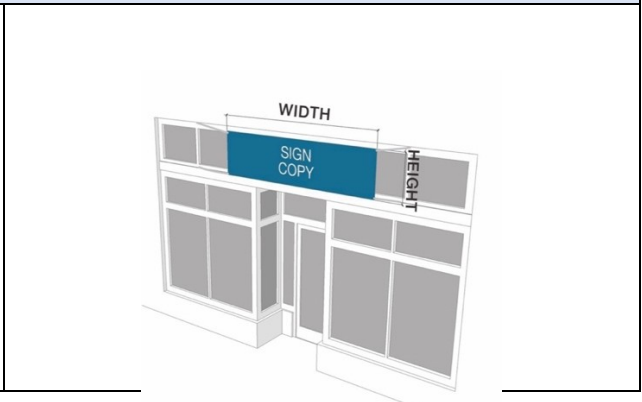
O - Occupancy; Signs must be removed within 7 days of the end of tenant occupancy. B - Business; Signs must be removed when the business is closed.

T - Temporary; Signs must be removed within the time period specified by sign type. Per NBV – Parameter to be determined admiratively. See also Section 11.7.

\*Note: See Section 15.4.B. Definitions of Terms and Section 15.6.B.5. Sign Types Illustrated Table.

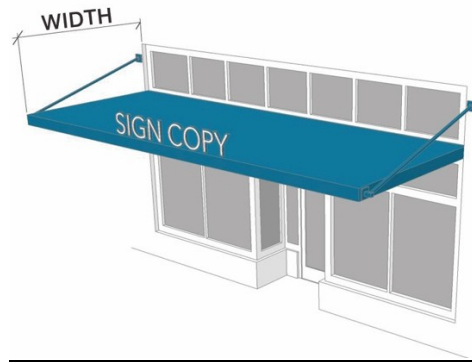
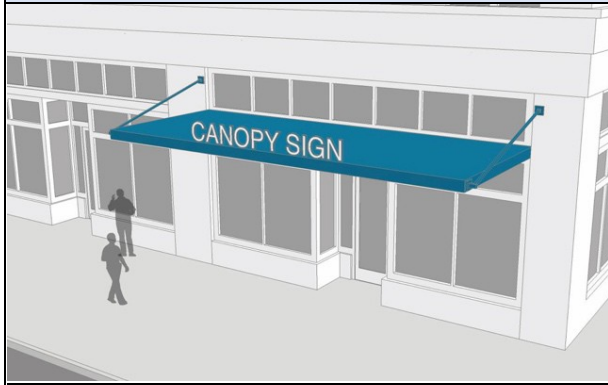
\*\* Murals – In keeping with the character of the Village, it is suggested that murals be limited to themes depicting nature or the natural environment.

**Section 15.6.F. SIGN TYPES ILLUSTRATED TABLE.**

<b>a. A-FRAME SIGN</b>	
 <p>WALL MURAL SIGN</p>	 <p>WIDTH SIGN COPY HEIGHT</p>
<b>b. AWNING SIGN</b>	
 <p>PROJECTING SIGN</p>	 <p>WIDTH SIGN COPY HEIGHT</p>
<b>c. BAND SIGN (SYN. WALL SIGN)</b>	
 <p>WALL SIGN</p>	 <p>WIDTH SIGN COPY HEIGHT</p>
<b>d. BANNER SIGN</b>	
 <p>BANNER SIGN</p>	 <p>WIDTH SIGN COPY HEIGHT</p>

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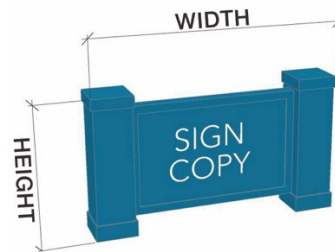
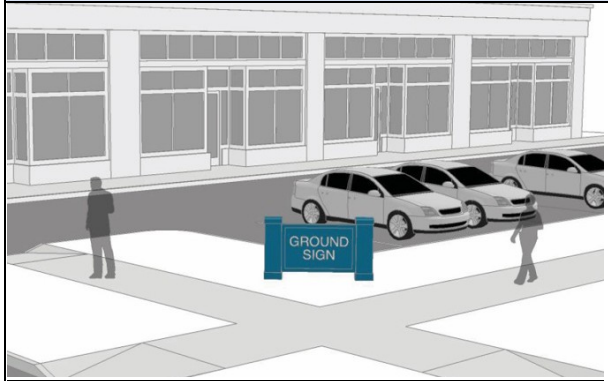
**e. CANOPY SIGN**



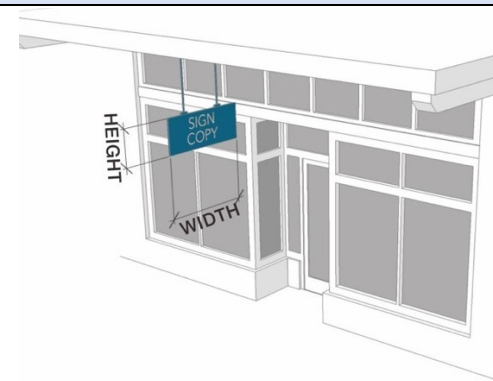
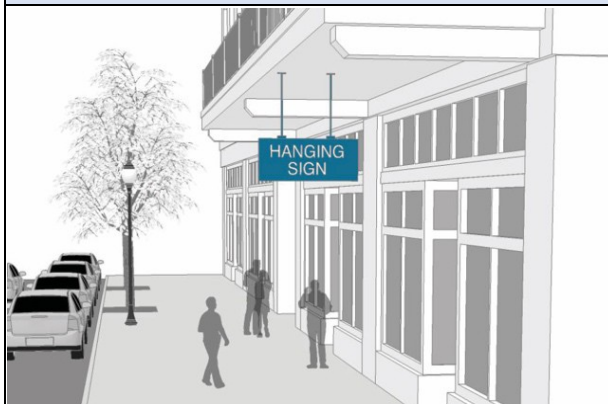
**f. CORNER SIGN**

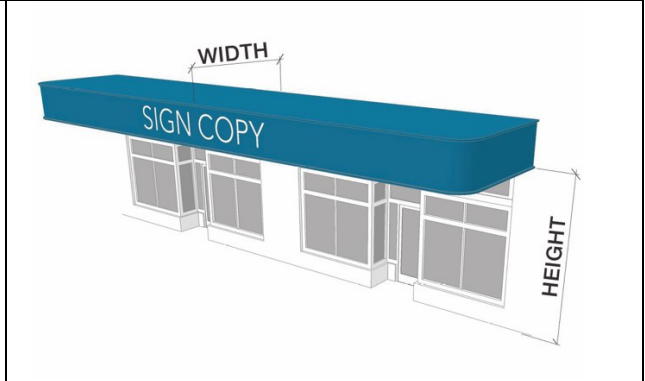


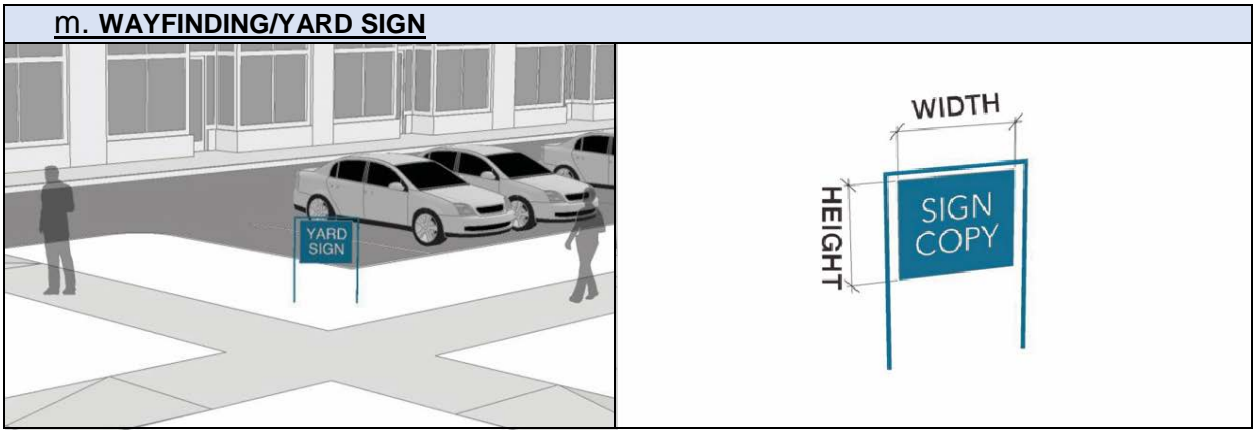
**g. GROUND SIGN**



**h. HANGING SIGN**



<b><u>i. MARQUEE SIGN</u></b>	
	
<b><u>j. MURAL SIGN</u></b>	
	
<b><u>k. PROJECTING SIGN</u></b>	
	
<b><u>l. WINDOW SIGN</u></b>	
	



**Section 15.7.A. BLDG. FUNCTION (USES) AND PARKING REQUIREMENTS TABLE – T6.**

USE	T6	PARKING REQUIREMENTS
<b>a. Common to all Uses listed below</b>		
		<p>In addition to specific parking requirements described below, all Uses listed in this table are subject to the following requirements and provisions, unless noted otherwise:</p> <ul style="list-style-type: none"> <li>• <del>Minimum of 4 Electric Vehicle (EV) charging stations (220V) per Sec. 8.23-50 vehicular spaces required.</del></li> <li>• <del>Minimum of 1 bicycle rack space for every 20 vehicular spaces required.</del> Bicycle parking and storage per Sec. 8.24.</li> <li>• <u>On-street parking along any frontage shall be counted towards the overall parking requirement.</u></li> <li>• <u>Parking may be provided by ownership or lease offsite within 1,000 feet. if the distance is found to be reasonable by the Village Commission, per Section 9.3.D.</u></li> <li>• <u>Parking requirement may be reduced according to the Shared Parking Standards, Section 15.6.C and Section 15.6.D.</u></li> <li>• <u>Parking ratio may be reduced by thirty percent (30%) due to proximity to a Transit Corridor after review and approval by Village Commission.</u></li> <li>• <u>Loading Berth Standards – See Section 15.6.D.</u></li> </ul>
<b>b. Residential</b>		
<u>Single-Family Residence</u>		<p>Residential Uses are limited by compliance with:</p> <ul style="list-style-type: none"> <li>• <u>Minimum of 1.0 parking space per Dwelling Unit.</u></li> <li>• <u>Minimum of .75 parking spaces per Dwelling Unit less than 400 SF with Commission approval.</u></li> <li>• <u>Minimum of 1 additional visitor parking space for every 10 Dwelling Units.</u></li> <li>• <u>Live-work – Work component shall provide parking as required by the non- residential use in addition to parking required for the Dwelling Unit.</u></li> <li>• <u>Adult Family-Care Homes – Minimum 1 space per staff member and 1 space per 4 residents.</u></li> <li>• <u>Community Residence – Minimum of 1 parking space per staff member in addition to the parking required for the Primary Dwelling Unit(s).</u></li> <li>• <u>Residential Rentals shall comply with Chapter 13 – Vacation License Program.</u></li> </ul>
<u>Community Residence</u>		
<u>Accessory Dwelling Unit (ADU)</u>		
<u>Two-Family Residence</u>		
<u>Multi-Family Housing</u>	R	
<u>Dormitory</u>	E	
<u>Home Office</u>	R	
<u>Live-Work</u>	R	
<b>c. Lodging</b>		
<u>Bed &amp; Breakfast</u>		<p>Lodging Uses are limited by compliance with:</p> <ul style="list-style-type: none"> <li>• <u>Minimum of 1 parking space for every 2 lodging units.</u></li> <li>• <u>Minimum of 1 additional visitor parking space for every 15 lodging units.</u></li> </ul>
<u>Inn</u>	R	
<u>Hotel</u>	R	
<b>d. Office</b>		
<u>Office</u>	R	<p>Office Uses are limited by compliance with:</p> <ul style="list-style-type: none"> <li>• <u>Minimum of 3 parking spaces for every 1,000 square feet of office use.</u></li> </ul>



<b><u>e. Commercial</u></b>		
<u>Auto-Related Establishment</u>	<u>E</u>	<u>Commercial Uses are limited by compliance with:</u>
<b><u>USE</u></b>	<b><u>T6</u></b>	<b><u>PARKING REQUIREMENTS</u></b>
<u>Entertainment Establishment</u>	<u>R</u>	<ul style="list-style-type: none"> <li>• <u>A maximum area of 55,000 square feet per establishment.</u></li> <li>• <u>Minimum of 3 parking spaces for every 1,000 square feet of Commercial Use, except for Self-Storage Facilities, minimum 1 parking space for every 10,000 square feet.</u></li> </ul> <p><u>* Refer to Chapter 12, Adult Entertainment</u></p>
<u>Entertainment Estab. Adult*</u>		
<u>Food Service Establishment</u>	<u>R</u>	
<u>Alcohol Beverage Service</u>	<u>R</u>	
<u>General Commercial</u>	<u>R</u>	
<u>Marine-Related Establishment</u>	<u>E</u>	
<u>Open Air Retail</u>	<u>E</u>	
<u>Place of Assembly</u>	<u>R</u>	
<u>Recreational Establishment</u>	<u>R</u>	
<u>Self-Storage Facility</u>	<u>E</u>	
<b><u>f. Industrial</u></b>		
<u>Auto-Related Industrial Estab.</u>		
<u>Manufacturing and Processing</u>		
<u>Marine-Related Industrial Estab.</u>		
<u>Products and Services</u>		
<u>Storage/Distribution Facility</u>		
<b><u>g. Civic</u></b>		
<u>Community Facility</u>	<u>E</u>	<u>Civic Uses are limited by compliance with:</u> <ul style="list-style-type: none"> <li>• <u>Minimum of 1 parking space for every 5 seats of assembly uses.</u></li> <li>• <u>Minimum of 1 parking space for every 1,000 square feet of exhibition or recreation area, and parking spaces for other Uses as required.</u></li> </ul>
<u>Recreational Facility</u>	<u>R</u>	
<u>Religious Facility</u>	<u>R</u>	
<u>Regional Activity Complex</u>	<u>E</u>	
<b><u>h. Civil Support</u></b>		
<u>Community Support Facility</u>	<u>E</u>	<u>Civil Support Uses are limited by compliance with:</u> <ul style="list-style-type: none"> <li>• <u>Minimum of 1 parking space for every 1000 square feet of Civil Support Use.</u></li> <li>• <u>Minimum of 1 parking space for every 5 seats of assembly use.</u></li> <li>• <u>Minimum of 1 parking space for every 5 slips of marine use.</u></li> <li>• <u>Adult Daycare - Minimum of 1 space per staff member.</u></li> </ul>
<u>Infrastructure and Utilities</u>	<u>E</u>	
<u>Major Facility</u>	<u>E</u>	
<u>Marina</u>	<u>E</u>	
<u>Public Parking</u>	<u>E</u>	
<u>Rescue Mission</u>	<u>E</u>	
<u>Transit Facilities</u>	<u>E</u>	
<b><u>i. Educational</u></b>		
<u>Childcare</u>	<u>E</u>	<u>Educational Uses are limited by compliance with:</u> <ul style="list-style-type: none"> <li>• <u>Minimum of 2 parking spaces for every 1,000 square feet of Educational Use.</u></li> </ul>
<u>College/University</u>	<u>E</u>	

<u>Elementary School</u>	<u>E</u>	• <u>Childcare Facilities - Minimum of 1 space per staff</u>
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<u>USE</u>	<u>T6</u>	<u>PARKING REQUIREMENTS</u>
<u>Learning Center</u>	<u>R</u>	<u>member.</u>
<u>Middle/High School</u>	<u>E</u>	
<u>Pre-School</u>	<u>R</u>	
<u>Research Facility</u>	<u>R</u>	
<u>Special Training/Vocational</u>	<u>E</u>	

**KEY**

R = Allowed by Right.

E = Allowed by Exception: Granted after a public hearing. Boxes with no designation signify Use prohibited.

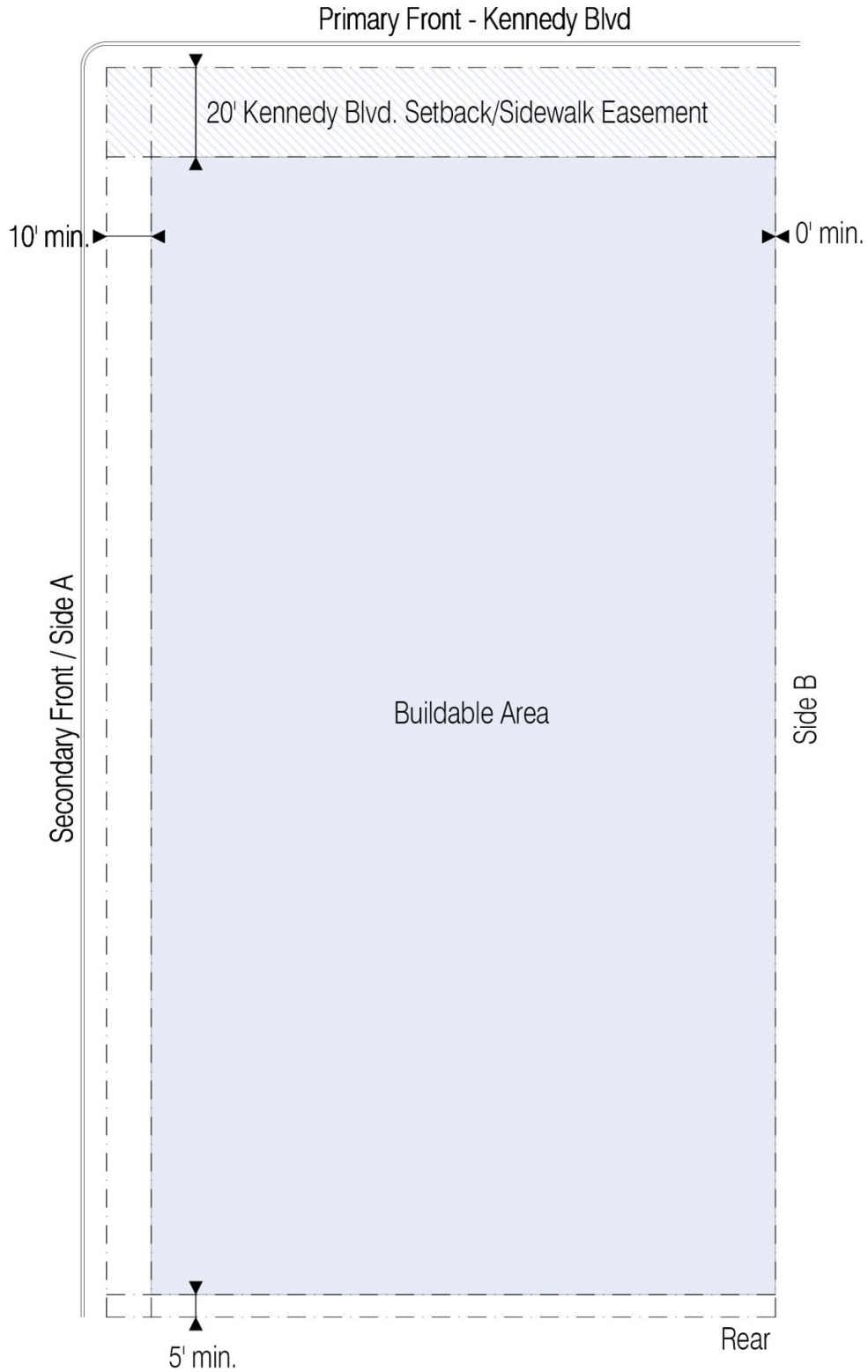
Permitting shall be in compliance with the requirements established in Chapter 5 – Permits and Development Approvals.

**Section 15.7.B. SUMMARY TABLE AND ILLUSTRATIONS — T6-24.**

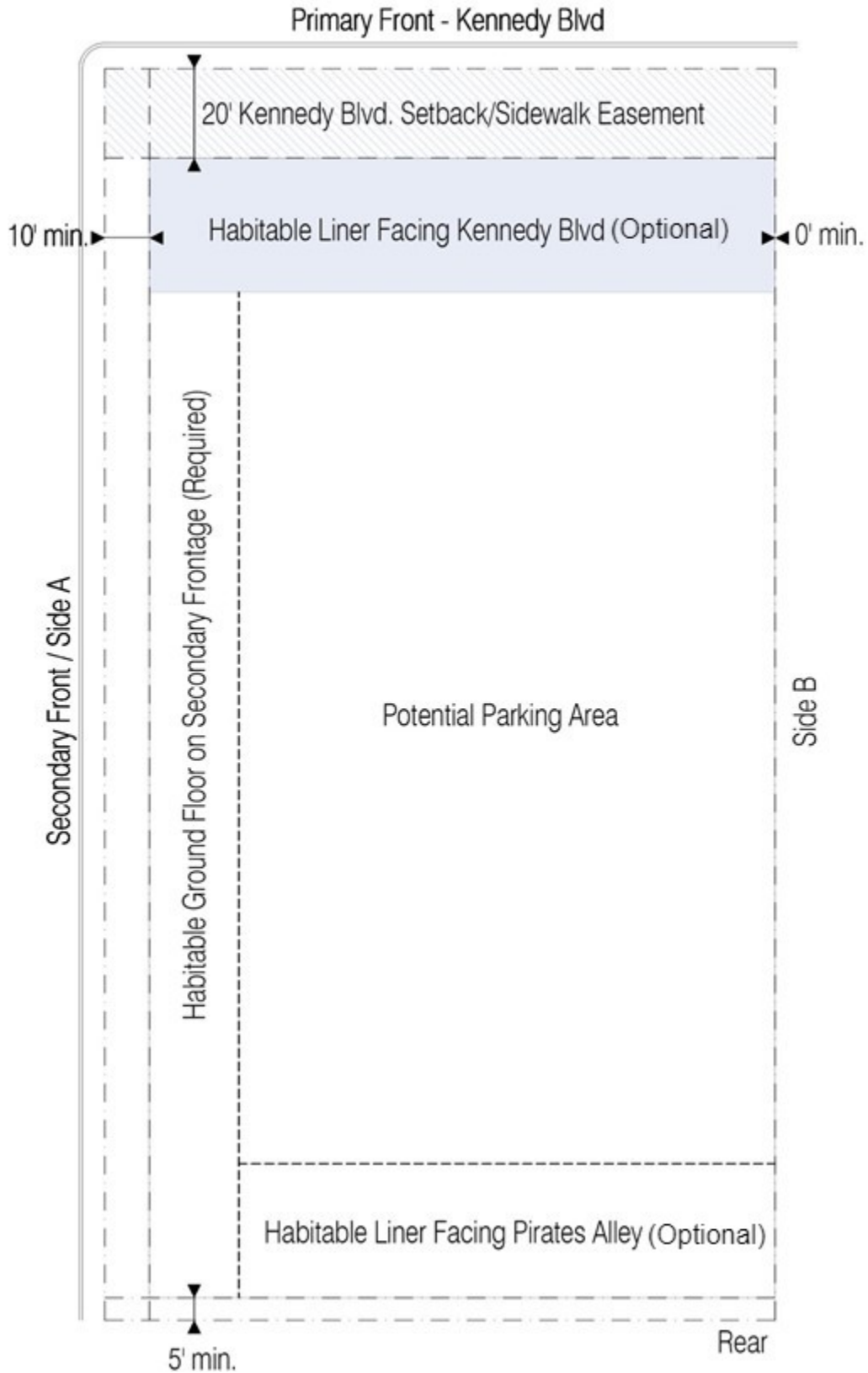
<b>T6-24 SUMMARY TABLE</b>	
<b>1. BUILDING DISPOSITION</b>	
<b>i. LOT OCCUPATION</b>	
a. Lot Area	10,000 sf min.
b. Lot Width	100 ft. min.
c. Lot Coverage	90% max.
d. Floor Lot Ratio	N/A
e. Frontage at Front Setback	70% min.
f. Open Space Requirement	10% Lot Area min.
g. Density with Bonus (1)	120 du/acre (see also Sec. 15.2.H.) †
h. Density with Bonus (2)	150 du/acre (see also Sec. 15.2.H.)
<b>ii. BUILDING SETBACK</b>	
a. Primary Front–Kennedy Cswy.	20 ft.
b. Primary Front – Waterfront	25 ft. min.
c. Secondary Front/Side A	10 ft. min.
d. Side B	0 ft. min.
e. Rear	5 ft. min <sup>1</sup>
f. Stepback 1 (All Sides)	10 ft. min. above 5 <sup>th</sup> Story
g. Stepback 2 (All Sides)	5 ft. min. above 15 <sup>th</sup> Story
<b>2. BUILDING CONFIGURATION</b>	
<b>i. FRONTAGE</b>	
a. Common Lawn	Prohibited
b. Porch and Fence	Prohibited
c. Terrace	Prohibited
d. Forecourt	Allowed <sup>2</sup>
e. Stoop	Allowed <sup>3</sup>
f. Shopfront	Allowed
g. Gallery	Allowed
h. Arcade	Prohibited
<b>ii. BUILDING HEIGHT</b>	
a. Min. Building Height	2 Stories
b. Max. Pedestal Height	5 Stories
c. Max. Building Height	24 Stories or 240 feet
1. Rear setback shall be 15 ft. min. when not abutting an alley and shall be 50 ft. min. above the fifth Story when the rear lot line abuts a lower Transect Zone or RS-1, RS-2 or RM-40 Residential Zoning District. 2. Forecourts shall be pedestrian only. 3. Not allowed facing Kennedy Causeway.	

† Note: Development approvals shall be valid for two years in accordance with these regulations following final approval by the Village Commission unless otherwise approved by development order. Such site plans may be granted no more than two (2) one-year renewals, subject to approval by the Village Commission. To avoid expiration of the site plans, the applicant must apply for and obtain a full building permit within the time frames set forth above. See section 15.2.H for additional requirements. ~~Expiration of the site plan will result in the forfeiture of the density bonus community contribution fee.~~

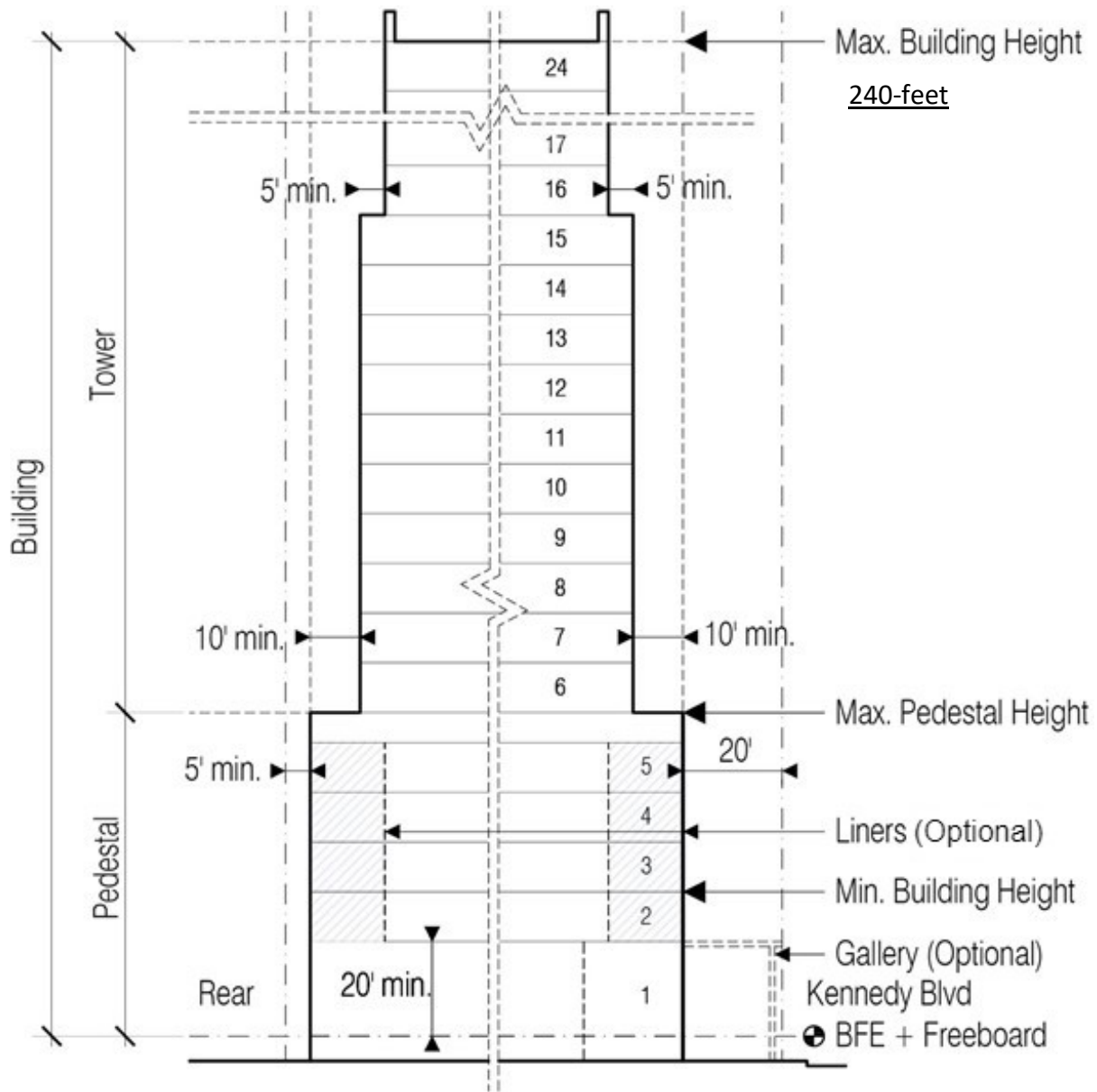
**3. BUILDING PLACEMENT ILLUSTRATION – T6-24.**



**4. PARKING PLACEMENT ILLUSTRATION – T6-24.**



**5. BUILDING HEIGHT ILLUSTRATION – T6-24.**



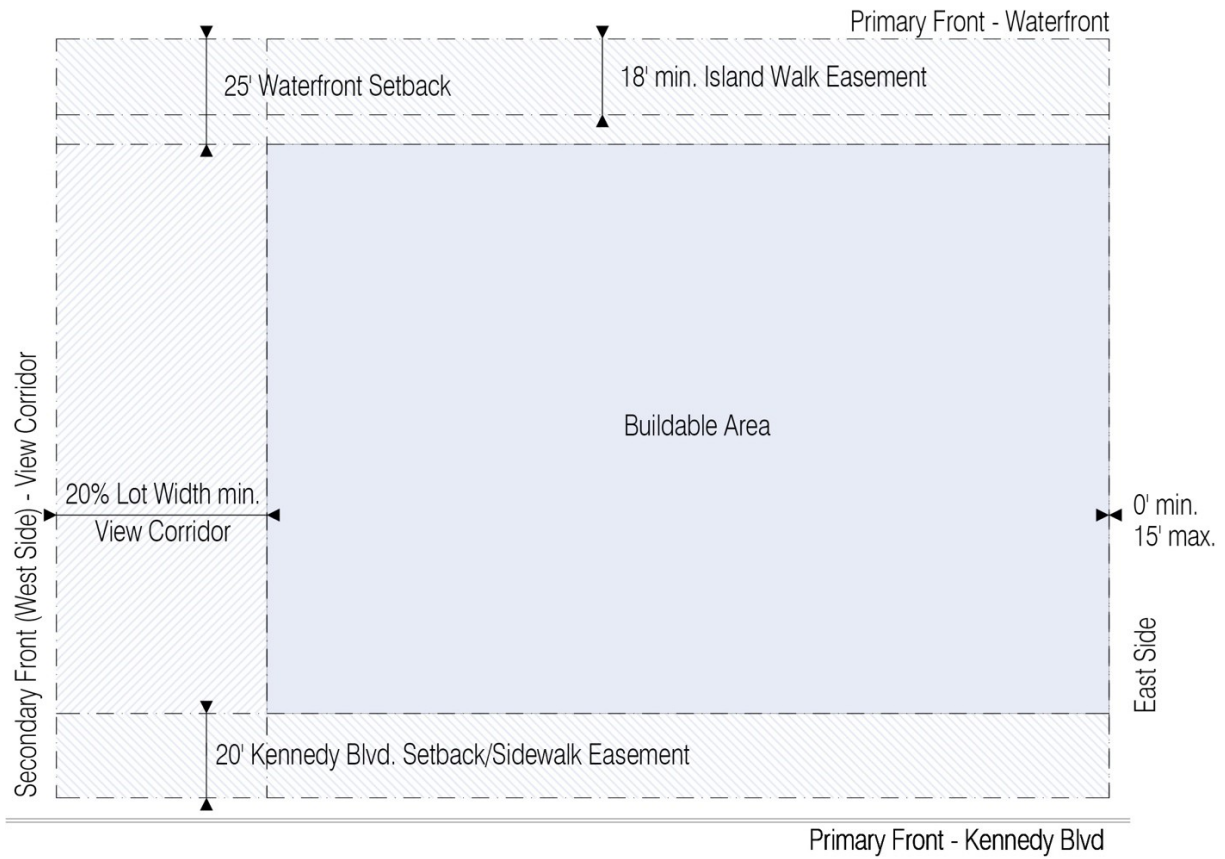
**Section 15.7.C. SUMMARY TABLE AND ILLUSTRATIONS – T6-30.**



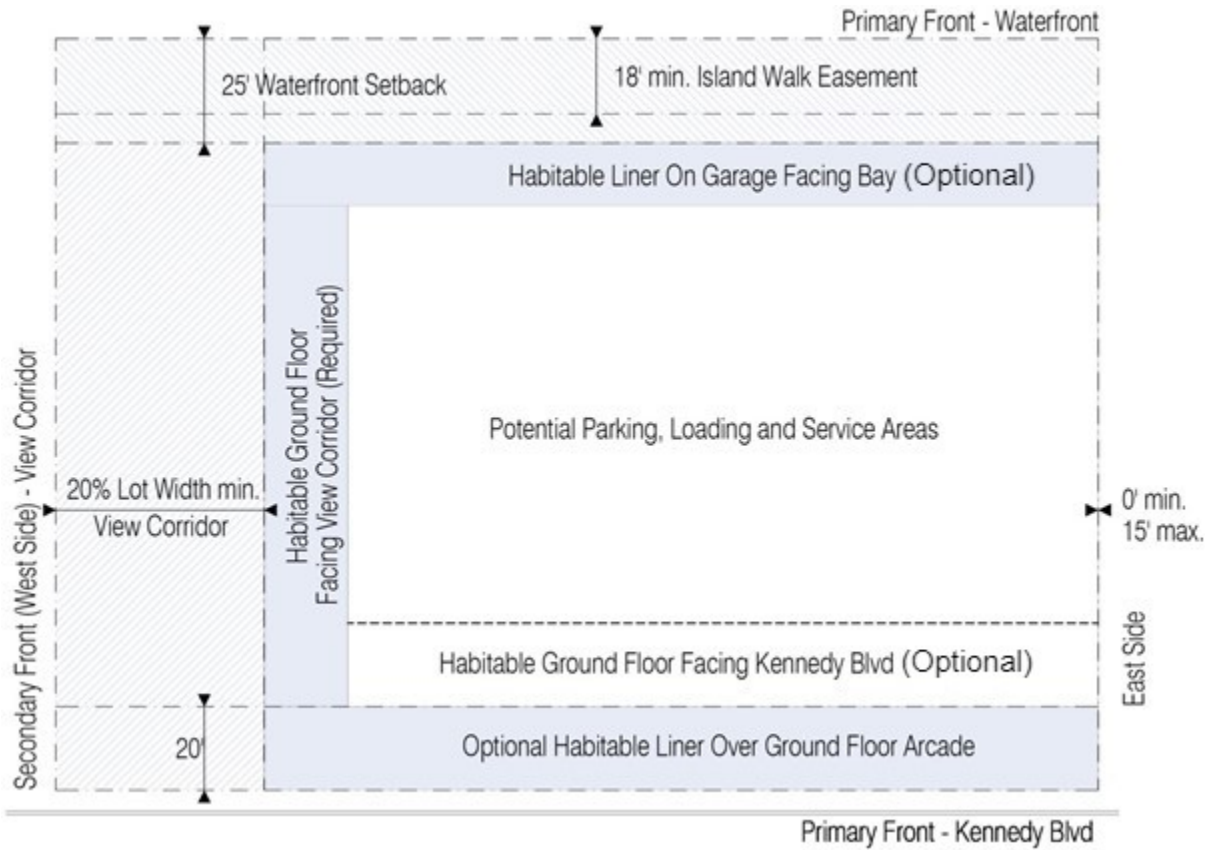
<b>T6-30 SUMMARY TABLE</b>	
<b>1. BUILDING DISPOSITION</b>	
<b>i. LOT OCCUPATION</b>	
a. Lot Area	10,000 sf min.
b. Lot Width	100 ft. min.
c. Lot Coverage	75% max.
d. Floor Lot Ratio	N/A
e. Frontage at Front Setback	70 % min.
f. Open Space Requirement	10% Lot Area min.
g. Density with Bonus (1)	120 du/acre (see also Sec. 15.2.H.) <sup>†</sup>
h. Density with Bonus (2)	150 du/acre (see also Sec. 15.2.H.)
<b>ii. BUILDING SETBACK</b>	
a. Primary Front – Kennedy Cswy.	20 ft.
b. Primary Front – Waterfront	25 ft. min.
c. Side West (View Corridor)	20% of Lot Width min.
d. Side East	0 ft. min. - 15 ft. max.
e. Stepback 4 (Kennedy Causeway and Side Yards; Optional Stepback in Waterfront Yard – see Building Height Illustration)	10 ft. min. above the 5 <sup>th</sup> Story
f. Stepback 2 (All Sides)	5 ft. min. above 15 <sup>th</sup> Story
<b>2. BUILDING CONFIGURATION</b>	
<b>i. FRONTAGE (Kennedy Causeway)</b>	
a. Common Lawn	Prohibited
b. Porch and Fence	Prohibited
c. Terrace	Prohibited
d. Forecourt	Allowed <sup>1</sup>
e. Stoop	Allowed <sup>2</sup>
f. Shopfront	Allowed
g. Gallery	Required
h. Arcade	Allowed (Replaces Gallery)
<b>ii. BUILDING HEIGHT</b>	
a. Min. Building Height	2 Stories
b. Max. Pedestal Height	5 Stories or 100 feet
c. Max. Building Height	30 Stories or 340-feet
1. Forecourts shall be pedestrian only.	
2. Not allowed facing Kennedy Causeway	

<sup>†</sup> Note: Development approvals shall be valid for two years in accordance with these regulations following final approval by the Village Commission unless otherwise approved by development order. Such site plans may be granted no more than two (2) one-year renewals, subject to approval by the Village Commission. To avoid expiration of the site plans, the applicant must apply for and obtain a full building permit within the time frames set forth above. See section 15.2.H for additional requirements. ~~Expiration of the site plan will result in the forfeiture of the density bonus community contribution fee.~~

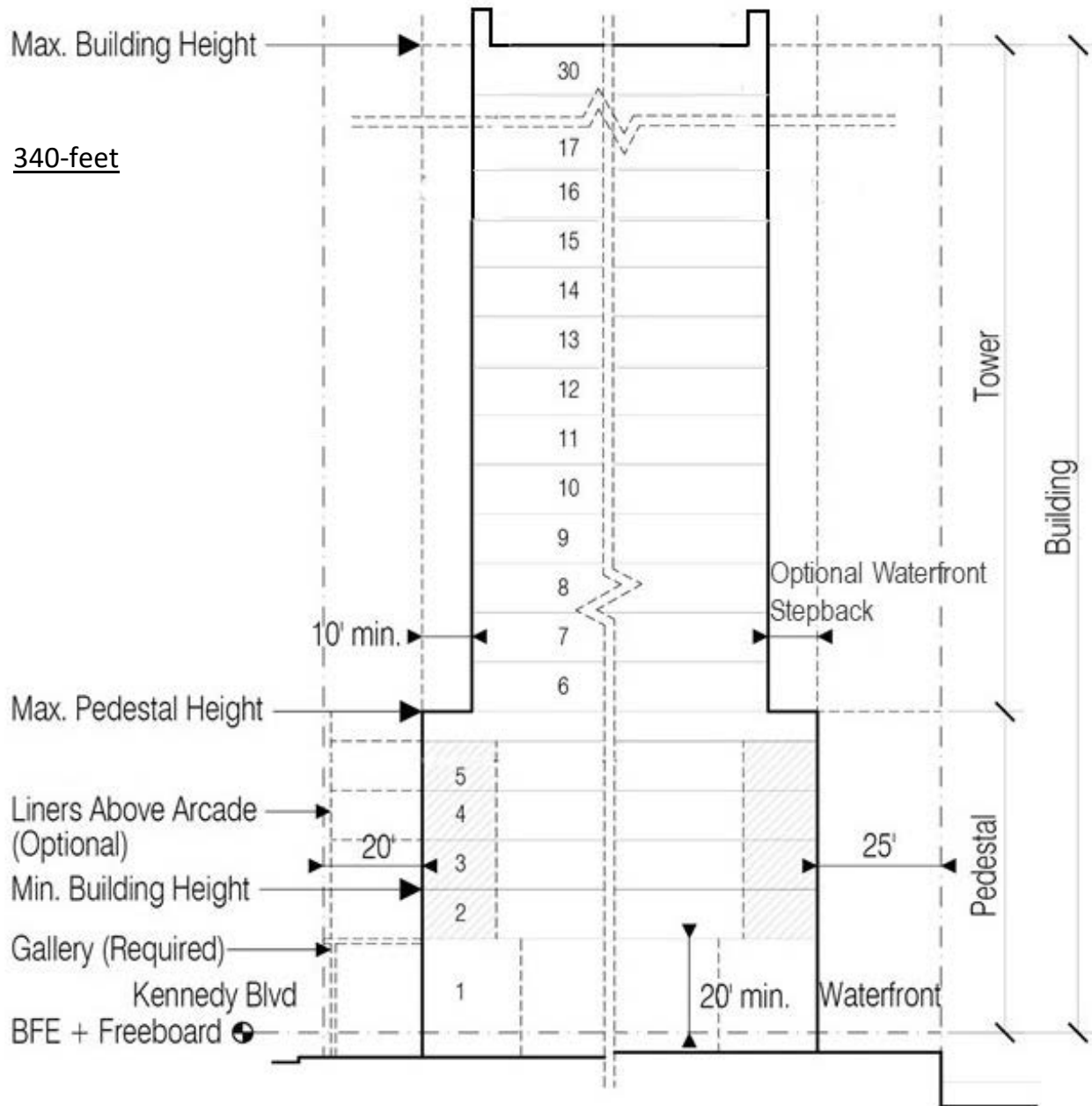
### 3. BUILDING PLACEMENT ILLUSTRATION – T6-30.



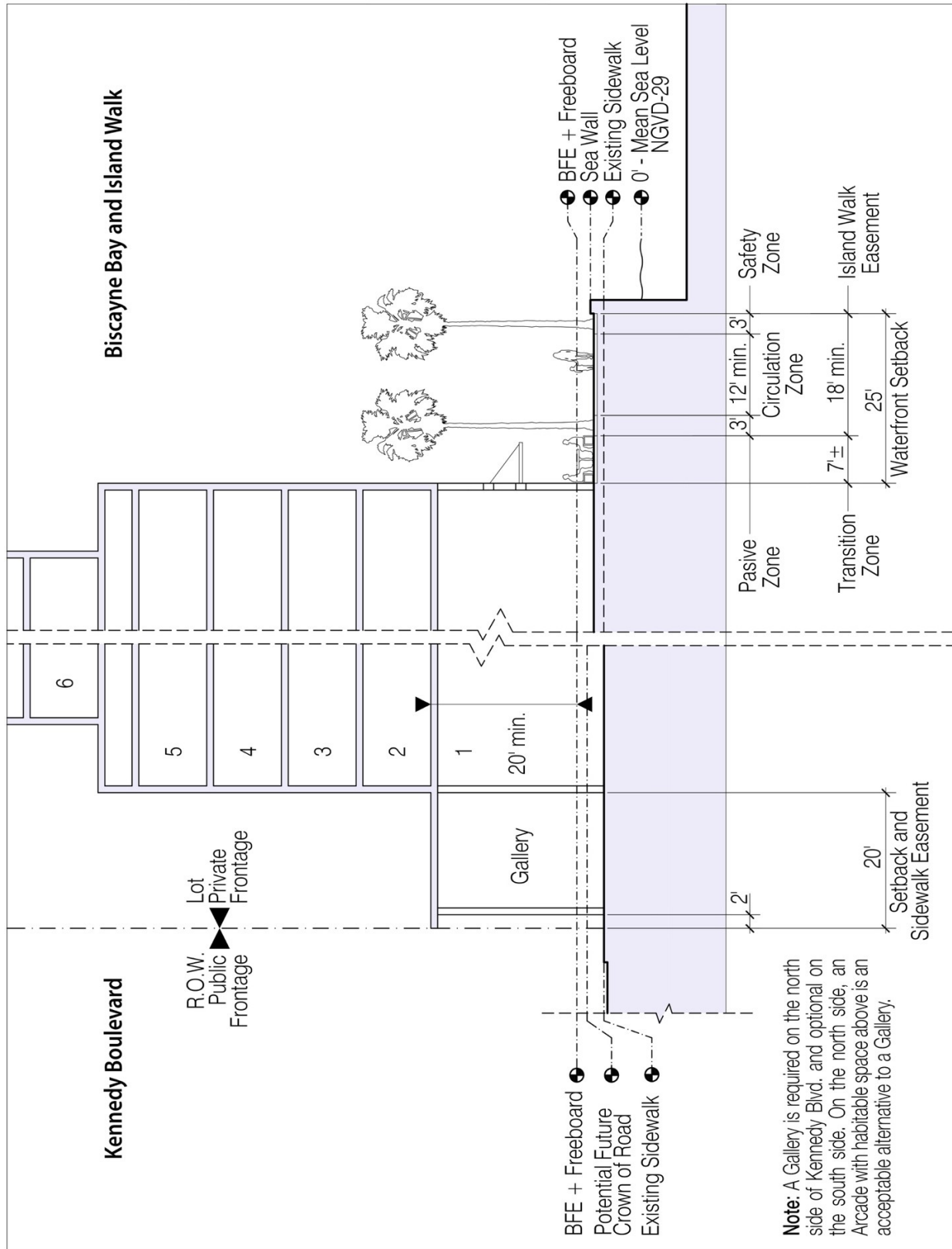
**4. PARKING PLACEMENT ILLUSTRATION – T6-30.**



**5. BUILDING HEIGHT ILLUSTRATION – T6-30.**



**Section 15.7.D. SECTION DETAIL ILLUSTRATION – T6.**



**Section 15.7.E. BUILDING FUNCTION (USES) AND PARKING REQUIREMENTS - T3. [Reserved]**

**Section 15.7.F. SUMMARY TABLE AND ILLUSTRATIONS – T3. [Reserved]**

**Section 15.7.G. SUMMARY TABLE AND ILLUSTRATIONS - T4 [RESERVED]**

**Section 15.7.H. SUMMARY TABLE AND ILLUSTRATIONS - T5 [RESERVED]**

**Section 15.7.I DESIGN REVIEW CRITERIA TABLE**

<b><u>Design Review Criteria</u></b>
<i><u>Building Disposition</u></i>
<u>Respond to the physical context taking into consideration natural features, existing urban form, and Transect Zone intentions.</u>
<u>For Buildings on Corner Lots, design Façades to acknowledge all Frontages.</u>
<u>For modifications of nonconforming Structures. See also Ch. 6.</u>
<u>Create transitions in Height and mass with Abutting properties and Transect Zones.</u>
<i><u>Building Configuration</u></i>
<u>Articulate the Building Façade vertically and horizontally in intervals appropriate to the existing Neighborhood and Transect Zone.</u>
<u>Articulate the Building Façade at street level to recognize pedestrian continuity and interest, and at upper levels to recognize long views of Buildings.</u>
<u>Use architectural styles and details (such as roof lines and fenestration), colors and materials derivative from surrounding area.</u>
<u>Promote pedestrian interaction.</u>
<u>Design all walls as active Façades, with doors and windows; when not possible, embellish walls with architectural design treatment.</u>
<u>Provide usable Open Space that allows for visible and convenient pedestrian access from the public sidewalk.</u>
<u>Building sites should locate service elements, such as trash dumpsters, utility meters, loading docks, backflow preventers, siamese connections and electrical, plumbing, mechanical and communications equipment away from a street front. All service elements</u>

<p><u>shall be situated and screened from view to the street and adjacent properties. See also Ch. 8, Division 4 – Supplemental Development Standards.</u></p>
<p><i><u>Building Function &amp; Density</u></i></p>
<p><u>Respond to the Neighborhood context and Transect Zone.</u></p>
<p><i><u>Parking Standards</u></i></p>
<p><u>Minimize the impact of automobile parking and driveways on the pedestrian environment and adjacent properties.</u></p>
<p><u>For pedestrian and vehicular safety minimize conflict points such as the number and width of driveways and curb cuts.</u></p>
<p><u>Minimize off-street parking adjacent to a thoroughfare front and where possible locate parking behind the Building.</u></p>
<p><u>Design landscaping or surface parking areas as buffers between dissimilar Uses.</u></p>
<p><u>Screen parking garage structures with Habitable Space. Where Habitable Space is not provided, architectural treatments and landscaping shall screen the garage structure.</u></p>
<p><i><u>Landscape Standards</u></i></p>
<p><u>Preserve existing vegetation and/or geological features whenever possible.</u></p>
<p><u>Reinforce Transect Zone intention by integrating landscape and hardscape elements.</u></p>
<p><u>Use landscaping to enhance Building design and continuity of Streetscape.</u></p>
<p><u>Use landscape material, such as plantings, trellises, pavers, screen walls, planters and similar features, to enhance building design and continuity of streetscape.</u></p>
<p><u>Provide landscaping that screens undesirable elements, such as surface parking lots, and that enhances open space and architecture.</u></p>
<p><i><u>Sign Standards</u></i></p>
<p><u>Provide signage appropriate for the scale and character of the establishment and immediate Neighborhood.</u></p>

<u>Signage shall be within calculated aggregate area appropriate for Transect Zone.</u>
<u>Number of Signs for an establishment shall not exceed the allowable amount per linear Frontage.</u>
<u>Monument Signs shall be located within the appropriate Setback and not to disrupt pedestrian activity.</u>
<u>Illumination and other lighting effects shall not create a nuisance to adjacent property or create a traffic hazard.</u>
<u><i>Ambient Standards</i></u>
<u>Provide lighting appropriate to the Building and landscape design in a manner that coordinates with signage and street lighting.</u>
<u>Orient outdoor lighting to minimize glare to the public realm and adjacent properties.</u>
<u>Protect residential areas from excessive noise, fumes, odors, commercial vehicle intrusion, traffic conflicts and the spillover effect of light.</u>



