

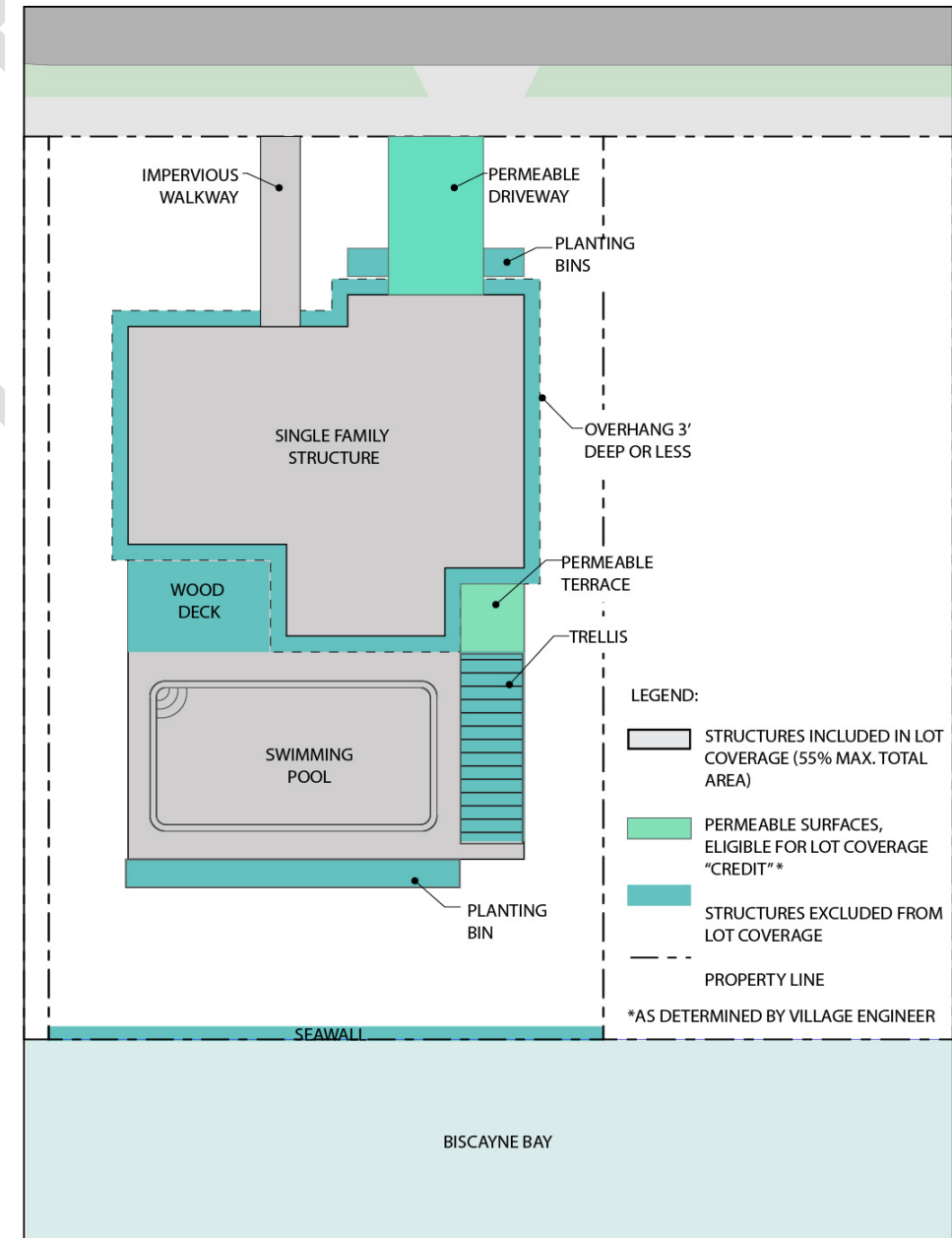
Item	Current Regulations	Preliminary Recommendations (DRAFT)
<p><b>1. Lot Coverage</b></p>	<p><b>Subsection 8.10.A., RS-1</b> No lot coverage max, or min pervious surface provisions.</p>	<p><b>Subsection 8.10.A.5. (Development Standards)</b> <u>e. Lot Coverage:</u> <u>(1) Maximum Lot Coverage: 55%</u>  <u>(2) In lots where the residential structure is elevated, the maximum lot coverage of 55% may be exceeded through staff level review and shall be subject to the setback regulations outlined in this section, but in no instance shall lot coverage exceed 60%.</u>  <u>(3) The following structures shall be excluded from the calculation of lot coverage:</u></p> <ul style="list-style-type: none"> <li>• <u>Seawalls, retaining walls and docks</u></li> <li>• <u>Planting bins</u></li> <li>• <u>Wood decks provided that the underlying (ground) surface is permeable.</u></li> <li>• <u>Trellises and pergolas provided such structures have open cross rafters or latticework.</u></li> <li>• <u>Roof overhangs and awnings that project three (3) feet or less.</u></li> <li>• <u>Interior balconies.</u></li> </ul> <p><u>(4) Credit for the use of permeable surfaces: Uncovered parking areas, driveways, walkways, patios and terraces which are built with permeable materials shall afford a credit in the calculation of maximum lot coverage based on the permeable square footage of the structure or surface, the permeability of the material, and the percent infiltration of annual rainfall, as determined by the Village Engineer.</u>  <u>(5) Green space: A minimum of 20% of the total lot area shall be maintained as green space, including at least 40% of the space in the front yard area. The area of landscape strips in driveways or walkways shall count toward the 40% requirement.</u></p>
<p><i>Related Regulations</i></p>	<p><b>Chapter 3 – Definitions.</b> <i>Lot coverage or Ground coverage. The area of the lot occupied by the ground floor of all buildings, main and accessory, measured from the exterior faces of exterior walls, or from the exterior faces of supporting exterior columns for any portion of the ground floor not enclosed by exterior walls or from the centerline of walls separating two buildings.</i></p>	<p><b>Chapter 3 – Definitions.</b> <i>Lot coverage or Ground coverage. The <u>percentage of the total area of the lot, that, when viewed from above, would be occupied by the ground floor of all structures and buildings, main and accessory, measured from the exterior faces of exterior walls, or from the exterior faces of supporting exterior columns for any portion of the ground floor not enclosed by exterior walls or from the centerline of walls separating two buildings. <u>Swimming pools and impervious or covered parking areas, driveways, walkways, patios, and terraces shall be included in the lot coverage calculations, except as may be otherwise provided.</u></u></i></p>
	<p><b>§ 7.4 – Non-hardship variances for single-family properties.</b> <i>A. Notwithstanding any other provision of this chapter, upon application duly made upon an application form to be provided by the Village the Planning and Zoning Board will hold a public hearing to consider requests by single-family property owners for a non-hardship variance to setback lines, lot size, restrictions and yard requirements for the location and construction of fences, nonpermanent carports, screen enclosures, sheds, awnings, air conditioning compressors, generators, swimming pools, swimming pool pumps and pool heating equipment, and make its recommendation to the Village Commission. After receiving the recommendation from the Planning and Zoning Board, the Village Commission will hold a public hearing to consider the request for the non-hardship variance.</i></p>	<p><b>§ 7.4 – Non-hardship variances for single-family properties.</b> <i>A. Notwithstanding any other provision of this chapter, upon application duly made upon an application form to be provided by the Village the Planning and Zoning Board will hold a public hearing to consider requests by single-family property owners for a non-hardship variance to <u>lot coverage pursuant to Subsection 8.10.A.5.e,</u> setback lines, lot size, restrictions and yard requirements for the location and construction of fences, nonpermanent carports, screen enclosures, sheds, awnings, air conditioning compressors, generators, swimming pools, swimming pool pumps and pool heating equipment, and make its recommendation to the Village Commission. After receiving the recommendation from the Planning and Zoning Board, the Village Commission will hold a public hearing to consider the request for the non-hardship variance.</i></p>
	<p><b>Subsection 8.17.F.2:</b> <i>i. For SFR properties in NBI specifically, at least 60% of the linear footage of any property's streetfront Village easement or right-of-way area must be maintained as greenspace (pervious) area from the street to the property line.</i></p>	<p><b>Subsection 8.17.F.2:</b> <i>i. <del>For SFR properties in NBI specifically, at least 60% of the linear footage of any property's streetfront Village easement or right-of-way area must be maintained as greenspace (pervious) area from the street to the property line.</del></i></p>

j. For SFR properties in all islands, the front yard area may be paved up to 40% of the total linear footage, and the balance may only be paved if a greenspace is created between the Village's sidewalk and the paved area, for a depth of no less than 48 inches.

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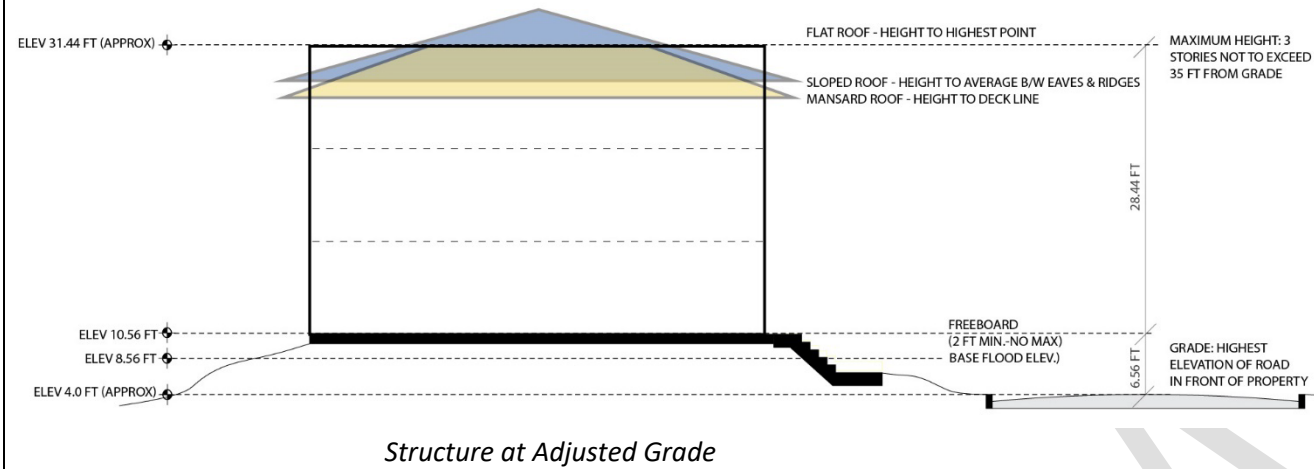
**Lot Coverage (Current) - N/A**  
 (limited by setbacks and marginal landscape requirement but driveways, walkways, decks, swimming pools, etc. can encroach in setbacks to different degrees)

**Lot Coverage (Recommended) – Subsection 8.10.A.5.e. and Chapter 3 (Definitions)**  
 (Issues addressed: open space, green space, permeability, stormwater management)



<p><b>2. Building Height</b></p>	<p><b>Subsection 8.10.A.5. (Development Standards)</b>                  c. Maximum building height.                  Three stories not to exceed 35 feet above grade.</p>	<p><b>Subsection 8.10.A.5. (Development Standards):</b>                  c. Maximum building height.                  Three stories not to exceed 35 feet <u>in height above grade Base Flood Elevation (BFE) plus minimum freeboard.</u> In cases where structures are elevated pursuant to Subsection 10.5.B., the ground level shall be designed in accordance with the requirements of Subsection 8.10.A.5.f.</p>
<p>Related Regulations</p>	<p><b>Chapter 3, Definitions.</b>  <i>Grade. The highest elevation of a paved street in front of any property. (NBI crown of road is inverted)</i>  <i>Height of building. The vertical distance from grade to the highest point of a flat roof; the deck line of a mansard roof; the average height between eaves and ridge of gable, hip, and gambrel roofs; or the average height between high and low points of a shed roof.</i></p> <p><b>Section 8.17.</b>                  G. Height exceptions.                  1. Church steeples, bell towers, chimneys, tanks, decorative features, elevator lift housing, air conditioning units, or other mechanical or functional features may exceed zoning district height requirements, except as may be otherwise stipulated herein.                  2. Rooftop solar photovoltaic or solar water heater systems may exceed the permissible height limit in any district by not more than five (5) feet. Rooftop solar photovoltaic or solar water heater systems are not required to be screened.                  3. The structural components of a green roof (non-vegetative components) may exceed the permissible height limit in any district by not more than five (5) feet. The external perimeters of green roof systems are required to be aesthetically compatible with the building exterior and screening may be required and will be determined on a case-by-case basis by the Public Works Director or designee.                  4. The top of a wind turbine may exceed the permissible height limit in any district by not more than ten (10) feet. Wind turbines are not required to be screened. Wind turbines exceeding this height will require an approval through the variance process established in Chapter 7.</p>	<p><b>Chapter 3, Definitions.</b>  <del><i>Height of building. The vertical distance from grade to the highest point of a flat roof; the deck line of a mansard roof; the average height between eaves and ridge of gable, hip, and gambrel roofs; or the average height between high and low points of a shed roof.</i></del> <u><i>The height of a building shall be measured from the required Base Flood Elevation (BFE) for the lot, plus minimum freeboard, to the top of the structural roof slab for a flat roof and to the eaves of a sloped roof. Exceptions to the height limit are described in Subsection 8.17.G.</i></u></p> <p><b>Section 8.17.</b>                  G. Height exceptions.                  1. Church steeples, bell towers, chimneys, tanks, decorative features, elevator lift housing, air conditioning units, or other mechanical or functional features may exceed zoning district height requirements, except as may be otherwise stipulated herein.                  2. Rooftop solar photovoltaic or solar water heater systems may exceed the permissible height limit in any district by no more than five (5) feet. Rooftop solar photovoltaic or solar water heater systems are not required to be screened.                  3. The structural components of a green roof (non-vegetative components) may exceed the permissible height limit in any district by no more than five (5) feet. The external perimeters of green roof systems are required to be aesthetically compatible with the building exterior and screening may be required and will be determined on a case-by-case basis by the Public Works Director or designee.                  4. The top of a wind turbine may exceed the permissible height limit in any district by no more than ten (10) feet. Wind turbines are not required to be screened. Wind turbines exceeding this height will require an approval through the variance process established in Chapter 7.                  5. <u>Parapet wall railings associated with a roof deck or terrace, not to exceed 48 inches above the finished roof deck height and set back a minimum of five (5) feet from the perimeter of the enclosed floor below.</u></p>
	<p><b>Subsection 10.5.B.</b>                  1. New and substantially improved homes must elevate the lowest floor a minimum of two (2)* feet above BFE.                  * Amendment adopted on 03.09.21 (Ordinance No. 2021-XX)</p>	<p><b>Subsection 10.5.B.</b>                  1. <u>Freeboard, minimum and maximum:</u> New and substantially improved homes must elevate the lowest floor a minimum of two (2) feet above BFE <u>up to a maximum of five (5) feet above BFE.</u>                  (Note: New FIRM BFE for North Bay Island is 7.56' to 8.56' NGVD (6' to 7' NAVD). Existing is 8' NGVD.)</p>

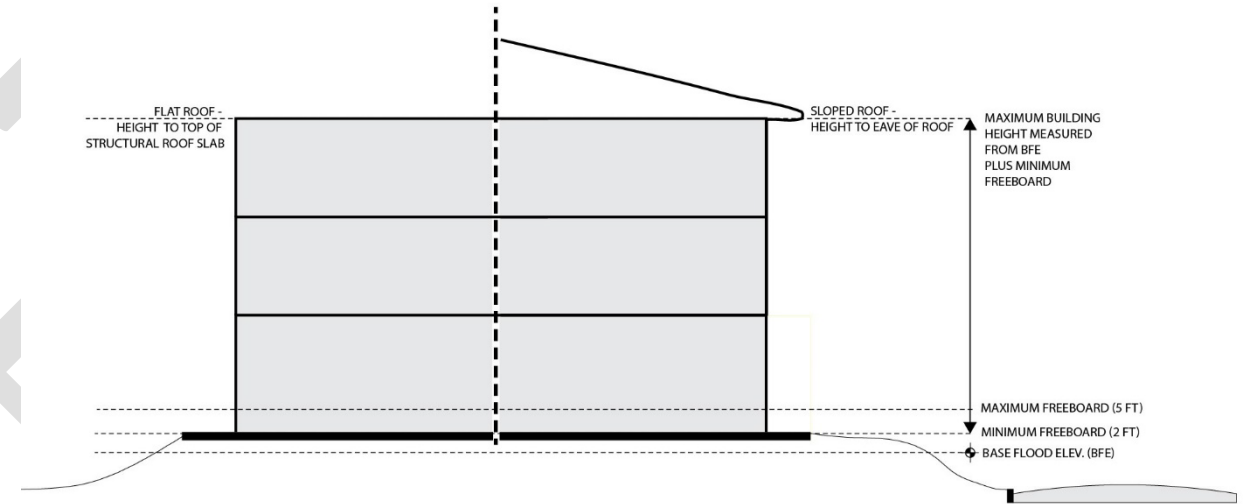
**Building Height (Current) – Subsections 8.10.A.5.c., 8.17 and Chapter 3, Definitions**



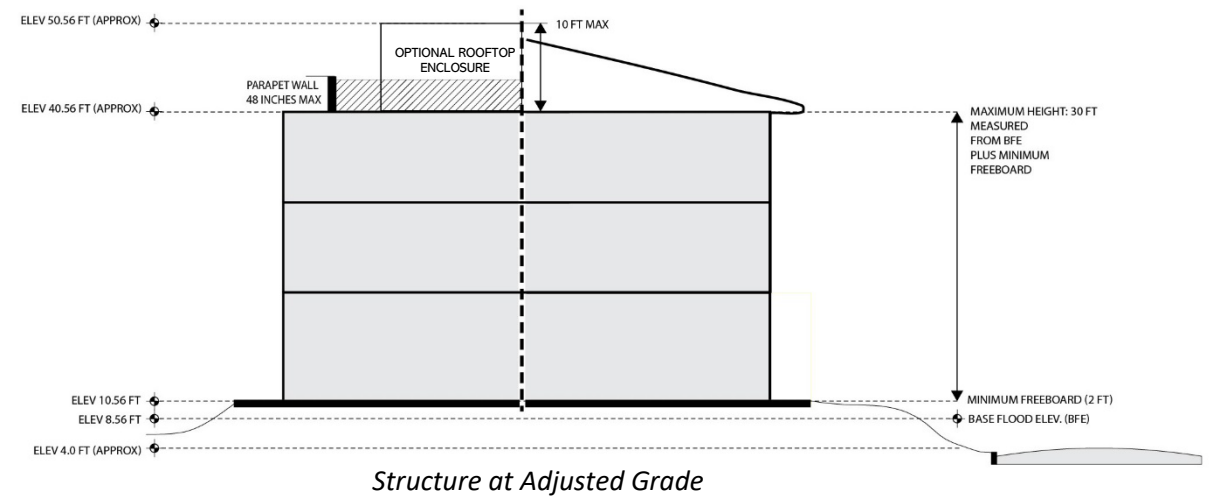
**Building Height (Recommended) – Subsections 8.10.A.5.c., 8.17, 10.5.B.1, and Chapter 3, Definitions**

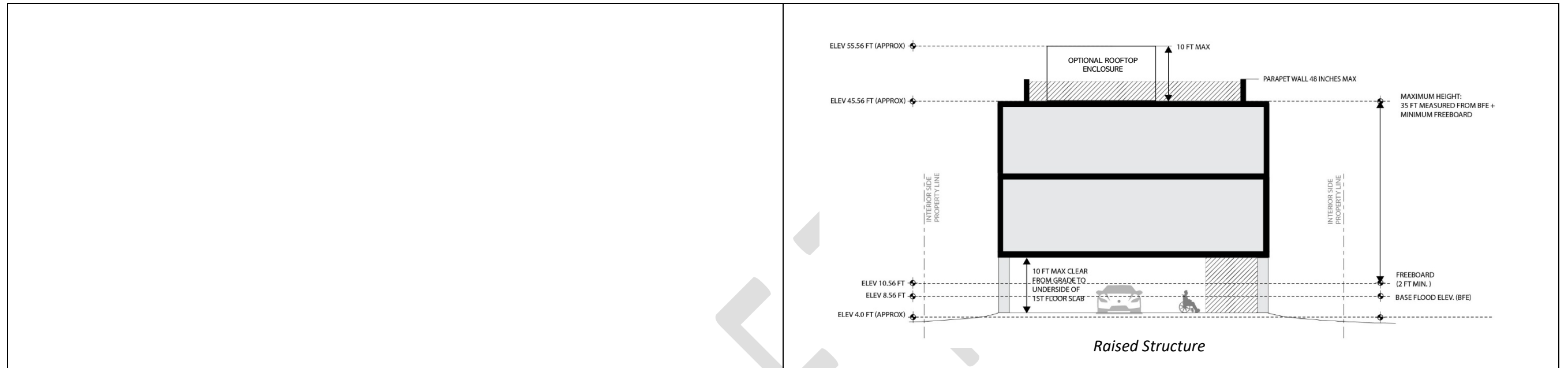
(Issues addressed: Resilience (flood damage protection), building scale, neighborhood character, property values)

*Chapter 3 – Definitions (Height of building)*



*Subsection 8.10.A.5.c.*





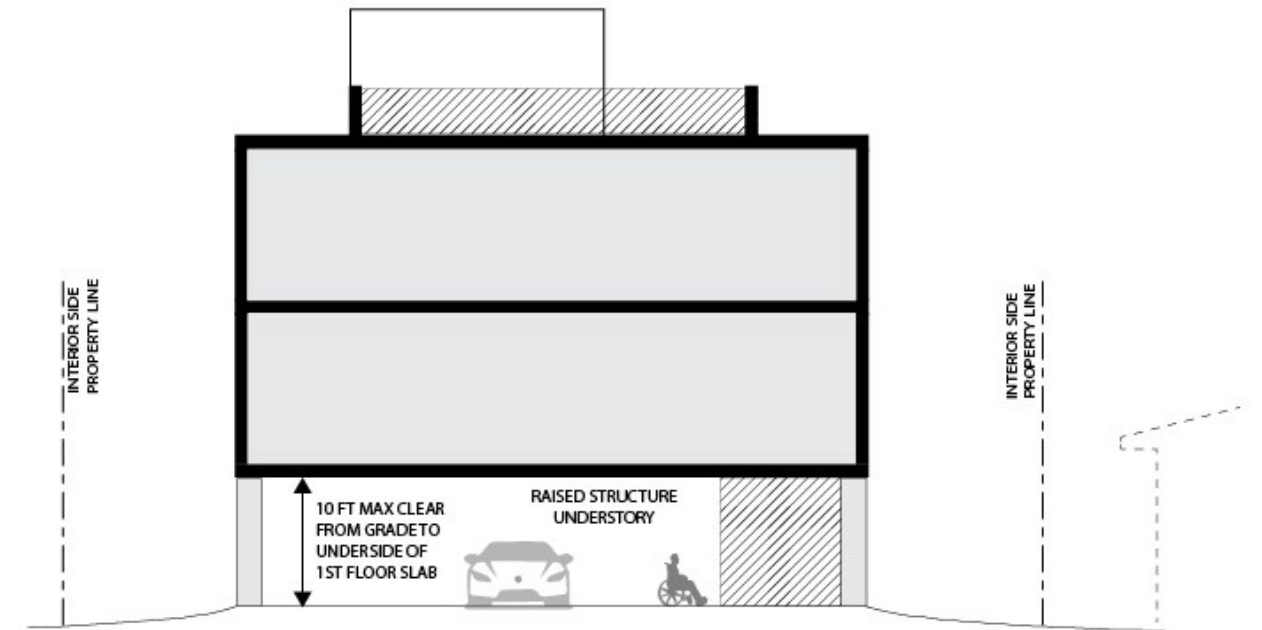
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<p><b>3. Raised structures</b></p>	<p>No provisions for raised structures in district regulations; refer to Chapter 10, Flood Management (see below).</p>	<p><b>Subsection 8.10.A.5.</b>  <u>f. The clearance of an understory created by elevating a single-family residential building in accordance with Subsection 10.5.B. shall not exceed ten (10) feet, measured from grade to the underside of the first-floor slab. Accessory uses allowed in the understory space shall be limited to the following:</u>                      i. <u>Unenclosed parking.</u>                      ii. <u>Vestibule to the living area by means of a stairway or elevator, not to exceed 100 square feet in area.</u>                      iii. <u>Enclosed garage or storage space for maintenance equipment not to exceed 500 square feet, provided that the walls are designed so as not to impede the flow of water and the space is unfinished and unpartitioned.</u></p>
<p><i>Related Regulations</i></p>	<p><b>Chapter 3, Definitions.</b>  <i>Definition of Understory is included in Chapter 15, related to Form-Based Code only.</i></p>	<p>Recommend pulling the definition of Understory out of Chapter 15 into Chapter 3.  <u>Understory. The non-habitable ground level of a building designed to allow flood waters to pass through.</u></p>
	<p><b>Subsection 10.5.B.</b>  <i>4. Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finishing living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.</i>  <i>a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:</i>  <i>(1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;</i>  <i>(2) The bottom of all openings shall be no higher than one foot above grade; and</i>  <i>(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.</i>  <i>b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and</i>  <i>c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.</i></p>	<p>No change suggested to this section</p>

**Raised Structures (Current) – N/A in Subsections 8.10.A. but addressed in Subsection 10.5.b.4. Definition of Understory currently in Chapter 15 (FBC)**

**Raised Structures (Recommended) – Subsections 8.10.A.5.f (new) and Chapter 3, Definitions**

(Issues addressed: Resilience (flood damage protection), building scale, neighborhood character, property values)



<p><b>4. Setbacks</b></p>	<p><b>Subsection 8.10.A.5. (Development Standards)</b>                  b. Minimum yard setbacks.                  Front – 20’                  Side (Interior) – 10’                  Side (Corner) – 20’                  Rear – 15’                  Waterfront – 25’</p>	<p><b>Subsection 8.10.A.5. (Development Standards)</b>                  Minimum yard setbacks.                  Front – 20’                  a) <u>1-story structures may be located at the minimum setback line.</u>                  b) <u>2- and 3-story structures shall be set back an additional five (5) feet from the minimum setback line.</u>                  Side (Interior) – 10’                  a) <u>1-story structures may be located at the minimum setback line.</u>                  b) <u>2- and 3-story structures shall be set back an additional five (5) feet from the minimum setback line.</u>                  Side (Corner) – 20’                  Rear – 15’                  Waterfront – <del>25</del> <u>20</u>’   <u>The Village Commission may allow deviations from these provisions pursuant to the non-hardship variance process described in Sec. 7.4 in instances where enhanced architectural articulation and detailing is provided on the exterior house façades to break the massing of the structure.</u></p>
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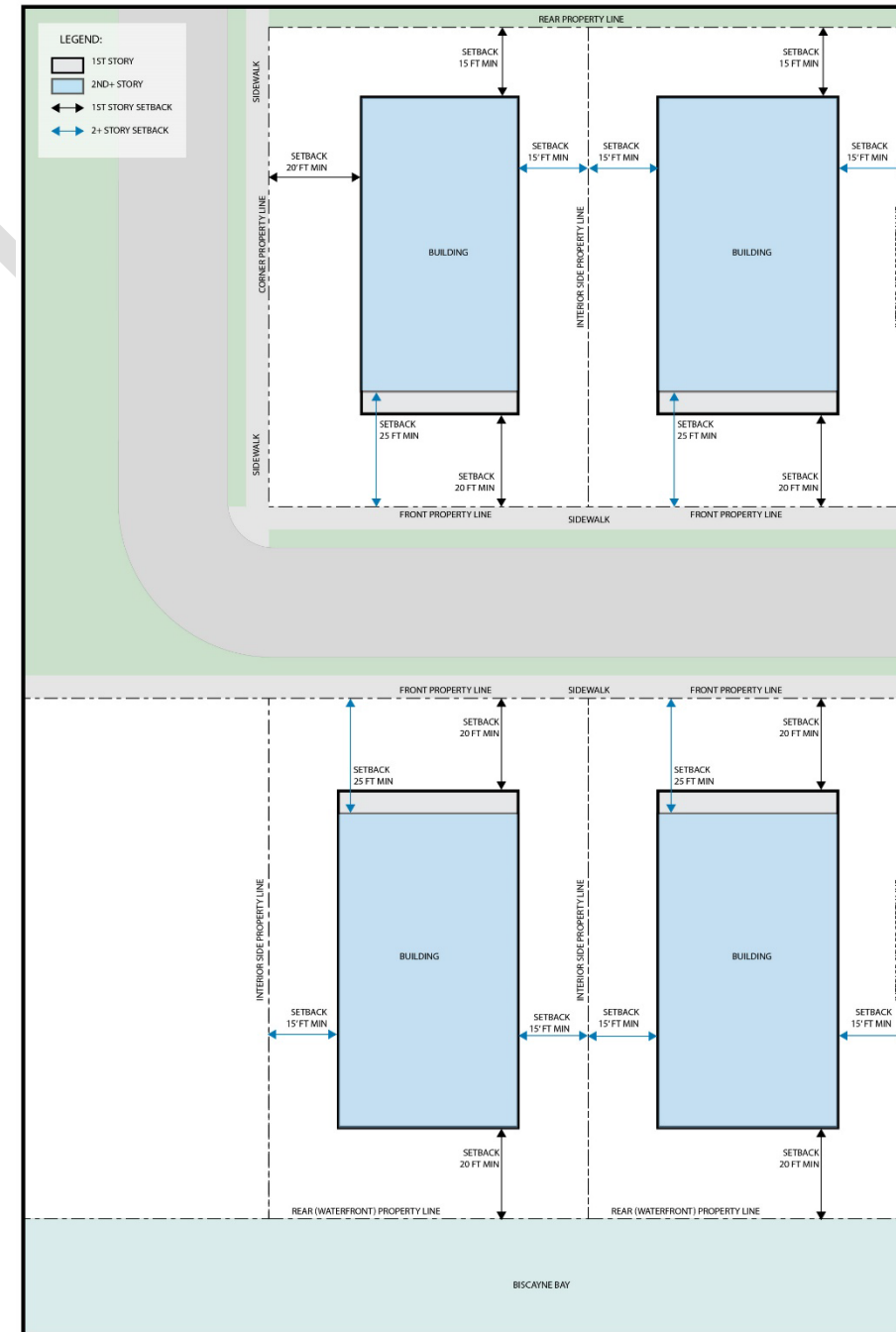


**Setbacks (Current) – Subsection 8.10.A.5.**



**Setbacks (Recommended) – Subsection 8.10.A.5.**

(Issues addressed: Neighborhood character, privacy issues, building coverage/floor area, lot permeability and open space, property values)



<p><b>5. Accessory Rooftop Uses and Structures</b></p>	<p>N/A – no provisions for rooftop uses or structures. Provisions/regulations to control the design of such features may be included in <b>Subsections 8.16.A.1.a. and 8.17.G.</b></p>	<p><b>Section 8.16.</b>  <b>A. Accessory uses and structures.</b>                  The following accessory uses and structures shall be permitted when such uses or structures are ancillary, in connection with, and incidental to, the principal use or structure allowed within the zoning district in which the principal use or structure is located.</p> <ol style="list-style-type: none"> <li>1. Permitted accessory uses by zoning district                         <ol style="list-style-type: none"> <li>a. In all residential districts:                                 <ol style="list-style-type: none"> <li>(1) Private garages or carports provided:   <ol style="list-style-type: none"> <li>(a) No solid wall exterior facades or enclosures are allowed;</li> <li>(b) Enclosures must create window facades proportional to the existing windows at the front of the home;</li> <li>(c) A landscaped area is created in front of the enclosed garage to a depth of 24" inches and covering the width of the original garage opening; and</li> <li>(d) Such greenspace shall be cut out from any existing driveway material that may run up to the new enclosure, or enclosure may maintain a garage door facade.</li> </ol> </li> <li>(2) Private swimming pools, cabanas, whirlpools, saunas, spas and hot tubs.</li> <li>(3) Private tennis, basketball or volleyball courts or other similar outdoor recreational uses.</li> <li>(4) Storage structures provided no structure exceeds 150 square feet in gross floor area and is not more than 12 feet high from grade.</li> <li>(5) <u>Rooftop decks and terraces, not exceeding a combined surface area of 25% of the enclosed floor area immediately one floor below and set back at least (10) feet from each side of the exterior outer walls, when located along a front or side elevation, and from the rear elevation for non-waterfront lots. Rooftop decks and terraces shall meet the requirements of Subsection 8.17.G. and Section 9.21.</u></li> <li>(6) <u>Rooftop enclosures with a maximum walled area of 400 square feet. Rooftop enclosures shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations. Rooftop enclosures shall meet the requirements of Subsection 8.17.G.</u></li> </ol> </li> </ol> </li> </ol>
<p><i>Related Regulations</i></p>		<p><b>Section 8.17.</b>  <b>G. Height exceptions.</b></p> <ol style="list-style-type: none"> <li>1. <u>Church steeples, bell towers, chimneys, tanks, decorative features, roof access stairway or elevator not to exceed 100 square feet in area, elevator lift housing, air conditioning units, or other mechanical or functional features may exceed zoning district height requirements, except as may be otherwise stipulated herein. Stairway and elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations.</u></li> <li>2. Rooftop solar photovoltaic or solar water heater systems may exceed the permissible height limit in any district by no more than five (5) feet. Rooftop solar photovoltaic or solar water heater systems are not required to be screened.</li> <li>3. The structural components of a green roof (non-vegetative components) may exceed the permissible height limit in any district by no more than five (5) feet. The external perimeters of green roof systems are required to be aesthetically compatible with the building exterior and</li> </ol>

		<p>screening may be required and will be determined on a case-by-case basis by the Public Works Director or designee.</p> <p>4. The top of a wind turbine may exceed the permissible height limit in any district by no more than ten (10) feet. Wind turbines are not required to be screened. Wind turbines exceeding this height will require an approval through the variance process established in Chapter 7.</p> <p>5. Parapet wall railings associated with a roof deck or terrace, not to exceed 48 inches above the finished roof deck height and set back a minimum of five (5) feet from the perimeter of the enclosed floor below.</p> <p>6. <u>Rooftop decks and terraces, not to exceed six (6) inches above the main roofline. Built in planters, gardens or similar landscaping areas, not to exceed three and one-half (3-½) feet above the finished roof deck height, may be permitted immediately abutting the roof deck area. All landscape material shall be appropriately secured.</u></p> <p>7. <u>Rooftop trellises or pergolas provided such structures have a roof of cross rafters or latticework and the area covered is no more than 50% of the terrace or deck area allowed in Subsection 8.17.G.7. Trellises and pergolas shall be appropriately secured.</u></p> <p>8. <u>Rooftop enclosures shall not to exceed ten (10) feet in height, measured from the top of the structural roof slab to the highest point of a flat roof and to the average height between eaves and ridge of a sloped roof.</u></p>
	<p><b>Section 9.21 - Exterior lighting.</b></p> <p>A. Parking lot fixtures are to be selected not only for their functional value, but also for their aesthetic qualities. They are to be considered furniture of the parking lot visible both day and night. Light fixtures used in the district shall be decorative for new development or redevelopment within public view and are encouraged throughout the development. The decorative fixtures shall be of a style that compliments the development. Cobra heads are prohibited within a development. Shoe box units may be used but are discouraged at entrances and exits.</p> <p>B. Parking area lighting should complement the lighting of adjacent streets and properties, and should use consistent fixtures, source colors and illumination levels.</p> <p>C. Light fixtures in parking lots must be a maximum height of 20 feet.</p> <p>D. Poles should be placed to provide a unified, organized appearance throughout the parking area or development and should provide even and uniform light distribution. The use of a greater number of low fixtures in a well-organized pattern is preferred over the use of a minimum number of tall fixtures.</p> <p>E. Outdoor storage areas including auto and truck parking and storage should be illuminated from poles similar to those used for parking lot lighting, but at lower illumination levels.</p> <p>F. Parking lot and security lighting shall be designed to direct light into the property.</p> <p>G. Security lighting should be limited to low-intensity specialty fixtures. The light source should not be visible from the street or adjoining properties. Other wall mounted security lighting is discouraged.</p> <p>H. Building lighting should be used to highlight specific architectural features. Lighting of architectural features should be designed with the intent of providing accent and interest or to help identify entry and not to exhibit or advertise buildings or their lots.</p> <p>I. Neon is discouraged to border windows or create a false sense of architecture.</p> <p>J. The use of neon as an architectural accent is discouraged.</p>	<p><b>Section 9.21 - Exterior lighting.</b></p> <p>A. Parking lot fixtures are to be selected not only for their functional value, but also for their aesthetic qualities. They are to be considered furniture of the parking lot visible both day and night. Light fixtures used in the district shall be decorative for new development or redevelopment within public view and are encouraged throughout the development. The decorative fixtures shall be of a style that compliments the development. Cobra heads are prohibited within a development. Shoe box units may be used but are discouraged at entrances and exits.</p> <p>B. Parking area lighting should complement the lighting of adjacent streets and properties, and should use consistent fixtures, source colors and illumination levels.</p> <p>C. Light fixtures in parking lots must be a maximum height of 20 feet.</p> <p>D. Poles should be placed to provide a unified, organized appearance throughout the parking area or development and should provide even and uniform light distribution. The use of a greater number of low fixtures in a well-organized pattern is preferred over the use of a minimum number of tall fixtures.</p> <p>E. Outdoor storage areas including auto and truck parking and storage should be illuminated from poles similar to those used for parking lot lighting, but at lower illumination levels.</p> <p>F. Parking lot and security lighting shall be designed to direct light into the property.</p> <p>G. Security lighting should be limited to low-intensity specialty fixtures. The light source should not be visible from the street or adjoining properties. Other wall mounted security lighting is discouraged.</p> <p>H. Building lighting should be used to highlight specific architectural features. Lighting of architectural features should be designed with the intent of providing accent and interest or to help identify entry and not to exhibit or advertise buildings or their lots.</p> <p>I. Neon is discouraged to border windows or create a false sense of architecture.</p> <p>J. The use of neon as an architectural accent is discouraged.</p>

<p>K. When pedestrian lighting is used in conjunction with street lighting, the pedestrian lighting should be clearly distinguishable from the ambient street lighting to clearly define the pedestrian path of travel.</p> <p>L. When adjacent to pedestrian circulation and gathering areas, parking area lighting should not overpower the quality of pedestrian area lighting.</p> <p>M. Lighting should be designed to provide even and uniform light distribution without hot spots dark spots or glare. Lighting should be designed to minimize dark areas that could pose a security concern near pedestrian areas. Pedestrian circulation systems should be highlighted by visible light sources that clearly indicate the path of travel ahead</p> <p>N. Placement of fixtures should provide a coordinated and organized appearance that facilitates uniform light levels and works with the placement of sidewalks, landscaping, signage, building entries and other features to contribute to the overall continuity of the streetscape and development.</p> <p>O. Accent lighting of landscape areas should be low level and background in appearance.</p> <p>P. The color of the light sources shall be consistent throughout the project. High pressure sodium lamps are not permitted.</p> <p>Q. Decorative accent lighting of landscape features, at entrances and exits is recommended.</p>	<p>K. When pedestrian lighting is used in conjunction with street lighting, the pedestrian lighting should be clearly distinguishable from the ambient street lighting to clearly define the pedestrian path of travel.</p> <p>L. When adjacent to pedestrian circulation and gathering areas, parking area lighting should not overpower the quality of pedestrian area lighting.</p> <p>M. Lighting should be designed to provide even and uniform light distribution without hot spots dark spots or glare. Lighting should be designed to minimize dark areas that could pose a security concern near pedestrian areas. Pedestrian circulation systems should be highlighted by visible light sources that clearly indicate the path of travel ahead</p> <p>N. Placement of fixtures should provide a coordinated and organized appearance that facilitates uniform light levels and works with the placement of sidewalks, landscaping, signage, building entries and other features to contribute to the overall continuity of the streetscape and development.</p> <p>O. Accent lighting of landscape areas should be low level and background in appearance.</p> <p>P. The color of the light sources shall be consistent throughout the project. High pressure sodium lamps are not permitted.</p> <p>Q. Decorative accent lighting of landscape features, at entrances and exits is recommended.</p> <p>R. <u>All rooftop terrace lighting shall be shielded to prevent light from spilling over the sides of the building.</u></p>
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**Rooftop Accessories and Uses (Current) – N/A**

**Rooftop Accessories and Uses (Current) – Subsection Section 8.16.**

(Issues addressed: Property values, neighborhood character, privacy issues, safety)

