



## North Bay Village

Administrative Offices

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**REVISED**

**OFFICIAL AGENDA**  
**SPECIAL VILLAGE COMMISSION MEETING**  
**VILLAGE HALL**  
**1666 KENNEDY CAUSEWAY, #101**  
**NORTH BAY VILLAGE, FL 33141**

**TUESDAY, SEPTEMBER 25, 2018**  
**8:00 P.M.**

NOTICE IS HEREWITH GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY DECISION MADE AT THE FORTHCOMING MEETING OF THE VILLAGE COMMISSION, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

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**1. CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**2. ORDINANCE FOR FIRST READING (PUBLIC HEARING)**

- A. AN ORDINANCE OF NORTH BAY VILLAGE FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, REPEALING CHAPTER 8 (ZONING), ADOPTING A NEW CHAPTER 8 (ZONING), AMENDING CURRENT SECTION 8.10 (DISTRICT REGULATIONS), MODIFYING SETBACK REQUIREMENTS AND REMOVING THE BRICK PAVER AND STREET TREE LIGHTING REQUIREMENTS FOR NEW DEVELOPMENT IN THE RM-70 DISTRICT, MODIFYING BUILDING HEIGHT AND SETBACK REQUIREMENTS AND ALLOWING GREATER BONUS HEIGHT AND BONUS DENSITY FOR NEW DEVELOPMENT IN THE CG DISTRICT, REDUCING THE MINIMUM HOTEL SLEEPING UNIT SIZE, ALLOWING GREATER HEIGHT AND REDUCED SETBACKS IN THE BAY VIEW OVERLAY DISTRICT, REMOVAL OF SPECIAL EXCEPTION APPROVAL FOR BAY VIEW OVERLAY DEVELOPMENT, REQUIRING PUBLIC BAYWALKS FOR ALL NEW DEVELOPMENT ADJACENT TO BISCAYNE BAY IN THE RM-70 AND CG DISTRICTS; AMENDING CURRENT SECTION 8.13 (SUPPLEMENTAL DEVELOPMENT STANDARDS), CLARIFYING THAT FENCES ON CORNER LOTS SHALL NOT BE MORE THAT 5 FOOT HIGH IN BOTH YARDS WITH STREET FRONTAGE, RAISING MAXIMUM ALLOWABLE SWIMMING POOLS AND SWIMMING POOL APPURTENANCE HEIGHT TO 3 FEET ABOVE GRADE; AMENDING CHAPTER 9, GENERAL SITE DESIGN STANDARDS, AMENDING SECTION 9.3 (OFF STREET PARKING REQUIREMENTS), REDUCING PARKING REQUIREMENTS FOR MULTIFAMILY UNITS, REDUCING PARKING REQUIREMENTS FOR HOTEL SLEEPING UNITS AND ANCILLARY USES, AMENDING SECTION 9.12 (COASTAL CONSTRUCTION WITHIN BISCAYNE BAY), ALLOWING FOR ADMINISTRATIVE APPROVAL FOR BOAT LIFTS**

**AND MOORING PILES IN LIMITED SITUATIONS, AMENDING SECTION 11.9 (DISTRICT SIGN REGULATIONS), REMOVING REQUIREMENTS FOR ALL SIGNS WITHIN A BUILDING TO BE THE SAME STYLE AND COLOR; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**3. ADJOURNMENT**

## Staff Report

**To:** North Bay Village Commission  
**From:** James G. LaRue, AICP  
**Date:** September 11, 2018  
**Subject:** Unified Land Development Code Revisions

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Staff is recommending a number of changes to the Village's Unified Land Development Code (ULDC). Some of the changes relate to the Village's latest Comprehensive Plan Amendment. The State Land Planning Agency (DEO) issued a letter on August 28<sup>th</sup> notifying the Village that the Plan Amendment will not be challenged by DEO. Once the Plan Amendment has been adopted and found in compliance, the Plan Amendment must be implemented in the ULDC, specifying how the transfer of density rights program that was authorized in the Plan Amendment will be administered in the ULDC.

In conjunction with these ULDC revisions related to the Plan Amendment, staff is presenting some additional revisions. Some of these revisions have been suggested by the Village group known as the Bay View Overlay District Developers, whose letter is attached to this report. The intent of these revisions is to provide additional flexibility in the development of properties in the Commercial zoning district, as an incentive to revive the Village's commercial corridor. Other revisions are being recommended by staff to address issues that have been brought to our attention since the ULDC was last updated in 2017. The summary list of significant revisions is as follows:

- (1) Reorganization of Chapter 8, Zoning- Sections have been moved or reorganized in order to address duplicative or confusing code sections. Section numbers have been changed and references to those sections have been updated. Due to the reorganization, it was simplest to strike the current Chapter 8 entirely and show the revised Chapter 8 as new. Substantive changes to Chapter 8, which are not related to the reorganization, are discussed below.
- (2) Reduction of required setbacks from Kennedy Causeway for properties in RM-70 district- The required setbacks from the north side of the Causeway have been reduced from 40 feet to 30 feet and the required setbacks from the south side of the Causeway have been reduced from 60 feet to 30 feet. [Exhibit A page 6; Exhibit B page 8]
- (3) Removal of maximum number of stories for properties in RM-70 district- The maximum building height of "150 feet or 15 stories, whichever is less" has been revised to "150 feet". [Exhibit A page 7; Exhibit B page 8]
- (4) Removal of two requirements for RM-70 developments- The proposed revisions remove the requirement that brick pavers be used for all exterior paved surfaces and removes the requirement for street tree lighting. [Exhibit A pages 8, 9; Exhibit B page 9]
- (5) Building height in CG district-
  - o Removal of maximum number of stories and increase in allowable building height for properties developing strictly commercial in CG district- The maximum building height of "130 feet or 15 stories, whichever is less" has been revised to "150 feet". [Exhibit A pages 21; Exhibit B page 20]

- Removal of maximum number of stories for properties developing mixed use in CG district- The maximum building height of “150 feet or 15 stories, whichever is less” has been revised to “150 feet”. [Exhibit A pages 18; Exhibit B page 20]
- (6) Revise required setbacks for properties in CG district- The current CG district regulations require different setbacks depending on whether the property is being developed strictly commercial versus mixed use. The proposed revisions standardize the required setbacks regardless of the type of development as follows [Exhibit A pages 18, 21; Exhibit B page 20]:

<i>Location</i>	<i>Distance (Feet)</i>
Kennedy Causeway	30
Other street frontages	25
Rear	25
One side (interior)	15
Second side (interior)	20% of the lot width

- (7) Baywalk required for all waterfront RM-70 and CG properties- The current regulations require multifamily developments in the RM-70 district and mixed use developments in the CG district to provide a public access baywalk. However, the current regulations do not require strictly commercial developments in the CG district to provide a public access baywalk. This proposed revision requires all new development and redevelopment of waterfront properties in the RM-70 and CG districts to provide a public access baywalk. [Exhibit A pages 7, 19; Exhibit B page 45]
- (8) Reduction in required number of parking spaces for hotel sleeping units- The current requirement is one parking space per sleeping unit, plus ten percent of the total. Staff has received comments from several architects and developers indicating that the Village requires an excessive amount of parking for hotels, when compared to other nearby jurisdictions. In order to better compare the various parking requirement of other nearby jurisdictions, see the attached comparative matrix. At the Planning & Zoning Board meeting we submitted the following recommendation, which was more comparable to some of the Village’s less restrictive neighboring jurisdictions:
  - 0.5 spaces per sleeping unit for the first 100 units, with submittal of hotel parking plan; and 1 space per sleeping unit for all units in excess of 100; 25% reduction of parking requirements for retail, restaurant, and retail within the hotel

However, following the discussion at the Planning and Zoning Board meeting, we are now considering the following approach:

- 1 space per sleeping unit for the first 100 units; and 0.5 spaces per sleeping unit for all units in excess of 100, with the submittal of a hotel parking plan); 25% reduction of parking requirements for retail, restaurant, and retail within the hotel
- (9) Reduction in required number of parking spaces for three-bedroom (and larger) multi-family dwelling units- The current requirement is three parking spaces per three-bedroom (or larger) dwelling unit, plus ten percent. The proposed revision allows two parking spaces per three-bedroom (or larger) dwelling unit, plus ten percent.

- (10) Reduction in minimum hotel unit size- The proposed revision reduces the minimum required hotel sleeping unit size from 400 square feet to 200 square feet, based on current hotel building trends. [Exhibit A page 18; Exhibit B page 21]
- (11) Increase maximum building height in the Bayview Overlay District- The proposed revisions increase the maximum allowable building height for properties in the Bay View Overlay District (North side of Causeway on Treasure Island) from 340 feet to 400 ft. [Exhibit A page 22; Exhibit B page 22]
- (12) Reduction of required setbacks in the Bayview Overlay District- The setback requirements proposed are less restrictive than the current regulations. [Exhibit A page 22; Exhibit B page 22]
- (13) Bonus height- [Exhibit A pages 7, 8, 19; Exhibit B page 43]
  - The current regulations only allow for bonus height when developing multifamily structures in the RM-70 district and mixed use structures in the CG district. The proposed revisions would allow for strictly commercial (including hotel) developments in the CG district to also request bonus height.
  - The current regulations allow for a total building height (including bonus height) of 240 feet. The proposed revisions maintain the 240 foot limit for properties in the RM-70 district, but raises the limit to 300 feet for properties in the CG district.
- (14) Bonus density- Implementation of the TDR Comprehensive Plan Amendment- [Exhibit A pages 8, 19; Exhibit B pages 43, 44, 45]
  - Allow for properties with direct access to Kennedy Causeway in the CG district to request bonus density up to 100 dwelling units per acre.
  - In addition to the previously approved sending sites (Village hall and public works sites), Vogel Park is being added to the list of sending sites and the development rights of Vogel Park will now be transferable to private property. The total number bonus density units available for transfer under the program is 136-165, depending on the unit size. Out of that pool, 20 three-bedroom units have been allocated to projects with unexpired site plans. However, no projects utilizing bonus dwelling units have actually been built in the Village.
  - Provide the Village with additional flexibility in use of bonus density fees paid by developers.
- (15) Increase maximum height of swimming pools- The proposed revisions increase the maximum height of swimming pools and their appurtenances from 2 feet above grade to 3 feet above grade.
- (16) Allowance for boat lifts in certain situations to be approved administratively- The proposed revision allows administrative approval, instead of requiring Village Commission approval, of boat lifts and/or mooring piles which are not proposed to extend farther from the seawall than existing dock structures and which will not cause a lifted or moored boat to extend farther from the seawall than is possible using the existing dock structures.
- (17) Removal of requirement for signage in multi-occupant commercial buildings to be the same type and color- This proposed revision removes the requirement that every sign within a multi-occupant building be of the same type and color, providing a practical solution to an otherwise expensive and difficult to enforce requirement.

- (18) Fence height on corner lots- The proposed revision clarifies that fences on corner lots should be no more than 5 feet tall on both street frontages.

There are also some minor clarifications, adjustments and updates to the Code that have been made, and staff will answer any questions concerning these minor modifications at the September 25th meeting. The Village Planning & Zoning Board recommended approval of the proposed ULDC changes at their September 4<sup>th</sup> meeting. Please see attached updated zoning map, which is included for reference on the discussion of the proposed BVO district changes and the proposed CG setback changes.



## BAYVIEW ORVERLAY DISTRICT DEVELOPERS

May 17, 2018

Mr. Jim LaRue  
LaRue Planning  
1375 Jackson Street, Suite #206  
Fort Myers, FL 33901

Dear Mr. LaRue,

As discussed, in addition to the proposed increase in density on the Causeway from 70 units to 100 units through the purchase of TDR's from the City, the Bayview Overlay District Developers ("BVODD") collectively believe that two more updates to the Zoning Code would allow for the desired redevelopment of the Causeway. These amendments would initiate the redevelopment of the Causeway, effectively utilizing these additional units, also resulting in a \$40,000 per unit payment to the Village.

The first update would be to adjust the Parking Requirement to require 2 parking spaces instead of 3 parking spaces for a 2 bedroom unit with a Den or a 3 bedroom unit, which is consistent with or greater than the parking requirements in all of Miami Dade. In today's age with ride-sharing and other technologies, the requirement for 3 parking spaces for these units is not only inefficient, but unnecessary. Even with this reduction, the redevelopment of the Causeway will create additional parking, not only for future residents and guests, but also for the added retail customers.

The second amendment is to create a Bayview Overlay District Height Bonus of 60 feet for all properties located in the BVO District upon the payment of a \$1,000 per unit fee. This bonus fee could be used at the Commission's discretion. In addition, this fee could be due upon the modification of a currently existing site plan approval / building permit or the site plan approval of a new project. With this bonus, the maximum height with BVO District would be 300 feet including all the bonuses under Section 8.10.D.5 or 400 feet with the additional setback requirements of the Bayview Overlay District. This structure will immediately bring in funding with the modification of existing site plans or new site plan approvals, addressing the concern of no revenues being generated from the approvals given.

Finally, it is critical that all of these elements come in to place at one time, as that will allow the BVODD the opportunity to redesign their projects and be prepared for the next wave of development. More importantly, these changes will attract the development capital to North Bay Village to allow it to finally transform into a thriving Village once again.

Best Regards,

Scott Greenwald

Jose Norbeto Saal

Miguel Angel Barbagallo

Leonidas Macedo

cc: Mr. Norman Powell, Esq.

C/O 7301 SW 57<sup>TH</sup> Court  
Suite 565  
South Miami, FL 33143

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## Comparison: Hotel/Motel Parking Requirements by Jurisdiction

Jurisdiction	Required Number of Parking Spaces
N Bay Village	One space for each rental sleeping unit, plus an additional ten percent of the total number of required spaces
N Miami Beach	1.25 spaces for each rental sleeping unit, with meeting rooms 0.75 spaces per sleeping room, without meeting rooms
Miami Shores	1 space per room or suite 1 space per employee 1 space per 3 fixed seats plus 1 space per 25 sq ft in all assembly areas (without fixed seats)
Miami Beach	<p>1 space per unit except as follows:</p> <ul style="list-style-type: none"> <li>0.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, for new floor area for hotel rooms, associated with retaining, preserving and restoring a building or structure that keeps the following intact: <ul style="list-style-type: none"> <li>At least 75 percent of the front and street side facades;</li> <li>At least 75 percent of the original first floor slab;</li> <li>For structures that are set back two or more feet from interior side property line, at least 66 percent of the remaining interior side walls; and</li> <li>All architecturally significant public interiors;</li> <li>or if approved by the historic preservation board.</li> </ul> </li> <li>0.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, for properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east</li> <li>0.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, up to a maximum cap of 150 rooms total, for hotels limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, entertainment or special events, and located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of an historic district</li> </ul> <p>In addition to the above, in order for any hotel to receive the reduced rate of 0.5 spaces per unit, a hotel guest shuttle service shall be provided and maintained, and a hotel employee parking plan is required, which shall be subject to the review and approval of the planning department. Such hotel employee parking plan shall include mandatory measures to address employee parking, including, but not limited to, provision of transit passes, carpool or vanpool programs, off-site parking when available, monthly city parking passes, and/or other measures intended to limit the impact of employee parking on surrounding neighborhoods. However, suites hotel units as defined in section 142-1104 that are greater than 550 square feet and that contain full cooking facilities on lots that are greater than 50 feet in width, shall have the same parking requirement as apartment buildings</p>



## Comparison: Hotel/Motel Parking Requirements by Jurisdiction

Sunny Isles	1 space per each room or suite
	MU-R District: 1 parking space per each room or suite plus 1 space per every 100 square foot of restaurant, lounge, nightclub, or similar establishment dispensing food and/or beverages.
	B-2 District: 1 parking space per each room or suite plus 50% of the requirements of this chapter for ancillary retail and service uses within the hotel without ground level window exposure and/or exterior entrances facing the street.
	B-2 District: 1 parking space per each room or suite plus 35% of the requirements of this chapter for ancillary retail and service uses within the hotel and with ground level window exposure and/or exterior entrances facing the street.
Miami-Dade	Hotels, rooming houses: 1 space for each of the first 40 individual guest rooms or suites 1 additional parking space for every 2 guest rooms or suites thereafter 1 space for each 4 employees Public meeting rooms in hotels shall be further controlled as to parking by Subsection (e) of this section and by Subsection (k) where the meeting room does not contain permanent seats; and restaurants by Subsections (i) and (j).
	Motels, tourist courts, bed and breakfast establishments, and transient accommodations: 1 space per sleeping room or bedroom.
Miami 21: D1, T4, T5, & T6 Transect Zones	Lodging: 1 parking space for every 2 lodging units. 1 Bicycle Rack Space for every 20 vehicular spaces required. Parking requirement may be reduced according to the shared parking standard, Article 4, Table 5. Except for sites within 500 feet of an ungated T3 Transect Zone, the parking ratio may be reduced within a TOD area or within a Transit Corridor area by up to thirty percent (30%) by process of Waiver; by up to fifty percent (50%) by process of Waiver and payment into a transit enhancement Trust Fund, as established by Chapter 35 of the City Code; or by one hundred percent (100%) for any Structure with a Floor Area of ten thousand (10,000) square feet or less. Parking may be provided by ownership or lease offsite within 1,000 feet by process of Waiver, except when site is within 500 feet of T3.
	Plus: T4 Zone: 1 additional visitor space for every 5 lodging units. D1, T5, T6-Restricted, & T6-Limited Zones: 1 additional visitor space for every 10 lodging units. T6-Open Zone: 1 additional visitor space for every 15 lodging units.

## Exhibit A

### CHAPTER 8, ZONING

#### **DIVISION 1, ZONING DISTRICTS ESTABLISHED; ZONING MAP**

##### **§ 8.1 – Title.**

This chapter shall be known as the “Zoning Regulations for North Bay Village, Florida; 2017 Revision.”

##### **§ 8.2 – Purpose and intent.**

The purpose of this chapter is to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, conveniences, prosperity and general welfare of the citizens of the Village, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for preservation, protection, development and conservation of the natural resources of land, water and air, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for adequate public utilities and facilities, for promotion and the civic amenities of beauty and visual interest, for promotion of large-scale developments as a means of achieving unified civic design, and for development in accord with the Village’s adopted comprehensive plan, by establishing zoning districts and by regulating the location and use of buildings, signs and other structures, and land and water for trade and residence by regulating and limiting or determining the height, bulk and access to light and air of buildings and structures, the area of yards and other open spaces, and the density of use. To accomplish this intent, the regulations and districts have been designed with reasonable consideration, among other things, to the character of the districts and their suitability for particular uses.

##### **§ 8.3 – Establishment of zoning districts.**

In order to regulate and restrict the location of commercial, public and semi-public uses, and residences, and the location of buildings erected or altered for specific uses, to regulate or limit population density and the intensity of the use of lot areas, and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, the following zoning districts are hereby established:

###### **A. *Single-Family Residential Districts.***

1. RS-1 Low Density Single-Family Residential District (See Section 8.10.A).
2. RS-2 Medium Density Single-Family Residential District (See Section 8.10.B)

###### **B. *Multiple Family Residential Districts.***

1. RM-40 Medium Density Multiple Family Residential District (See Section 8.10.C).
2. RM-70 High Density Multiple Family Residential District (See Section 8.10.D).

###### **C. *CG General Commercial District* (See Section 8.10.E).**

###### **D. *Bay View Overlay District* (See Section 8.10F)**

###### **E. *Government Use District* (See Section 8.10G)**

##### **§ 8.4 – Reference to district names.**

For the purpose of reference hereafter in these regulations, unless specifically provided to the contrary, the term *Residential* shall include both single-family and multi-family districts.

##### **§ 8.5 – Identification of district maps.**

Such land and the zoning district classification thereof shall be shown on a map designated as the Zoning District Map of the Village, dated and certified by the Village upon adoption. This Zoning District Map and all notations, dimensions, references, and symbols shown thereon pertaining to such districts, shall be as much a part of these regulations as if fully described herein, and shall be filed as part of these regulations. The map and any later alterations shall be available for public inspection in the offices of the Village Manager or his designee. These regulations shall be similarly dated, filed, and made available for public reference.

## Exhibit A

### **~~§ 8.6 – Publication of district maps.~~**

- ~~A. The Village Manager or his designee shall cause to be published, or prints made available, no later than March 31 of the year following adoption of these regulations, the Official Zoning District Map, clearly showing the zoning district boundaries and zoning district names and designations for the incorporated area of the Village. In each calendar year thereafter, if there have been any changes in the zoning district boundaries or in reorganization of districts and district classifications in the preceding year, such amended map shall be published no later than March 31, and shall reflect all changes as of December 31 of the preceding year.~~
- ~~B. Any person desiring a copy of the Official Zoning District Map shall pay a fee for each copy, as set by ordinance.~~

### **~~§ 8.7 – Interpretation of district boundaries~~**

- ~~A. *Map symbols.* A district name or letter-number combination shown on the Zoning District Map indicates that the regulations pertaining to the district designated by that name or letter-number combination extend throughout the whole incorporated area of the Village, bounded by the district boundary lines within which the name or letter-number combination is shown or indicated, except as otherwise provided by this section.~~
- ~~B. *Interpretation.* Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of these regulations, the following rules shall apply:~~
- ~~1. In cases where a boundary line is given a position within a street, alley, or easement, it shall be deemed to be in the center of the right-of-way of the street, alley, or easement. If the actual location of the street, alley, or easement varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.~~
  - ~~2. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.~~
  - ~~3. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where bounded approximately by lot lines, said lines shall be construed to be the boundary of such districts unless the boundaries are otherwise indicated on the map or by ordinance.~~
  - ~~4. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on the Zoning District Map.~~
  - ~~5. All water areas within the zoning jurisdiction are considered to be within a zoning district and controlled by applicable district regulations. District boundaries over water areas are located by noted or scaled dimensions, by relation to physical features, by coincidence with Village limit lines, or by a straight line projection of the centerlines of streets as indicated on the Zoning District Map. Straight line district boundaries over water areas shall be assumed to continue as straight lines until they intersect with each other, with Village limit lines or county limit lines.~~

### **~~§ 8.8 – New land area.~~**

~~Any land hereafter created within or annexed to the corporate area of the Village shall take the classification of "RS-1" – Low Density Single-Family Residential. This shall include the extension of existing bulkhead lines or the creation of islands not contiguous to existing islands.~~

## **DIVISION 2, APPLICATION OF DISTRICT REGULATIONS**

### **~~§ 8.9 – General regulations.~~**

- ~~A. *Compliance with regulations.*~~
- ~~1. No land or water area may be used except for a purpose permitted in the district in which it is located.~~
  - ~~2. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered,~~

## Exhibit A

nor shall any building or part thereof be used except for a use permitted in the district in which the building is located.

3. ~~No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered to exceed the height limit herein established for the district in which the building is located.~~
4. ~~No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the area regulations of the district in which the building is located.~~
5. ~~No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the off-street parking and loading regulations of the district in which the building is located.~~
6. ~~No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the floor area, floor area ratio, or open space ratio regulations of the district in which it is located.~~

**B. ~~Encroachment reduction of lot area.~~**

~~The minimum yards, parking space, and open spaces, including lot area per family, required by these regulations for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area be reduced below the requirements of these regulations.~~

**C. ~~Accessory buildings; prior construction.~~** ~~No accessory building, structure, or dock shall be constructed upon a lot until the construction of the main use building has actually commenced. No accessory building shall be used unless the main use building on the lot is also being used.~~

**D. ~~Location on a lot required.~~** ~~Every building or structure hereafter erected, moved, or structurally altered shall be located on a lot as herein defined, and except as hereinafter provided, in no case shall there be more than one principal building on one lot.~~

**§ 8.10 — District regulations.**

**A. ~~RS-1 Low Density Single-Family Residential District.~~**

**1. ~~Purpose and intent.~~**

~~The purpose of this District is to provide for low-density single-family residential development in a spacious setting, together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible.~~

**2. ~~Uses permitted.~~**

~~Single-family residential dwellings including duly licensed home occupation.~~

**3. ~~Use exceptions as may be approved under Section 8.11~~**

**4. ~~Prohibited uses.~~**

~~a. All other uses not specifically or provisionally permitted herein.~~

**5. ~~Site development standards.~~**

**a. ~~Minimum lot size:~~**

~~Area—7,000 square feet~~

~~Frontage—70 feet~~

**b. ~~Minimum yard setbacks:~~**

Setback	Distance (Feet)
Front	20
Side (corner)	20
Side (interior)	10
Rear	15
Waterfront	25

## Exhibit A

The foregoing is applicable except for Lots 1 through 7 of Block 1 and 1 through 4 of Block 2, respectively, of the subdivision known as North Bay Island, which shall have a minimum waterfront setback of 20 feet.

c. ~~Maximum building height:~~

~~Three stories, not to exceed 35 feet above grade.~~

d. ~~Minimum floor area:~~

~~One story—2,000 square feet~~

~~Two story—2,600 square feet~~

### ~~B. RS-2 Medium Density Single-Family Residential District.~~

~~1. Purpose and intent.~~

~~The purpose of this District is to provide for medium-density single-family residential development in a relatively spacious setting, together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible.~~

~~2. Uses permitted.~~

~~Single-family residential dwellings including duly licensed home occupation.~~

~~3. Use exceptions as may be approved under Section 8.11~~

~~4. Prohibited uses.~~

~~a. All other uses not specifically or provisionally permitted herein.~~

~~5. Site development standards.~~

~~a. Minimum lot size:~~

~~Area—6,000 square feet~~

~~Frontage—60 feet~~

~~b. Minimum yard setbacks:~~

Setback	Distance (Feet)
Front	20
Side (corner)	15
Side (interior)	7½
Rear	15
Waterfront	25

c. ~~Maximum building height:~~

~~Three stories, not to exceed 35 feet above grade.~~

d. ~~Minimum floor area:~~

~~One story—1,500 square feet~~

~~Two story—2,000 square feet~~

### ~~C. RM-40 Medium Density Multiple Family Residential District.~~

~~1. Purpose and intent.~~

~~The purpose of this District is to provide for medium density multi-family residential development, together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible. This district is intended to be utilized as a transitional buffer between single-family residences and high density apartments or commercial uses.~~

~~2. Uses permitted.~~

~~a. Multi-family residential dwellings.~~

~~b. Management offices within structures containing eight or more dwelling units.~~

~~c. Duly licensed home occupation.~~



# Exhibit A

3. ~~Prohibited uses.~~

a. ~~All other uses not specifically or provisionally permitted herein.~~

4. ~~Site development standards.~~

a. ~~Minimum lot size.~~

Area ~~10,000 square feet~~

Frontage ~~100 feet~~

b. ~~Minimum yard setbacks.~~

<b>Setback</b>	<b>Distance (Feet)</b>
Front	25
Side (corner)	25
Side (interior)	20
Rear	15
Waterfront	25
Adjacent single family structure	100

c. ~~Maximum density.~~

~~Forty (40) efficiency or one-bedroom dwelling units per net acre. The following required amount of lot area per unit shall determine the number of other dwelling unit types permitted.~~

<b>Unit Type</b>	<b>Required Lot Area (Sq Ft / Unit)</b>	<b>Density (Units/Acre)</b>
Efficiency	1,085	40.1
One-bedroom	1,085	40.1
Two-bedroom	1,200	36.3
Three-bedroom or larger	1,320	33.0

d. ~~Maximum building height.~~

~~45 feet or four (4) stories, whichever is less~~

e. ~~Exclusion of grade level parking from height limitation.~~

~~(1) A grade level of parking, not exceeding ten (10) feet in height, shall not be included in this height limitation.~~

~~(2) The grade level parking floor may include other nonresidential uses, including laundry rooms, recreational rooms, storage rooms, and an office for building management.~~

f. ~~Minimum pervious area: 25 percent of the total lot area shall be retained as pervious area and shall be landscaped and maintained.~~

g. ~~Minimum floor area.~~

<b>Unit Type</b>	<b>Floor Area (Sq. Ft.)</b>
Efficiency	400
One-bedroom	750
Two-bedroom	1,000
Three-bedroom or larger	1,150

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5. ~~Single-family homes approved under the provisions of Section 8.11 consistent with the setback provisions of the RS-1 (Low Density Single-Family Residential District).~~
6. ~~Use exceptions as may be approved under Section 8.11.~~

### ~~D. RM-70 High-Density Multiple-Family Residential District.~~

1. ~~Purpose and intent.~~  
~~The purpose of this district is to provide for high-density multi-family residential structures together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible.~~
2. ~~Use permitted.~~
  - a. ~~Multi-family residential dwellings including duly licensed home occupation.~~
  - b. ~~Management offices within structures containing eight (8) or more dwellings units or guest rooms.~~
  - c. ~~Office retail and service commercial facilities of an ancillary nature within structures containing 100 or more dwelling units or guest rooms subject to the following conditions:~~
    - (1) ~~Access to such nonresidential facilities shall be only inside the building.~~
    - (2) ~~There shall be no external advertising signs, display windows or entrances, provided, however, that~~
    - (3) ~~Within a building containing 400 or more dwelling units, entrances, external signs and display windows are permitted under the following conditions which:~~
      - (a) ~~The signs do not abut or face a public right-of-way and cannot be read from the public right-of-way;~~
      - (b) ~~Such external signs shall be affixed flat against the facade or awning canopy of the commercial facility;~~
      - (c) ~~Such external signs shall not exceed in area ten percent of the area of the facade of the facility;~~
      - (d) ~~Such external signs shall be compatible as to materials, background and style with all adjacent and contiguous commercial facilities, and~~
      - (e) ~~Such external signs shall not be self-illuminated, "activated", "animated", "flashing", or "beacon light" signs as defined in Section 11.2 of the ULDC.~~
3. ~~Prohibited uses.~~
  - a. ~~All other uses not specifically or provisionally permitted herein.~~
4. ~~Site development standards.~~
  - a. ~~Minimum lot size.~~  
~~Area—27,000 square feet;~~  
~~Frontage—75 feet~~
  - b. ~~Minimum yard setbacks.~~

<b>Location</b>	<b>Distance (Feet)</b>
Kennedy Causeway (north side)	40
Kennedy Causeway (south side)	60
Other street frontages	25
Rear	25
Adjacent single-family district	100
One side (interior)	15
Second side (interior)	20% of the lot width
Total side setback area free of structures at ground level	60

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~~c. Maximum density.~~

~~Seventy (70) efficiency or one (1) bedroom dwelling units per net acre. The following required amount of lot area per unit shall determine the number of other dwelling unit types permitted.~~

<b>Unit Type</b>	<b>Required Lot Area (Sq. Ft./Unit)</b>	<b>Density (Units/Acre)</b>
Efficiency	623	70.0
One-bedroom	623	70.0
Two-bedroom	685	63.6
Three-bedroom or larger	750	58.1

~~d. Maximum building height: 150 feet or 15 stories, whichever is less.~~

~~e. Minimum pervious area: Twenty percent (20%) of the total parcel. The lot area at grade level shall be retained as pervious area and shall be landscaped.~~

~~f. Minimum floor area:~~

<b>Unit Type</b>	<b>Floor area (Sq. Ft.)</b>
Efficiency or hotel room	600
One-bedroom	900
Two-bedroom	1,200
Three-bedroom or larger	1,350

~~g. Minimum boardwalk/baywalk accessibility criteria.~~

~~(1) Properties contiguous to Biscayne Bay and its natural tributaries shall provide a public access boardwalk/baywalk in the riparian right-of-way or an upland shoreline access easement adjacent to and parallel to the riparian right-of-way.~~

~~(2) These properties shall also provide a connective public easement connecting contiguous properties and the public right-of-way to these shoreline access areas.~~

~~5. Height bonus.~~

~~a. The following maximum building height bonuses are permitted in the RM-70 District when any of the design bonus alternatives listed in subsections 8.10.D.5.c(1) through (6) are incorporated into proposed project and the incorporated alternatives are subsequently approved by the Village Commission upon recommendation of the Planning and Zoning Board.~~

~~b. Bonus approval shall be done at the time of Site Plan Review as required by Section 5.8.B.9. Each bonus alternative may be claimed once for a development and multiple awards for the same bonus feature shall not be permitted.~~

~~c. The Village Commission may grant bonuses subsequent to a public hearing when it is determined by the Commission that the proposed bonus amenities are substantive in nature, contribute to an overall project design which takes into account the public's critical interests in new development and where the proposed plan is otherwise in substantial conformity with the Village's Comprehensive Plan.~~

~~(1) Twenty-foot height bonus.~~

~~An additional impact fee of \$1,500.00 per unit in the building shall be paid to North Bay Village for beautification of the John F. Kennedy Causeway (State Road 934). This fee shall be set towards a Causeway Beautification Fund and/or~~

~~(2) Twenty-foot height bonus.~~

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- ~~A developer shall pay a fee of \$1,500.00 per unit in the building, which shall be utilized for the construction of a Village-wide boardwalk. This fee shall be set towards a Boardwalk Fund and/or~~
- ~~(3) Twenty-foot height bonus.~~  
~~A developer shall pay a fee of \$1,500.00 per unit in the building, which shall be utilized for the remodeling of the entrances to the islands. This fee shall be set towards an Island Entrance Remodeling Fund and/or~~
- ~~(4) Ten-foot height bonus.~~  
~~A developer shall pay a fee of \$750.00 per unit in the building, which shall be utilized for providing art in public places. This bonus is applicable only in conjunction with one of the above three mentioned bonuses. This fee shall be set towards an Art in Public Places Fund and/or~~
- ~~(5) Ten-foot height bonus.~~  
~~A developer shall pay a fee of \$750.00 per unit in the building, which shall be utilized for the planting of trees for the interior island streets. This fee shall be set towards a tree fund for the interior island streets and/or~~
- ~~(6) Ten-foot height bonus.~~  
~~A developer shall be required to pay a fee of \$750.00 per unit in the building, which shall be utilized for sidewalk enhancement, as well as the replacement of walkway areas from plain concrete to brick pavers. This fee shall be set towards a sidewalk enhancement fund.~~
- ~~6. Density bonus.~~
- ~~a. Each parcel shall have the ability to purchase additional buildable units from North Bay Village in the following manner:~~
- ~~(1) for a price of \$40,000.00 per unit; or~~
- ~~(2) provision of two (2) parking spaces per bonus unit, said spaces to be in the form of surface parking, or ground floor parking within a garage, located on the parcel and such parking spaces shall be labeled as being available at all times to the general public.~~
- ~~b. These units shall be derived from land currently owned by the Village, which will not be developed into residential buildings in the future.~~
- ~~c. Any money realized by the Village for such units shall be utilized for future Village parks and for the purchase of land for additional open green space.~~
- ~~d. These units are to come from the development rights of Village Hall as well as the public works property on Treasure Island.~~
- ~~e. The total buildable units are: 129 Efficiencies; 129 1-Bedroom Units; 117 2-Bedroom Units; 106 3-Bedroom Units.~~
- ~~f. Monies due from development under the bonus participation program shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission. After payment of the monies due or construction and approval by the Village of the public parking spaces, the appropriate number of units will be included in the maximum number of units buildable on the property. This fee shall be set towards a Village Park Fund.~~
- ~~7. Allocation of funds.~~  
~~Funds paid to North Bay Village as a result of the bonus participation program shall be transferred between all accounts created for the purposes listed herein.~~
- ~~8. Additional required features and requirements.~~  
~~All properties developed under the RM-70 Zoning requirements shall provide the following:~~
- ~~a. Public access boardwalk as required by the Miami-Dade County Shoreline Review Committee. (Developer shall dedicate an easement to the Village conveying the boardwalk and a public access corridor).~~
- ~~b. All exterior paving surfaces, except for covered parking garages, shall be constructed of~~

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- brick pavers.
- ~~c. A water feature shall be provided in the front of each development.~~
- ~~d. Developments shall comply with existing landscaping requirements, as well as changes implemented in the future to conform to contiguous developments and landscaping plans implemented for the causeway and interior island areas.~~
- ~~e. Developments shall provide streetscape benches along the boardwalk areas.~~
- ~~f. All parking garages shall be constructed with architectural features that hide them from public view (glass, screening, greenery etc.).~~
- ~~g. Lighting shall be provided in all areas in the front of development where trees are planted.~~
- 9. ~~Special exceptions for certain undersized parcels.~~
  - a. ~~Purpose and intent.~~

~~This section recognizes that certain parcels exist in the RM-70 District which do not meet the minimum lot size requirements set forth in Section 8.10D4a. to permit a building to be erected, converted, enlarged, reconstructed, moved or structurally altered. Some of said parcels are improved and some unimproved. The purpose of this section is to establish criteria whereby undersized parcels may be put to reasonable use, consistent with the Village's Comprehensive Plan for development and in furtherance of a policy which discourages overdevelopment and urban congestion.~~
  - b. ~~Uses permitted.~~

~~Uses permitted shall be the same as permitted in Section 8.10.D.2~~
  - c. ~~Site development standards:~~
    - (1) ~~Minimum lot size:~~
      - ~~Area — 10,800 square feet~~
      - ~~Frontage — 30 feet~~
    - (2) ~~Minimum yard setbacks shall be the same as specified in Section 8.10.D.4.b provided that existing buildings, which were completed prior to April 1, 1983, (existing structures) and were lawfully constructed so that any existing setback encroaches into the setback area prescribed by current law but not in excess of 33 1/3 percent of the current setback requirements (nonconforming setback) shall be subject to the provisions of subsection (c.(4) hereafter.~~
    - (3) ~~Maximum density shall be as prescribed in Section 8.10.D.4.c except that~~
      - ~~(a) on minimum undersized parcels of 10,800 square feet in area and frontage of 30 feet, there shall be a maximum of six (6) residential units;~~
      - ~~(b) in the case of undersized parcels which exceed the minimum required lot area of 10,800 square feet and the minimum required frontage of 30 feet, in addition to six (6) units there shall be allowed one (1) unit for each whole 750 square feet of land area in excess of the minimum required lot area of 10,800 square feet~~
    - (4) ~~Maximum building height on undersized parcels.~~
      - ~~(a) The maximum building height on minimum undersized parcels shall be three (3) stories or 36 feet above code approved grade, whichever is less.~~

~~Except, in the event an existing structure is the subject of a nonconforming setback, the new covered or roofed area of the third floor (if there is one) shall be reduced in area on the basis of one and five-tenths percent (1.5%) of the area of the second floor for each foot of nonconforming encroachment into the setback area.~~
      - ~~(b) The maximum building height on undersized parcels which exceed the minimum required lot area of 10,800 square feet and minimum frontage of 30 feet shall be one (1) floor for each whole 1,750 square feet of land area in excess of the minimum required lot area of 10,800 square feet, not to exceed six (6) stories or 72 feet above code approved grade, whichever is less.~~
      - ~~(c) Provided further, as to buildings newly constructed under the provisions of this ULDC,~~



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~~grade level beneath the building parking not exceeding ten (10) feet in height shall not be included in the height limitation herein imposed.~~

~~(5) Minimum pervious area: 25 percent of the total lot area shall be retained as pervious area and shall be landscaped and maintained.~~

~~(6) Minimum floor area shall be as prescribed in Section 8.10.D.4.5~~

~~(7) Offstreet parking: The offstreet parking requirements as set forth in Sections 9.1 through 9.3 shall apply to buildings under this section except that every dwelling unit, regardless of size, shall require two (2) parking spaces.~~

~~(8) All Village and County landscaping requirements shall be fully applicable to buildings under this section.~~

### ~~10. Planned Residential Development (PRD) Zoning Overlay.~~

#### ~~a. Purpose and intent.~~

~~The purpose and intent of the Planned Residential Development (PRD) Overlay Zoning District to create a living environment that is responsive to the needs of its residents; to provide flexibility in planning, design, and development consistent with the Village's Comprehensive Plan; to encourage innovative approaches for the design of community environments; to provide for an efficient use of land, to provide an environment compatible with surrounding land use; to adapt the zoning process to changes in development and construction technology; to encourage infill and the redevelopment of the Village's multi-family areas; and to promote the public health, safety and general welfare of North Bay Village. The PRD shall be deemed an Overlay Zoning District and shall be approved only after public hearings for a specific site.~~

#### ~~b. Compatibility with existing zoning and existing development.~~

~~When applying the terms and conditions imposed by this section, the Planning and Zoning Board and the Village Commission shall determine compatibility with already existing zoning for the property subject to the application and shall require applicants for PRD approval to demonstrate compatibility with already existing or approved developments adjacent to the property for which the PRD approval is being sought.~~

#### ~~c. Ownership requirements.~~

~~The applicant for approval of a PRD shall be either the owner(s) or the contract purchaser or lessee of the entire property encompassed by the PRD application. If the applicant is the contract purchaser or a lessee, then the owner of the entire property shall execute a notarized consent to the filing of the application. The application for approval of a PRD shall not be assignable or transferable to other parties.~~

#### ~~d. Development parameters.~~

~~All applications for PRD shall comply with the following applicable development parameters:~~

~~(1) The subject property shall be zoned for RM-70 multi-family use;~~

~~(2) The subject property shall contain a minimum of one legally platted lot for the construction of no less than ten (10) residential units and twenty (20) off-street parking spaces, or two (2), but not more than three (3), platted lots contiguous, as of the effective date of this section [Jan. 22, 2002];~~

~~(3) The subject property shall be deemed one (1) parcel of land and in the event that two (2) or more platted lots shall constitute a PRD, the applicant shall submit a Unity of Title in a form acceptable to the Village Attorney;~~

~~(4) The following definitions shall apply to this section:~~

~~(a) Floor area ratio (FAR). Total gross area of a building or buildings, excluding parking garage structure, on any lot divided by the area of the lots.~~

~~(b) Gross floor area. Total area of all floors of a building that are enclosed including common areas such as elevators (area of shafts at ground floor only), stairs (except open stairways and enclosed stairways which are means of egress required by the fire department), corridors, interior recreation areas, storage, cabana, lobby,~~

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restrooms, etc. All these items are excluded: The garage structure with any required means of egress, and any open but covered walkways, exterior balconies, open decks, and terraces at the recreational area.

~~(c) Pedestal. Portion of a building that contains the parking level entry lobby, office, manager's unit, storage, mechanical room, recreational facilities, and parking structures.~~

~~(d) Tower. Portion of the building that contains residential units, parking structures, and may also include recreational facilities.~~

~~(5) Restrictions on floor area.~~

~~(a) No structure shall contain a FAR of greater than 3.0 for one lot; 3.75 for two lots; and 4.00 for three lots.~~

~~(b) No more than one-half of a floor area used for amenities can be allocated for dwelling units.~~

~~e. Permitted uses. Multifamily residential and recreational facilities ancillary thereof thereto.~~

~~f. Site development standards.~~

~~(1) Standard Building Setbacks.~~

~~(a) Setbacks for a new building without pedestal and tower design shall be as set forth in the following table:~~

<b>Location</b>	<b>Distance (Feet)</b>
Kennedy Causeway (north side)	40
Kennedy Causeway (south side)	60
Other street frontages	25
Rear	25
Adjacent single-family district	100
One side (interior)	15
Second side (interior)	20% of the lot width
Total side setback area free of structures at ground level	60

~~(b) For buildings with pedestal and tower design, the following setbacks shall apply:~~

~~i. Front pedestal—20 feet~~

~~ii. Front tower—25 feet~~

~~iii. Rear pedestal/tower—25 feet~~

~~iv. Sides pedestal—Ten feet~~

~~•Tower—One side—15 feet~~

~~•Tower—Other side—20 percent of frontage~~

~~(2) Flex setback.~~

~~— Designer has the option to offer creative design solutions to the building configurations and the Village will allow the tower (and pedestal for sites involving only one lot) to encroach into the setbacks as per the following "flex box" criteria.~~

~~— i. The aggregate square footage of the floor area encroaching into the setback must be adjusted by deducting it from the buildable "box" allowed under the preceding standard setback regulations~~

~~ii. Up to 25 percent (25%) of the square footage of all balconies shown on the plan as encroaching into the setback may be excluded from the calculation of the total square footage of the encroachment.~~

~~iii. and In no instance is the designer allowed to build more area per floor than what is permitted under this the standard buildable "box".~~

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- ~~iv. In no instance may any wall length, which encroaches into any side yard setback, be longer than one-third of the length of a wall which is permitted under the buildable "box" and the standard setback regulations. Balconies with railings or other physical containment, which do not exceed 42 inches in height are not included in the measurement of the wall length.~~
- ~~v. The length of wall measurement shall be made at the point of maximum encroachment into the flex setback area.~~
- ~~(3) Building height.~~
  - ~~(a) No structure shall exceed 170 feet in overall height above base flood elevation (BFE) including all structures for stairways, storage, mechanical, elevator, recreational uses, et cetera.~~
    - ~~i. The total area of these uses stairways, storage, mechanical, elevator, recreational uses, et cetera shall not exceed 30 percent of the footprint of the last residential floor.~~
  - ~~(b) No structure shall exceed 150 feet from base flood elevation to the roof of the last residential floor and 160 feet for the overall height of the structure except that an elevator shaft may exceed 160 feet in height based on evidence of necessity as a result of requirements for elevator construction.~~
  - ~~(c) No Pedestal shall exceed 30 feet in height from grade.~~
- ~~(4) Off-street parking for multiple lot sites.~~
  - ~~(a) Off-street parking shall be required as set forth for residential uses under Section 9.3.C.~~
  - ~~(b) All parking spaces must be screened from ground level view.~~
  - ~~(c) All parking spaces must be designed to meet the requirements of Section 9.3.E.~~
  - ~~(d) The driveway required in 90-degree parking shall be a minimum of 22 feet zero inches wide.~~
- ~~(5) Off-street parking for single lot sites only~~
  - ~~(a) Driveways and maneuvering areas shall be designed in order to ensure safe travel in and out of the garage structure. Drives and access ramps are permitted to be smaller than twenty-two (22) feet in width if they are either limited to one-way traffic or designed so that gates or other barriers prevent the entry of more than one vehicle at a time. No drive aisle may be less than 10.5 feet in width.~~
  - ~~(b) Notwithstanding the above or the requirements of Section 9.3(E), mechanical parking lifts may be permitted in an enclosed garage structure if approved by the Village Commission through the PRD site plan review process, during which time, the Village Commission shall have the right to determine whether a valet parking program will be required for any new development utilizing mechanical parking lifts. A mechanical parking lift is an automated mechanism that lifts vehicles to make space available to park other vehicles below it in a vertical tandem fashion. Both parking spaces created by a mechanical parking lift may be counted towards the total number of required parking spaces. A mechanical parking structure may be permitted if it meets the following standards:~~
    - ~~i. The mechanical parking lifts and the garage structure shall be designed so that the noise or vibration from the operation of the lifts shall not be plainly audible to, or felt by, any individual standing outside on property adjacent to the garage structure. Noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions.~~
    - ~~ii. All mechanical parking lifts must be installed by the manufacturer or a manufacturer approved installer.~~
    - ~~iii. All lifts must be maintained and kept in good working order and must be inspected by a licensed mechanical engineer at least once every six months.~~

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- ~~A copy of the inspection report must be provided to the Village.~~
- ~~iv. All free-standing mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage.~~
  - ~~v. All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift.~~
  - ~~vi. All mechanical lift components shall be Underwriters Laboratories (UL) approved.~~
  - ~~vii. All non-mechanical parking spaces in the garage structure must measure at least nine (9) feet in width by eighteen (18) feet in depth.~~
  - ~~viii. The building owner or condominium association must maintain a service contract with the manufacturer or manufacturer-approved service company at all times to ensure continued operation of lifts. Proof of the service contract must be provided to the Village annually.~~
  - ~~ix. The ceiling height of any parking level with parking lifts within a garage shall be a minimum of 11 feet 6 inches.~~
  - ~~x. The parking lift platform must be sealed and of a sufficient width and length to completely cover the bottom of the vehicle on the platform to prevent dripping liquids or debris onto the vehicle below.~~
- ~~(6) Entrance feature/porte cochere.~~
- ~~(a) A covered/sheltered entrance feature with a vertical clearance of at least fourteen (14) feet shall be permitted to be located up to the front property line.~~
  - ~~(b) If loading spaces are provided at this location, 14½ feet of vertical clearance shall be provided.~~
  - ~~(c) Columns may be provided to support a porte cochere.~~
- ~~(7) Balconies.~~
- ~~(a) Exterior balconies/terraces and covered walkways, excluding rooftops and other non-covered areas, may extend into setbacks a maximum of 25 percent of the allowable setback measurement but may not extend beyond the pedestal setback.~~
  - ~~(b) Balconies projecting into setbacks shall be deemed as encroachments herein, but shall not be calculated as part of the floor area ratio.~~
  - ~~(c) Notwithstanding anything herein to the contrary, in no event shall the total square footage of balconies exceed more than 25 percent of the total square footage of the buildable box.~~
- ~~(8) Landscape requirements. (Refer also to Ch. 18, Miami-Dade Landscape Code.)~~
- ~~(a) A minimum of 30 percent of the exposed roof deck of the pedestal and any open areas with amenities shall be landscaped.~~
  - ~~(b) In addition "hardscape" (pavers, fountains, awnings, etc.) may be permitted if approved by the Village.~~
  - ~~(c) An applicant shall be required to submit a detailed landscape plan to the Village. The landscape plan shall be sensitive to surrounding properties and shall be utilized to enhance the subject property.~~
- ~~(9) Minimum Unit size. All units shall comply with the minimum size requirements as follows:~~

Unit Type	Floor Area (Sq. Ft.)
Efficiency	600
One-bedroom	900
Two-bedroom	1,200
Three-bedroom or larger	1,350

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- g. ~~Application procedure. The applicant shall submit an application to the Village Manager, or his/her designee, on a form(s) prescribed by the Village Manager. The Village Manager shall require at least the following information which shall be considered the PRD application:~~
- ~~(1) Letter of intent;~~
  - ~~(2) Payment of \$5,000.00 development review application fee for each application submitted. Fees incurred by the Village for special planning and/or legal consultant services during the development plan approval process shall be reimbursed to the Village by the applicant;~~
  - ~~(3) A detailed site plan showing dimensions of building(s), structure(s), setback(s), open space(s), landscaping and off-street parking. The landscaping plan shall provide buffering and/or masking of all parking facilities;~~
  - ~~(4) Proposed floor plans and elevations (including signage) for all buildings and structures encompassing the size, placement and number of units;~~
  - ~~(5) A complete list of uses and the square footage for each use;~~
  - ~~(6) A certified copy of a land survey;~~
  - ~~(7) Detailed calculations of water consumption increase and calculation of wastewater;~~
  - ~~(8) Any other documentation as the Village Manager, or his/her designee, reasonably determines is necessary to properly review the proposed project; and~~
  - ~~(9) Within ten days prior to the Planning and Zoning Board public hearing, the applicant shall furnish to the Village Manager, or his/her designee to make available for viewing
    - ~~(a) an architectural model built to scale and photographs depicting same or a~~
    - ~~(b) digital model on DVD depicting the proposed lot and structure including elevations all in relation to adjoining properties and structures thereon.~~
    - ~~(c) Said model shall be retrieved by the developer within thirty (30) calendar days following the final public hearing before the Village Commission, and the DVD and photographs depicting the model shall become a part of the public records.~~
    - ~~(d) Said model shall demonstrate the proposed structure as well as existing structures on either side. The applicant shall affirmatively demonstrate that all setbacks for the new structure shall not conflict with the existing or approved structure on either side of the proposed structure.~~~~
- h. ~~Public hearing procedure. At a public hearing, the applicant shall have the burden of proof in demonstrating that the PRD application complies with the purpose and intent of the PRD ordinance. In determining whether to grant approval of the PRD application, with or without appropriate and necessary conditions and safeguards, the Planning and Zoning Board and Village Commission shall determine whether the application complies with the purpose and intent of this section and shall make the following findings:~~
- ~~(1) Whether the application is consistent with the Village's Comprehensive Plan.~~
  - ~~(2) Whether the proposed development will have a favorable effect on the economy of the Village.~~
  - ~~(3) Whether the proposed development application will generate or result in excessive noise or traffic.~~
  - ~~(4) Whether the proposed development will cause an undue or excessive burden on public facilities and services, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities, which have been constructed, or which are planned or budgeted for construction.~~
  - ~~(5) Whether the proposed development will tend to create a fire hazard or other dangerous conditions.~~
  - ~~(6) Whether the proposed development will cause excessive overcrowding or concentration of people or population that would create evacuation concerns.~~



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~~(7) Whether the proposed development will be compatible with the surrounding area and its development, and will demonstrate innovative design in order to minimize impact on surrounding properties.~~

~~(8) Whether the proposed development is a reasonable use of the property and results in a public benefit including, but not limited to, the enhancement of the subject real property and/or the redevelopment of structures in deteriorated or poor condition.~~

~~i. Legal effect of PRD.~~

~~(1) Notwithstanding anything in the Code to the contrary, the approval of a PRD application shall be deemed an Overlay Zoning District to the existing zoning of the property.~~

~~(2) The approved PRD application shall encompass the approved development and the development regulations applicable to the property, and shall not be subject to any variances as may be required by other sections of this Code.~~

~~(3) However, the Village Commission shall be prohibited from approving a PRD application that would increase the intensity, density or height above that which is permitted in these PRD regulations.~~

~~(4) In the event that the owner wishes to modify an approved PRD application in any fashion which would increase the amount of square footage of the building(s) or lessen landscaping or open space, or create an undue burden on any public facilities, a new PRD application shall be filed and shall be subject to the terms and conditions of this section.~~

~~(5) In the further event that the owner shall not begin development pursuant to the approved PRD application for a period exceeding 12 months, the PRD designation shall lapse and the Overlay Zoning District for the subject property shall terminate.~~

~~(6) The Village Commission shall have full authority to approve, approve with modifications, or deny a PRD application based upon its legislative determination that the application, as proposed or modified, serves and protects or does not serve and protect the public health, safety and welfare to at least an equivalent degree as the underlying zoning. Likewise, the Village Commission shall have authority to impose reasonable conditions and safeguards necessary to protect the public health, safety and welfare upon the approval of any PRD application.~~

~~(7) Nothing contained in this section shall supersede or abrogate the express provisions of the Village's Comprehensive Plan, and all development orders issued by the Village shall not exceed the density limitations imposed by the Village's Comprehensive Plan. It shall be the duty of the Village Manager, or his/her designee, to advise the Village Commission whether any individual application will cause the density to exceed any density restrictions imposed by the Village's Comprehensive Plan.~~

~~E. CG General Commercial District~~

~~1. Purpose and intent. The purpose of this district is to encourage the development of general office, retail, service commercial, tourist accommodations, and commercial-residential mixed use.~~

~~2. Uses permitted:~~

~~(a) Bank or financial institution.~~

~~(b) Clinic, urgent care, or hospital.~~

~~(c) Dry cleaning substation or laundromat.~~

~~(d) Lounge or nightclub (subject to the provisions of Chapter 111 of the Village Code).~~

~~(e) Medical or dental office/laboratory.~~

~~(f) Personal services establishments, including but not limited to shoe repair, barber and beauty shop, stock brokerage, employment agency, travel bureau, and messenger service.~~

~~(g) Post office.~~

~~(h) Professional offices, including but not limited to architecture, accounting, engineering, investigative, investment and tax counseling law, medicine, and real estate.~~

## Exhibit A

- ~~(i) Multi-family residential dwellings.~~
- ~~(j) Tourist accommodations including hotels, motels, vacation rentals, and time sharing units.~~
- ~~(k) Restaurants, coffee shops, delicatessens and fast order food establishments (excluding any form of drive-in or drive-thru service regardless of the type of establishment; see subsection E.3.a).~~
- ~~(l) Outdoor seating/dining shall be subject to the following requirements and conditions:~~
  - ~~(1) An application must be filed with the Village Manager, or his/her designee, for administrative review and approval, which shall include layout of all tables, chairs, benches, and other furniture; pedestrian ingress and egress; location of refuse containers; and other elements necessary to illustrate the proposed outdoor seating/ dining use and area (all drawings must be titled, indicate orientation, and be at an acceptable scale).~~
  - ~~(2) Outdoor seating/dining areas and uses of the public right-of-way and/or any private property may be approved, denied, or approved with conditions, modifications, safeguards, or stipulations appropriately and reasonably related to the intent, purposes, standards, and requirements of the related regulations by the Village Manager. Such permit shall not be transferable in any manner and is strictly a conditional use permit, issued for a period of one year, renewable annually via payment of the annual occupational license fee for such outdoor seating/dining uses.~~
  - ~~(3) The fee for outdoor dining/seating use and area will be charged annually in the amount of \$250.00; the permit fee shall be added to the occupational license fee for the main business.~~
  - ~~(4) The applicant shall provide an indemnity agreement that is acceptable to the Village Manager. This agreement will include specification of liability insurance provided.~~
  - ~~(5) The conditional use permitting of outdoor seating/dining use and area may be revoked by the Village Manager or his/her designee, upon finding that one or more conditions of these regulations have been violated, or that the outdoor seating/dining area and use are being operated in a manner that constitutes a public nuisance, or in any way that constitutes a reasonable risk of potential liability to the Village.~~
  - ~~(6) Outdoor seating/dining use and area may be temporarily suspended by the Village for public use/purpose, utility, sidewalk or road repairs, emergency situations, or violations of provisions contained herein. The length of suspension shall be determined by the Village Manager as necessary. Removal of all street furniture and related obstructions shall be the responsibility of the owner/operator of the outdoor seating/dining.~~
  - ~~(7) Outdoor seating/dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris. The applicant shall be responsible for daily cleaning and sweeping of the outdoor seating/dining area and for the cleanliness and maintenance of any outdoor planters immediately adjacent to the outdoor seating/dining area. Use of Village sidewalks for trash and garbage removal shall be prohibited.~~
  - ~~(8) Outdoor seating/dining use and area shall not interfere with the free and unobstructed pedestrian or vehicular circulation of traffic, public access to any street intersections, crosswalks, public seating areas and conveniences, bus stops, alleys, service easements, handicap facilities, or access to any other commercial establishments. The width and location of the sidewalk pedestrian passage shall be as follows:  
If there is seating on one side of the sidewalk, a minimum of five feet of sidewalk must remain clear and unobstructed for pedestrian passage;~~
  - ~~(9) Outdoor seating/dining area on the public rights-of-way shall be open and unenclosed. No building structures of any kind shall be allowed in and over any portion of the outdoor seating/dining area located on public property.~~
  - ~~(10) Tables, chairs and all other furniture used in the operation of an outdoor seating/dining area shall not be anchored or restrained in any manner. Individual table umbrellas, planters, or other such non-stationary elements may be permitted within the outdoor~~

## Exhibit A

- ~~seating/dining area and where applicable, shall have a minimum clearance height of seven feet above grade.~~
- ~~(11) Outdoor seating/dining use and area shall be restricted to the length of the sidewalk or public right-of-way immediately fronting the cafe or other establishment~~
  - ~~(12) Outdoor seating/dining area shall be at the same elevation as the adjoining sidewalk or public right-of-way.~~
  - ~~(13) Carts and trays for serving food are permitted in the outdoor seating/dining area.~~
  - ~~(14) Outdoor seating/dining use and area shall not be provided with amplified sound of any kind.~~
  - ~~(15) Outdoor seating/dining areas may serve alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only; provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.~~
  - ~~(16) Any administrative decision may be appealed to the Village Commission in accordance with the requirements of this Code.~~
  - ~~(17) The hours of operation shall coincide with that of the primary restaurant.~~
  - ~~(m) Retail sales establishments, including but not limited to the sale of appliances, books, stationery, drugs, hardware, liquor, groceries, meats, produce and fish; however, such retail sales shall be restricted to merchandise stored and displayed within the main structure.~~
  - ~~(n) Radio and television transmitting station and studio.~~
  - ~~(o) Storage facilities in connection with permitted uses or non-industrial mini-storage facilities in conjunction with other retail, commercial or mixed uses, including the rental of motor vehicles and trailers consistent with off-street parking restrictions (Section 9.6(A)) for self-hauling purposes and the storage of said vehicles on premises, subject to site plan approval by the Village Commission; provided, however, that all such material, including waste and cooling systems and the above-described motor vehicles and trailers shall be stored or erected entirely within the walls of a building. Such rental vehicles shall not be over 30 feet in length. Parking shall be provided for the storage facility portion of any mixed use facility at the rate of one space for every 8,000 square feet of storage area.~~
  - ~~(p) Studios for artists, photographers, sculptors, or musicians, including: the teaching of art, music, dancing, or artistic instruction.~~
  - ~~(q) Daycare or nursery~~
  - ~~(r) Repair service establishments (shoes, watches, appliances, and other similar uses)~~
  - ~~(s) Gym or fitness center~~
  - ~~(t) Commercial parking lot~~
  - ~~(u) Business, vocational, and trade schools~~
  - ~~(v) Pharmacy~~
  - ~~(w) Animal hospital, grooming, and/or kennel~~
  - ~~(x) Funeral home or mortuary~~
  - ~~(y) Art gallery~~
  - ~~(z) Religious institution~~
  - ~~(aa) Lodges, fraternal organizations, and union halls~~
3. ~~Special uses permitted.~~ Uses permitted upon approval of the Village Commission in accordance with the provisions pertaining to use exceptions (See Section 8.11).
- ~~a. Drive-thru or drive-in service.~~
  - ~~b. Marinas, provided that the following provisions are adhered to:~~
    - ~~(1) No docks or piers, including mooring piles, catwalks, and other appurtenances, shall be constructed closer than 7.5 feet to any adjacent property line.~~
    - ~~(2) In no case shall a dock or pier project more than ten percent into the width of any waterway.~~

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- (3) ~~Fire prevention and fire control equipment shall be provided as required by the South Florida Building Code.~~
- (4) ~~In conjunction with the dockage or moorage of vessels, the following water-related activities, vessels and structures are prohibited:~~
- ~~(a) Commercial vessels.~~
  - ~~(b) Haul-out facilities for major boat repair or overhaul work.~~
  - ~~(c) Unscreened storage of boating supplies or accessories in the required front yard setback area.~~
  - ~~(d) Permanent live-aboard vessels except as required for work or security purposes.~~
- c. ~~Mixed-use commercial and multifamily structures, provided they conform with the following requirements and standards:~~
- ~~(1) Minimum lot size of 27,000 square feet.~~
  - ~~(2) Minimum setbacks:~~

Location	Distance (Feet)
Kennedy Causeway (north side)	40
Kennedy Causeway (south side)	60
Other street frontages	25
Rear	25
Side, (each)	15, plus five feet for each story over three
Second side	20% of lot width
Adjacent to single-family district	100
Total side setback area free structure at the ground level shall be at least 60 feet.	

- (3) ~~Maximum building height: 150 feet or 15 stories, whichever is less, a maximum of four stories may be utilized for a parking structure.~~
- (4) ~~Minimum pervious area: 20 percent of the total parcel. The lot area at grade level shall be retained as pervious area and shall be landscaped.~~
- (5) ~~Maximum density: 70 efficiency or one bedroom dwelling units per net acre. The following required amount of lot area per unit shall determine the number of other dwelling unit types permitted.~~

Unit Type	Required Lot Area (sf/unit)	Density (Units/Acre)
Efficiency	622	70.0
One-bedroom	622	70.0
Two-bedroom	685	63.6
Three or more bedrooms	750	58.1

- (6) ~~Minimum floor area:~~

Unit Type	Floor area (sf)
Efficiency or hotel room	400
One-bedroom	750
Two-bedroom	1,000
Three or more bedrooms	1,150

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- ~~(7) Minimum boardwalk/baywalk accessibility criteria: Properties contiguous to Biscayne Bay and its natural tributaries shall provide a public access boardwalk/baywalk in the riparian right-of-way or an upland shoreline access easement adjacent to and parallel to the riparian right-of-way. These properties shall also provide a connective public easement connecting contiguous properties and the public right-of-way to these building shoreline access areas.~~
- ~~(8) Height bonus. The following maximum building height bonuses are permitted in the RM-70 District when any of the design bonus alternatives listed in 8(A) through 8(H) are incorporated into proposed project and the incorporated alternatives are subsequently approved by the Village Commission upon recommendation of the Planning & Zoning Board. Bonus approval shall be done at the time of Site Plan Review as required by Section 5.8. Each bonus alternative may be claimed once for a development and multiple awards for the same bonus feature shall not be permitted.~~
- ~~The Village Commission may grant bonuses subsequent to a public hearing when it is determined by the Commission that the proposed bonus amenities are substantive in nature, contribute to an overall project design which takes into account the public's critical interests in new development and where the proposed plan is otherwise in substantial conformity with the Village's Comprehensive Plan.~~
- ~~(a) Twenty-foot height bonus. An additional impact fee of \$1,500.00 per unit in the building shall be paid to North Bay Village for beautification of the John F. Kennedy Causeway (State Road 934). This fee shall be set towards a Causeway Beautification Fund and/or~~
- ~~(b) Twenty-foot height bonus. A developer shall pay a fee of \$1,500.00 per unit in the building, which shall be utilized for the construction of a Village-wide boardwalk. This fee shall be set towards a Boardwalk Fund and/or~~
- ~~(c) Twenty-foot height bonus. A developer shall pay a fee of \$1,500.00 per unit in the building, which shall be utilized for the remodeling of the entrances to the islands. This fee shall be set towards an island entrance Remodeling Fund and/or~~
- ~~(d) Ten-foot height bonus. A developer shall pay a fee of \$750.00 per unit in the building, which shall be utilized for providing art in public places. This bonus is applicable only in conjunction with one of the above three-mentioned bonuses. This fee shall be set towards an Art in Public Places Fund and/or~~
- ~~(e) Ten-foot height bonus. A developer shall pay a fee of \$750.00 per unit in the building, which shall be utilized for the planting of trees for the interior island streets. This fee shall be set towards a tree fund for the interior island streets and/or~~
- ~~(f) Ten-foot height bonus. A developer shall be required to pay a fee of \$750.00 per unit in the building, which shall be utilized for sidewalk enhancement, as well as the replacement of walkway areas from plain concrete to brick pavers. This fee shall be set towards a sidewalk enhancement fund~~
- ~~(g) Reserved~~
- ~~(9) Density bonus. Each parcel shall have the ability to purchase additional buildable units from North Bay Village for a price of \$40,000.00 per unit. These units shall be derived from land currently owned by the Village, which will not be developed into residential buildings in the future. The money from these units shall be utilized for future Village parks and for the purchase of land for additional open green space. These units are to come from the development rights of Village Hall as well as the public works property on Treasure Island. The total buildable units are: 129 Efficiencies; 129 1-Bedroom Units; 117 2-Bedroom Units; 106 3-Bedroom Units. Monies due from development under the bonus participation program shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission. Thereafter, the appropriate number of units will be~~



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- deemed to the property. ~~(This fee shall be set towards a Village Park Fund).~~
- ~~(10) Other requirements:~~
- ~~(a) A Public access boardwalk as required by the Miami Dade County Shoreline Review Committee. (Developer shall dedicate an easement to the Village conveying the boardwalk and a public access corridor).~~
  - ~~(b) All exterior paving surfaces, except for covered parking garages, shall be constructed of brick pavers.~~
  - ~~(c) A water feature shall be provided in the front of each development.~~
  - ~~(d) Developments shall comply with existing landscaping requirements, as well as changes implemented in the future to conform to contiguous developments and landscaping plans implemented for the causeway and interior island areas.~~
  - ~~(e) Developments shall provide streetscape benches along the boardwalk areas.~~
  - ~~(f) All parking garages shall be constructed with architectural features that hide them from public view. (glass, screening, greenery etc.).~~
  - ~~(g) Lighting shall be provided in all areas in the front of development where trees are planted.~~
- ~~(11) Funds paid to North Bay Village as a result of any bonus participation program shall be transferred between all accounts created for the purposes listed herein.~~
- ~~(d) Printing and publishing establishments, including blueprinting and photostating, provided that no such use shall occupy more than 1,500 square feet of gross floor area.~~
- ~~(e) Service stations, provided that the following provisions are adhered to:~~
- ~~(1) All structures shall be designed in a manner that is compatible with the overall environmental and architectural design goals of the community.~~
  - ~~(2) All properties shall have at least 150 feet of frontage.~~
  - ~~(3) All new and used merchandise shall be stored and displayed within the main structure except tires, accessories, and lubrication items, which may be maintained in movable or enclosed cabinets.~~
  - ~~(4) No used or discarded automotive parts or equipment or permanently disabled or wrecked vehicles shall be located outside the main structure except within an enclosed trash storage area.~~
  - ~~(5) Major repairs or engine overhauling or transmission repair, painting, body and fender repair, and tire recapping is not permitted.~~
  - ~~(6) The rental of heavy equipment and the sale or rental of merchandise not related to the motoring public, other than as specified herein, is excluded.~~
  - ~~(7) The storage of up to ten rental trailers or automobiles is permitted, provided that the trailers or automobiles are backed up against a six-foot high wall, and located not less than 20 feet from any sidewalk, street, or driveway.~~
  - ~~(8) Car washes are permitted as an ancillary use subject to being located 200 feet from residential uses and subject to hours of operation.~~
  - ~~(9) Trash shall be stored in areas shielded from public view. Storage trash containers shall be enclosed and covered.~~
  - ~~(10) Any lights provided to illuminate or advertise the service station, shall be installed and maintained in a manner so as not to create an undue glare on adjacent properties.~~
  - ~~(11) Structures shall not occupy more than 30 percent of the total lot area.~~
  - ~~(12) Driveways shall be permitted at the intersections of primary and secondary arterials, provided the construction of driveway entrances is within the curb return, but shall be at least five feet beyond the end of the curb return. At all intersections, whenever possible, combine driveways servicing both service station and adjacent uses, shall be designated and provided.~~
  - ~~(13) Planter areas and tree wells shall be constructed and equipped with irrigation and drainage facilities and landscaped prior to final building inspection.~~

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~~(14) Whenever the use abuts a residential district, a wall shall be erected along the property line eight feet in height.~~

~~(15) Service stations shall not be permitted within 300 feet of the property line of any church, synagogue, hospital, and school.~~

~~(16) No more than four service stations shall be permitted within the Village at any one time.~~

~~(f) Theaters for the showing of motion pictures shall provide no less than 400 fixed seats. When the theater is to be used solely for activities of a performing art, or an event of a cultural or civic nature, a lesser number of seats may be required by the Commission.~~

~~(g) Yacht clubs, provided they have a minimum of 150 feet of water frontage and no main building is less than 4,000 square feet in gross floor area.~~

~~4. Prohibited uses. Boat storage facilities utilized for the purpose of storing boats shall be prohibited in the CG (General Commercial) District.~~

~~5. Site development standards.~~

~~a. Minimum lot size:~~

~~Area 10,000 sf~~

~~Frontage 75 feet~~

~~b. Minimum yard setbacks:~~

<b>Location</b>	<b>Distance (Feet)</b>
Kennedy Causeway (north side)	40
Kennedy Causeway (south side)	60
Other street frontages	25
Rear	25
Side, (each)	15, plus five feet for each story over three

~~c. Maximum building height: 130 feet or 12 stories, whichever is less, two stories of which may be utilized for a parking structure.~~

~~d. Minimum pervious area: 20 percent of the total parcel. The lot area at grade level shall be retained as pervious area and shall be landscaped.~~

~~e. Refer also to Miami-Dade Landscaping requirements.~~

~~F. Bay View Overlay (BVO) District.~~

~~1. General requirements.~~

~~a. Purpose and intent. The BVO District is intended to encourage taller, narrower, mixed use buildings on commercial lots on the north side of Kennedy Causeway where such lots front directly on, and provide unimpeded views north to Biscayne Bay. As such, this district provides the opportunity for development and redevelopment of mixed use residential buildings at greater heights than are otherwise permitted in the CG Zoning District if certain requirements are met. In order to provide incentives for re-development and streamline the development approval process, the BVO District has been pre-designated on the official zoning map. Application of the development incentives available in the BVO District to individual properties will be reviewed and approved by the Planning and Zoning Board and Village Commission concurrently with the site plan approval process.~~

~~b. Applicability.~~

~~(1) The BVO District provides for an optional set of development regulations that may be voluntarily employed in the mixed use development of lands located within geographic limits of the BVO District shown on the official zoning map.~~

~~(2) All regulations of the underlying zoning district that are not otherwise addressed in these regulations shall apply. Where the underlying zoning district and the BVO District both apply, the BVO District shall govern.~~

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- ~~(3) If a property owner should elect not to develop under these optional regulations, only the regulations of the underlying zoning district shall apply.~~

~~c. Procedure.~~

- ~~(1) BVO standards review. Applications to use the development standards provided in the BVO District shall be processed concurrently with all other required development applications. At a minimum, the following applications are necessary and shall be considered in the following order:~~

- ~~(a) Use exception review required;~~  
~~(b) Building height bonus review to 240 feet pursuant to Section 8.10.D.5;~~  
~~(c) Bay View Overlay District standards review; and~~  
~~(d.) Site plan review required.~~

- ~~(2) Approval. Applications require approval by the Village Commission following a single public hearing and a recommendation from the Planning and Zoning Board. In order to approve an application, the Village Commission shall find that the development proposed:~~

- ~~(a) Is compatible with surrounding intensities and densities of development;~~  
~~(b) Provides access to adequate light and air for surrounding properties; and~~  
~~(c) Preserves views of, and view corridors to, Biscayne Bay consistent with the Village's 2007 Master Charrette Plan.~~

- ~~2. Allowable uses. All uses listed as permitted or special exception uses in the underlying zoning district shall be permitted equally in the BVO District, and such use shall be subject to all conditions, requirements or limitations applicable to the use in the underlying zoning district, except as may otherwise be set forth in this section.~~

- ~~3. Building heights. A building height of up to a maximum of 340 feet may be proposed under the following conditions:~~

- ~~a. Lots over 500 feet in depth. For parcels where the lot depth is more than 500 feet, the following conditions shall apply:~~

- ~~(1) The property is approved for a building height of 240 feet under the building height bonus provisions of Section 8.10.D.5.~~  
~~(2) The portion of any building that is more than 240 feet in height must be set back from the front property line by a distance that is not less than the height of said portion of the building.~~  
~~(3) If any portion of a building on the site exceeds 240 feet in height, no part of any building on the site may be closer to either side property line than a distance equal to 20 percent of the width of the lot.~~

- ~~b. Lots under 500 feet in depth. For parcels where the lot depth is less than 500 feet, the following conditions shall apply:~~

- ~~(1) The property is approved for a building height of 240 feet under the building height bonus provisions of Section 8.10.D.5.~~  
~~(2) The entire portion of a building that is more than 240 feet in height must be set back from the front property line by a distance that is at least 40 feet, plus two feet for each foot of the highest building height in excess of 240 feet.~~  
~~(3) If any portion of a building on the site exceeds 240 feet in height, the two side yards together must total 60 percent of the width of the lot, provided the smallest side yard may not be less than 20 percent of the width of the lot.~~

~~G. Government Use District~~

- ~~1. Purpose and intent. The Government Use Zoning District is intended for federal, state and local government activities, transportation facilities, public facilities and utilities and other similar facilities owned or operated by government that generally serve and benefit the community.~~

- ~~2. Uses permitted:~~

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- ~~\_\_\_\_\_ a. \_\_\_\_\_ Government owned facilities~~
- ~~\_\_\_\_\_ b. \_\_\_\_\_ Government operated facilities~~
- ~~3. \_\_\_\_\_ *Special uses permitted.* Uses permitted upon approval of the Village Commission in accordance with the provisions pertaining to use exceptions.~~
- ~~4. \_\_\_\_\_ Site development standards~~
  - ~~\_\_\_\_\_ a. \_\_\_\_\_ Minimum lot size~~
    - ~~\_\_\_\_\_ (1) \_\_\_\_\_ Area: no minimum lot size~~
    - ~~\_\_\_\_\_ (2) \_\_\_\_\_ Frontage: no minimum frontage~~
  - ~~\_\_\_\_\_ b. \_\_\_\_\_ Minimum yard setbacks~~
    - ~~\_\_\_\_\_ (1) \_\_\_\_\_ Kennedy Causeway: 20 feet~~
    - ~~\_\_\_\_\_ (2) \_\_\_\_\_ Other street frontages: 10 feet~~
    - ~~\_\_\_\_\_ (3) \_\_\_\_\_ Rear: 10 feet~~
    - ~~\_\_\_\_\_ (4) \_\_\_\_\_ Abutting commercial zoning district: 5 feet~~
    - ~~\_\_\_\_\_ (5) \_\_\_\_\_ Abutting multi-family zoning district: 7 feet~~
    - ~~\_\_\_\_\_ (6) \_\_\_\_\_ Abutting single-family zoning district: 15 feet~~
  - ~~\_\_\_\_\_ c. \_\_\_\_\_ Maximum building height: 150 feet~~
  - ~~\_\_\_\_\_ d. \_\_\_\_\_ Minimum pervious area: Fifteen percent of the total parcel~~

### **§ 8.11 — Use exceptions**

#### ***A. Purpose and intent.***

~~In order to provide for adjustment in the relative locations of uses and buildings of the same or of different classifications; to promote the usefulness of these regulations as instruments for fact-finding, interpretation, application, and adjustment; and to supply the necessary flexibility to their efficient operation, use exceptions are permitted by these regulations.~~

#### ***B. Use exceptions permitted.***

~~The Village Commission may permit the following buildings and uses as use exceptions, provided there are clear indications that such exceptions will not substantially affect adversely the uses permitted in these regulations of adjacent property.~~

- ~~1.. Structural alterations to special uses, after these uses are approved by the Village Commission.~~
- ~~2. Other special uses as may be enumerated in specific zoning districts.~~
- ~~3. Assisted living facility or nursing facility.~~
- ~~4. Temporary sales/marketing office approval for no more than 12 months.~~
- ~~5. Farmers' market~~

#### ***C. Expiration of use exception.***

~~After the Village Commission has approved a use exception, the use exception shall expire after two years, measured from the date of final Commission action, if no substantial construction or change of use has taken place in accordance with the plans for which the use exception was granted.~~

#### ***D. Reapplication for use exception.***

~~No application for a use exception shall be filed less than one year after the date of disapproval by the Village Commission of an application for a use exception involving the same land or any portion thereof.~~

### **DIVISION 3, SUPPLEMENTAL USE REGULATIONS**

### **§ 8.12 — Supplemental Use Regulations**

#### ***A. Accessory uses and structures.***

~~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 question in which the principal use or structure is located.~~

- ~~1. Permitted accessory uses by zoning district~~
  - ~~a. In all residential districts:~~

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- ~~(1) Private garages or carports provided:
  - ~~(a) No solid wall exterior facades or enclosures are allowed;~~
  - ~~(b) Enclosures must create window facades proportional to the existing windows at the front of the home;~~
  - ~~(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~~
  - ~~(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.~~~~
- ~~(2) Private swimming pools, cabanas, whirlpools, saunas, spas and hot tubs.~~
- ~~(3) Private tennis, basketball or volleyball courts or other similar outdoor recreational uses.~~
- ~~b. In all zoning districts
  - ~~(1) Television and radio antenna structures, except for those of a microwave relay or transmission nature, subject to the provisions of Section 8.13(N).~~
  - ~~(2) Caretaker or watchman quarters when such quarters are associated with an active construction project.~~
  - ~~(3) Storage structures, provided no structure exceeds 150 square feet in gross floor area and is not more than 12 feet high from grade.~~
  - ~~(4) Doghouse, pens, and other similar structures for the keeping of commonly accepted household pets, provided, however, the requirements of Sections 91.03 and 91.10 through 91.12 of the Village Code of Ordinances are complied with.~~
  - ~~(5) Disaster Shelters~~~~
- ~~2. Special Regulations. The following regulations shall apply to all accessory uses and structures:
  - ~~a. No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.~~
  - ~~b. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which they are located~~
  - ~~c. All accessory uses and structures shall comply with the site development standards applicable in the zoning district in which they are located, unless specifically authorized otherwise herein.~~
  - ~~d. All accessory uses shall be arranged and maintained so as not to encroach into any required yard setback area, unless specifically authorized otherwise within the provisions of this chapter.~~
  - ~~e. All accessory structures shall comply with all provisions of the South Florida Building Code, as amended.~~~~

### **DIVISION 4, SUPPLEMENTAL DEVELOPMENT STANDARDS**

#### **§ 8.13— Supplemental Development Standards**

##### ***A. Awnings and canopies.***

- ~~1. Pedestrian related concerns are a priority in the creation of a successful development. Overhead protection from rain and sun should be provided for pedestrians. Awnings have an impact on the appearance of the storefront and building and tend to bring pedestrians closer to shop windows and entrances. Consideration shall be given to the following where applicable:
  - ~~a. Buildings/storefronts should have awnings or other means to provide pedestrians with sun/rain protection unless physically unsuited.~~
  - ~~b. Continuous awnings over several stores are prohibited.~~
  - ~~c. Individual awnings should be distinct from its adjacent neighbor. When multiple awnings are attached to one building, awnings shall be of identical height and depth.~~
  - ~~d. High gloss vinyl (plastic) awnings, backlit, and metal awnings are prohibited. These awnings, because of their high visibility, become attention getting devices — such as a sign, rather than means to provide comfort and protection for the pedestrian. Such awnings overwhelm the appearance of the buildings they are attached to, detracting from architectural qualities. Awnings that incorporate subtle down-lighting in a manner which~~~~

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~~creates a discreet peripheral washing of the awning, may be appropriate in some instances.~~

~~e. Metal awnings should be contemporary in design and shall be subject to the same restrictions and guidelines as other awning materials.~~

~~f. Awnings shall be maintained in good repair, free from tears, fading or peeling.~~

~~g. Awnings may be supported by poles and connected to the building underneath.~~

~~h. Awnings needing vertical support columns are prohibited in the setback area.~~

~~i. The awnings on corner buildings shall continue around the corner for compatibility with building form and pedestrian patterns, wherever possible.~~

~~j. Awnings shall not to be used where there is an existing projecting concrete sunscreen, except that a vertical awning valance may be suspended below the sunscreen with a clear height of eight feet above the sidewalk.~~

~~k. Awnings should utilize color schemes that blend with those of neighboring developments as well as consistency in color schemes for the site. Accent colors should be chosen to enhance architectural details. Solid color and broad striped fabric patterns are preferred.~~

~~B. *Boats, docks and piers.* Dockage space and facilities for the mooring of pleasure boats, yachts and other noncommercial watercraft may be permitted in any residential district on any waterway as an accessory use, provided that:~~

~~1. No boat may be used or maintained for overnight sleeping or living purposes or as a place of residence.~~

~~2. No boat may be used for any commercial purpose.~~

~~3. Docks shall be constructed and permitted according to Section 9.12.~~

~~4. Temporary piers, floating docks, or similar temporary moorings are prohibited.~~

~~5. All the regulations, standards, and requirements of Chapter 150 and Section 9.12 of the Village Code shall be complied with.~~

~~6. Barges and vessels shall be permitted in residential districts only for loading, unloading and on-site construction, in compliance with Chapter 150 and Section 9.12.~~

~~C. *Clotheslines.*~~

~~No clotheslines, drying racks, poles, railings, or other similar devices for hanging clothes, rags, or other fabrics shall be erected or maintained in a front or corner side yard.~~

~~D. *Construction materials on premises before permit issued; removal of materials.*~~

~~1. Construction materials and equipment shall not be deposited on any premises, lot, or proposed building site in any district prior to the obtaining of a building permit as required herein.~~

~~2. Surplus materials and construction equipment shall be removed from the premises if the job is abandoned, and before occupancy of the completed structure will be permitted.~~

~~E. *Dumpster enclosures.*~~

~~1. Mechanical equipment is necessary to the function of the buildings, which comprise a successful development. Unfortunately, space must be found for components that are sometimes large, noisy and unsightly. Mechanical equipment, particularly when added after the building is in use, can interrupt the streetscape and public views, decreasing the comfort and livability throughout the area. Enclosures and mechanical rooms shall conform to the following criteria:~~

~~a. When associated with new construction or rehabilitation valued at more than 30 percent of the building value as determined by the building official:~~

~~(1) Restaurant and/or drinking uses, trash and garbage facilities shall be within an enclosed, air-conditioned garbage room; and~~

~~(2) Commercial, office or multifamily uses, trash and garbage facilities shall be within an enclosed, cross-ventilated garbage room.~~

~~b. When located outside of the building, the trash and garbage facilities shall be enclosed within a decorative CBS, wood, metal or recycled products material, opaque structure. The structure (including opaque gates) shall be painted or finished to match the building~~

## **Exhibit A**

appearance. No such containers shall be kept, utilized, left stored or maintained in front of any principal structure, except on collection day.

- c. ~~Dumpster enclosures shall be located in visually obscure areas of the site and shall be designed in a manner as to visually screen the dumpster from adjacent view, and shall include a dumpster locking device on containers that include food waste to prevent access to the dumpster by birds or rodents.~~
- d. ~~Dumpster enclosures shall be placed in such a manner as to allow sanitation trucks to pick up garbage in a manner they are designed for.~~
- e. ~~Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building, and shall not be visible from the street.~~
- f. ~~All service bays, mechanical (HVAC) equipment and delivery areas should be located away from and not visible from the streets, waterways, sidewalks, and adjacent properties.~~
- g. ~~Service bays, ground-mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.~~
- h. ~~Exterior service bays and delivery areas should not be used for the storage of vehicles or materials.~~

### **~~F. Fences, walls and hedges.~~**

#### **~~1. When required~~**

- a. ~~An eight-foot high wall, hedge, or fence shall be required along all side and rear commercial property lines which are contiguous to a residential-zoned property, subject to vision clearance requirements established elsewhere in this section.~~
- b. ~~All permitted outdoor storage areas in multifamily residential and commercial zones shall be visually screened from public view by an eight-foot high solid wood or masonry fence or wall.~~
- c. ~~Fences or walls to be built in connection with other permitted recreational uses such as baseball backstops, tennis courts, handball courts, and the like shall be permitted at the height necessary for the particular use.~~
- d. ~~All vacant lots adjacent to Kennedy Causeway shall be hedged along that portion of the lot which is adjacent to Kennedy Causeway.~~
  - (1) ~~The hedge shall not exceed four feet in height and not be lower than two feet in height and shall be of sufficient thickness and density so as to provide a physical barrier similar in effect to a fence.~~
  - (2) ~~The hedges shall be continuously and regularly trimmed, and any dead plants, or plants which fail to bear leaves, shall be regularly and timely replaced.~~
  - (3) ~~The remainder of the lots shall be fenced or hedged so as to prevent the unauthorized entry of motor vehicles thereon.~~
- e. ~~Concrete Block Walls. No fence, solid contiguous wall or ledge consisting of blocks or concrete shall be erected, constructed, installed or maintained in any manner parallel to the 79th Street Causeway.~~

#### **~~2. Prohibitions~~**

- a. ~~No fence, wall, or hedge may be constructed, installed, or maintained within six feet of any fire hydrant or other emergency apparatus.~~
- b. ~~No fence, wall, or hedge may be constructed, installed, or maintained which in any manner creates a visual obstruction to vehicular traffic. In no event shall any fence which obstructs or obscures vision, or any wall or hedge exceed four feet in height within 30 feet of the intersection of official right-of-way lines.~~
- c. ~~No wall or fence shall exceed five feet in height within any required front yard setback, provided such fence or wall does not create a visual obstruction to pedestrian or vehicular traffic. Additionally:~~
  - (1) ~~Landscaping shall be required on the street side of any such wall or fence;~~
  - (2) ~~Any concrete wall or concrete block wall shall be sustained in a finished condition.~~

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- ~~d. Hedge heights shall not exceed twelve (12) feet in height in the front, rear and side setbacks in the RS-1 and RS-2 Districts, provided that:
  - ~~(1) Such hedges do not interfere with vehicular traffic or visibility on public rights-of-way;~~
  - ~~(2) Such hedges are neatly trimmed;~~
  - ~~(3) The property owner responsible for planting the hedge shall maintain the entire hedge, including the sides facing the neighboring properties in order avoid any hindrance to said neighboring property.~~
  - ~~(4) Hedge planting is strictly prohibited within the Village right-of-way or easement area.~~~~
- ~~e. Walls and fences in the rear and side setbacks shall not exceed a height of six feet.~~
- ~~f. No chain link, wire or cable fencing or fences similar in appearance to any of the foregoing, will be permitted within front setbacks. (This includes all areas past the front edge of the house running towards the street.)~~
- ~~g. Ornamental entrances, fountains, plant containers, and similar architectural features exceeding the wall height restriction will be permitted, provided that:
  - ~~(1) No such feature shall exceed in height the wall height restriction for that district plus three feet; and~~
  - ~~(2) There shall be only one such feature in any front, side or rear yard, except that there may be two entrance gates.~~~~
- ~~h. Planting of vegetation in easement areas shall conform to the following:
  - ~~(1) No trees may be planted within any easement or public right-of-way area as shown on the recorded plats of the various subdivisions of the Village ("easement areas").
    - ~~(a) Nothing in this section shall be construed to prohibit the planting of low growth landscaping in the easement or right-of-way areas ("easement landscaping").~~
    - ~~(b) Easement or right-of-way landscaping is subject to removal by the Village without notice in the event that this landscaping impedes access to these areas. The Village shall not be responsible for damage to the removed landscaping;~~
    - ~~(c) Prior to planting such easement landscaping in easement areas, the property owner shall execute a permission for removal, release and indemnification agreement, in a form acceptable to the Village, pertaining to such easement.~~~~~~
- ~~i. For single family properties on North Bay Island. The linear footage of any property's street front Village easement or right-of-way area must maintain a greenspace (pervious) area whereby the permissible paved area is to be limited to only 40 percent of that total linear footage.
  - ~~(1) The protected greenspace shall be restricted from any paving materials including but not limited to asphalt, concrete, brick, pavers, gravel or solid cover of mulch.~~
  - ~~(2) The depth of that protected pervious area must be maintained at full easement depth from the street to the property boundaries.~~
  - ~~(3) Any paving of the property frontage beyond the easement area (within front yard), and greater than 40 percent of the permitted linear footage must create a green landscape facade to decrease the sight line of that paved surface from the street view.~~~~
- ~~j. For single family properties on all islands.
  - ~~(1) Front yard area may be paved up to 40 percent of the total linear footage.~~
  - ~~(2) The balance of footage 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, and heavily landscaped to create green landscape facade to decrease the sight line of that paved surface from the street.~~~~
- ~~k. Nonconforming uses of land. The lawful use of land existing at the time of the passage of this ordinance or an amendment thereto, although such uses do not conform to the provisions of this ordinance, may be continued subject to the following provisions:
  - ~~(1) Front yard areas may not be increased in paved areas.~~
  - ~~(2) All rights and obligations subject to the nonconforming use of the land run with the land~~~~



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~~and are not personal to the present owner or tenant of the nonconforming use of land and are not affected by a change in ownership or tenancy.~~

### **3. ~~General requirements~~**

#### **a. ~~Construction and materials.~~**

- ~~(1) No fence or wall may be constructed of materials which will be hazardous to the health, safety, or welfare of persons or animals.~~
- ~~(2) Fences which are erected with sheathing, pickets or slats on one side only shall have such materials placed on the side of the fence facing the adjacent property in such a manner as to conceal the structural elements of the fence from off premises view.~~
- ~~(3) Walls or fences constructed of concrete block shall be constructed so that the side facing away from the property on which the wall or fence is located shall be finished with stucco or some other approved material.~~

#### **b. ~~Maintenance. All fences, walls, and hedges shall be maintained in a safe, attractive, and non-hazardous condition.~~**

- ~~(1) Hedges shall not extend over or into the public right-of-way for the full height of the hedge.~~
- ~~(2) Maximum height.~~
  - ~~(a) No fence or wall shall exceed six feet in height and no hedge shall exceed six feet except as may be permitted or further restricted elsewhere in this section.~~
  - ~~(b) The height of a wall, fence, or hedge shall be the vertical distance measured from the average elevation of the finished building site to the top of the wall, fence, or hedge.~~
  - ~~(c) The average elevation shall be measured along the wall, fence, or hedge line that the same is to be placed.~~
  - ~~(d) The land within the area which the wall, fence, or hedge is to be placed may not be increased or decreased to effect the permitted height unless the entire building site is to be graded to level off this area.~~

### **4. ~~Temporary fence around construction site. Nothing in this section shall be deemed to prohibit the erection and maintenance of a temporary fence around construction sites on which actual construction activity is taking place pursuant to a valid active building permit.~~**

- ~~a. The fence may exceed the height limitations in this zoning code if the fence is constructed of solid wood (or plywood) and is decorated in an attractive and artful design as shall be determined by the Village Commission or appropriately designated board.~~
- ~~b. In no event shall the fence exceed eight feet in height.~~
- ~~c. Chain link fences shall not be the permitted around construction sites unless screening is used with the chain link to conceal construction materials from outside view.~~

### **5. ~~Existing nonconforming fences and/or walls; removal.~~**

- ~~a. Intent. It is the intent of this division to recognize that the eventual elimination of existing fences, that do not conform with the provisions of this chapter, in as expeditious a manner as is reasonable, is as much a subject of the health, safety, and welfare of the citizens of the Village as is the prohibition of new fences that would violate the provisions of these regulations. It is also the intent of this division that there shall not be any unreasonable burden upon established private property rights.~~
- ~~b. Continuance. Subject to the amortization schedule below, a nonconforming fence may be continued and shall be maintained in good condition, but shall not be:~~
  - ~~(1) Enlarged or changed to another nonconforming fence.~~
  - ~~(2) Reestablished after its removal.~~
  - ~~(3) Reestablished after being damaged or deteriorated whereby the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost.~~
- ~~c. It shall be the responsibility of the Code Enforcement Officer to make an inventory and a record of all nonconforming fences and to serve notice on the owners or users of such~~

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~~fences within 30 days after the adoption of these regulations. The period of nonconformity shall nonetheless begin as of the date of the passing of this division. The inventory shall include the following:~~

- ~~(1) Owner.~~
- ~~(2) Type of fence~~
- ~~(3) Location.~~
- ~~(4) Reason for classification as nonconforming.~~
- ~~(5) Date fence was erected.~~

### ~~G. Height exceptions.~~

~~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.~~

### ~~H. Outdoor dining and sidewalk cafes.~~

- ~~1. Café tables in the right-of-way can bring activity to the street. They can provide a wonderful means of people-watching for diners and pedestrians. Consideration should be given to unification of these elements within a block from street to street.~~
- ~~2. Restaurants and bars are also encouraged to provide outdoor service in courtyards or arcades.~~
- ~~3. Sidewalk cafés on the public right-of-way may be allowed upon approval by the Village Commission.~~
- ~~4. Outdoor restaurants, bars or sidewalk cafés must be associated with an adjacent licensed restaurant and comply with all other zoning regulations and conform to the following criteria:~~
  - ~~a. An application must be filed with the Village Manager, or his/her designee, for administrative review and approval, which shall include:~~
    - ~~(1) Layout of all tables, chairs, benches, and other furniture;~~
    - ~~(2) Pedestrian ingress and egress;~~
    - ~~(3) Location of refuse containers; and other elements necessary to illustrate the proposed outdoor seating/dining use and area (all drawings must be titled, indicate orientation, and be at an acceptable scale).~~
  - ~~b. Outdoor seating/dining areas and uses of the public right-of-way and/or any private property may be approved, denied, or approved with conditions, modifications, safeguards, or stipulations appropriately and reasonably related to the intent, purposes, standards, and requirements of the related regulations by the Village Manager.~~
    - ~~(1) Such permit shall not be transferable in any manner and is strictly a conditional use permit, issued for a period of one year, renewable annually via payment of the annual occupational license fee for such outdoor seating/dining uses.~~
    - ~~(2) The fee for outdoor dining/seating use and area will be charged annually in the amount of \$250.00; the permit fee shall be added to the occupational license fee for the main business.~~
  - ~~c. The applicant shall provide an indemnity agreement that is acceptable to the Village Manager. This agreement will include specification of liability insurance to be provided.~~
  - ~~d. The conditional use permitting of outdoor seating/dining use and area may be revoked by the Village Manager or his/her designee, upon finding that:~~
    - ~~(1) One or more conditions of these regulations have been violated, or~~
    - ~~(2) That the outdoor seating/dining area and use are being operated in a manner that constitutes a public nuisance, or in any way that constitutes a reasonable risk of potential liability to the Village.~~
  - ~~e. Outdoor seating/dining use and area may be temporarily suspended by the Village for public use/purpose, utility, sidewalk or road repairs, emergency situations, or violations of provisions contained herein.~~
  - ~~f. The length of suspension shall be determined by the Village Manager as necessary.~~
  - ~~g. Removal of all street furniture and related obstructions shall be the responsibility of the~~

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~~owner/operator of the outdoor seating/dining.~~

- ~~h. Outdoor seating/dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris. The applicant shall be responsible for daily cleaning and sweeping of the outdoor seating/dining area and for the cleanliness and maintenance of any outdoor planters immediately adjacent to the outdoor seating/dining area.~~
- ~~i. Use of Village sidewalks for trash and garbage removal shall be prohibited.~~
- ~~j. Outdoor seating/dining use and area shall not interfere with the free and unobstructed pedestrian or vehicular circulation of traffic, public access to any street intersections, crosswalks, public seating areas and conveniences, bus stops, alleys, service easements, handicap facilities, or access to any other commercial establishments.~~
- ~~k. If there is seating on one side of the sidewalk, a minimum of five feet of sidewalk must remain clear and unobstructed for pedestrian passage;~~
- ~~l. Outdoor seating/dining area on the public rights-of-way shall be open and unenclosed. No building structures of any kind shall be allowed in and over any portion of the outdoor seating/dining area located on public property.~~
- ~~m. Tables, chairs and all other furniture used in the operation of an outdoor seating/dining area shall not be anchored or restrained in any manner.~~
- ~~n. Individual table umbrellas, planters, or other such non-stationary elements may be permitted within the outdoor seating/dining area and where applicable, shall have a minimum clearance height of seven feet above grade.~~
- ~~o. Outdoor seating/dining use and area shall be restricted to the length of the sidewalk or public right-of-way immediately fronting the cafe or other establishment~~
- ~~p. Outdoor seating/dining area shall be at the same elevation as the adjoining sidewalk or public right-of-way.~~
- ~~q. Carts and trays for serving food are permitted in the outdoor seating/dining area.~~
- ~~r. Outdoor seating/dining use and area shall not be provided with amplified sound of any kind.~~
- ~~s. Outdoor seating/dining areas may serve alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only; provided:
  - ~~(1) No entertainment of any kind is furnished.~~
  - ~~(2) No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.~~~~
- ~~t. Any administrative decision may be appealed to the Village Commission in accordance with the requirements of this Code.~~
- ~~u. The hours of operation shall coincide with that of the primary restaurant.~~
- ~~v. Placement of tables, chairs and related equipment shall be situated to ensure that a minimum of five feet straight pathway on the sidewalk is maintained at all times as an unobstructed pedestrian path.~~
- ~~w. Serving through windows is not permitted.~~
- ~~x. Food preparation shall only occur in the enclosed restaurant.~~

~~y. Because tables provide sufficient advertisement, no additional signs for sidewalk café are permitted.~~

~~z. Outdoor furniture shall be substantial enough not to blow over with normal winds.~~

~~aa. All outdoor furniture and fixtures shall be tastefully compatible and approved by the Planning and Zoning Official.~~

~~bb. All disposable table materials such as plates, glasses, and napkins shall be imprinted with the name of the café (stickers may be used). This regulation is to control litter.~~

~~cc. Sidewalk cafés shall receive a revocable permit subject to the procedures established by the Village.~~

~~l. *Recreational and camping equipment.*~~

~~Recreational and camping equipment in the form of travel and camping trailers, truck trailers, and~~

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~~motor travel homes, designed and used as temporary living quarters for recreation, camping, or travel use may be parked in the open on sites containing single-family residences, subject to the following conditions:~~

- ~~a. No more than one piece of recreation or camping equipment shall be parked on the site.~~
- ~~b. Such parking shall be limited to the equipment owned or leased by the owner-occupant or occupant-lessee of the site concerned, or owned or leased by a bona fide out-of-Dade County house guest of the occupant of the site concerned, with the parking of such equipment by the guest not to exceed 14 days.~~
- ~~c. The location for such parked equipment shall be to the rear of the front building line and behind the side street building line, in each case the building line referred to being that portion furthest from the street.~~
- ~~d. Such equipment and the area of parking shall be maintained in a clean, neat, and presentable manner and the equipment shall be in a usable condition at all times.~~
- ~~e. Such equipment shall, at all times, have attached a current vehicle registration license tag.~~
- ~~f. No major repairs or overhaul work on such equipment shall be made or performed on the site or any other work performed thereon which would constitute a nuisance under existing ordinances.~~
- ~~g. When parked on the site, such equipment shall not:
 
  - ~~(1) Be used for living or sleeping quarters, or~~
  - ~~(2) Be used for housekeeping or storage purposes and~~
  - ~~(3) Shall not have attached thereto any service connection lines, except as may periodically be required to maintain the equipment.~~~~
- ~~h. The maximum length permitted for such equipment shall not exceed 30 feet and the maximum height shall not exceed ten feet.~~
- ~~i. Such equipment shall be so secured that it will not be a hazard or menace during high winds or a hurricane.~~

~~J. *Safe and sanitary dwelling unit standards.*~~

~~The following shall be the minimum standards to be enforced in North Bay Village relative to the safe and sanitary maintenance of dwellings and dwelling units:~~

- ~~1. All foundation walls shall be structurally sound, reasonably rodent-proof, and maintained in good repair.~~
- ~~2. Foundation walls shall be considered to be sound if they are capable of bearing imposed loads and are not deteriorated.~~
- ~~3. Every dwelling unit shall be reasonably weathertight, watertight, and rodent-proof.
 
  - ~~a. Floors, walls, ceilings, and roofs shall be capable of affording adequate shelter and privacy and shall be kept in good repair.~~
  - ~~b. Windows and exterior doors shall be reasonably weathertight, watertight and rodent proof, and shall be maintained in good working condition.~~
  - ~~c. All parts of the structure that show evidence of rot or other deterioration shall be repaired or replaced.~~~~
- ~~4. Every inside and outside stairway, porch, and every appurtenance thereto, shall be maintained in a safe condition and be capable of supporting loads which normal use may impose.~~
- ~~5. Every chimney and smoke pipe, and all flue and vent attachments thereto, shall be maintained in such condition that there will be no leakage or backing up of smoke and noxious gases into the dwelling.~~
- ~~6. All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.~~
- ~~7. Every plumbing fixture, water pipe, waste pipe, and drain shall be maintained in good sanitary working condition, free from defects, leaks, and obstructions.~~
- ~~8. The floor surface of every water closet compartment, bathroom, and shower room shall be maintained so as to be reasonably impervious to water and so as to permit such floor to be~~

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easily kept in a clean and sanitary condition.

9. ~~Every supplied facility, piece of equipment, or utility shall be maintained in a safe and satisfactory working condition.~~
10. ~~No owner or occupant shall cause any service, facility, equipment, or utility required to be removed from or discontinued for any occupied dwelling or dwelling unit except for such temporary interruption as may be necessary while actual repairs, replacement, or alterations are in process.~~
11. ~~For these purposes, every owner of a building containing three or more dwelling units, shall provide the continuing service of a person or persons solely to assure that the minimum requirements of maintenance and sanitation, as provided herein are maintained on the premises at all times.~~
12. ~~The provisions of the Dade County Minimum Housing Code shall apply as a minimum standard for Village enforcement.~~

**K. ~~Security guards.~~**

1. ~~Definitions: The term security guards shall be synonymous with burglar guards and shall refer to steel bars commonly installed on the exterior or interior of doors or entryways and windows or breezeways or private residences, including free standing as well as multifamily residences and commercial and industrial buildings.~~
2. ~~No security guards may be installed on the exterior of doors and entryways, windows and breezeways on front and side elevations of buildings which face a street or public right-of-way.~~
3. ~~Continuance and removal of nonconforming security guards.~~
  - a. ~~A nonconforming security guard (one which is in existence at the effective date of this section) may be maintained and continued in use as a legal nonconforming use.~~
  - b. ~~However, no such security guard may be enlarged or replaced by another nonconforming device.~~
  - c. ~~At such time as title to the property changes, all nonconforming security guards shall be removed.~~
  - d. ~~Title change shall be defined to mean any change of record ownership, other than by survival or by inheritance of a tenant by the entreaties.~~

**L. ~~Setback encroachments.~~**

~~Every part of every required front, side, and rear yard setback shall be open and unobstructed from the ground to the sky except as herein provided.~~

1. ~~Cornices, roof overhangs, window air conditioning units, awnings, chimneys, and sills may extend into a required side or rear yard, provided any such extension does not exceed 36 inches into the required yard.~~
2. ~~Balconies shall be permitted to project to a distance of 48 inches into the required yard, provided there is a seven-foot clear span.~~
3. ~~Fences and privacy walls as provided in Section 8.13(F).~~
4. ~~Swimming pool and pool decks as provided in Section 8.13(M).~~
5. ~~Signs as provided in Chapter 11.~~
6. ~~Landscaping retaining walls, parking curbs/bumpers, and other similar features less than 6 inches in height.~~
7. ~~Light poles and flag poles as provided in Section 8.13(N)~~
8. ~~In single family districts only, the following setback encroachments are allowed:~~
  - a. ~~Ground mounted mechanical equipment, including air conditioning equipment, pool equipment, heat pumps, water heaters, generators and other similar equipment, may be placed in a side yard setback area; provided the unobstructed side setback area is not reduced by more than 50 percent of what is required in the zoning district regulations and provided the equipment placed in the setback area does not operate above 70 decibels.~~
  - b. ~~A garden window for the cultivation of small plants may extend into the setback~~

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- area not more than 24 inches
9. ~~In all zoning districts other than single family, the following setback encroachments are allowed:~~
- a. ~~A canopy shall be permitted to extend from the entrance door to the front property line provided:~~
    - i. ~~The canopy does not exceed 12 feet in height or be screened or enclosed in any manner; and~~
    - ii. ~~The canopy shall be required to be removed during hurricane warning periods.~~
    - iii. ~~A clear space is provided between the grade and the bottom of the valance of at least six and one-half feet.~~
    - iv. ~~Additional awning/canopy requirements of section 8.13(A) shall be complied with.~~
  - b. ~~An entrance feature/port cochere may extend from the entrance door into the front setback area provided:~~
    - i. ~~Support columns may not be placed closer than 7 feet to the property line.~~
    - ii. ~~At least 14.5 feet of vertical clearance shall be provided.~~
    - ii. ~~The width of the entry feature/port cochere shall not exceed 25 feet or 20% of the subject property frontage width, whichever is greater.~~
    - ii. ~~The entrance feature/port cochere may extend from the entrance door to the front property line, or a distance of 35 feet, whichever is more restrictive.~~

### M. ~~Swimming pools.~~

1. ~~Purpose and intent. The Legislature finds that drowning is the leading cause of death of young children in this state and is also a significant cause of death for medically frail elderly persons in this state, that constant adult supervision is the key to accomplishing the objective of reducing the number of submersion incidents, and that when lapses in supervision occur a pool safety feature designed to deny, delay, or detect unsupervised entry to the swimming pool, spa or hot tub will reduce drowning and near-drowning incident.~~  
~~In addition to the incalculable human cost of the submersion incidents, the health care costs, loss of lifetime productivity and legal and administrative expenses associated with drowning of young children and medically frail elderly persons in this state each year and the lifetime costs for the care and treatment of young children who have suffered brain disability due to near-drowning incident each year is enormous.~~
2. ~~Standards and requirements.~~
  - a. ~~Any swimming pool operated by a residential homeowner, or condominium association, or by the resident of a single family dwelling shall be permitted as an accessory use and shall exist only in conjunction with the principal use on the same lot, subject to the regulations stated herein.~~
  - b. ~~A swimming pool may be permitted in any rear yard; however, in no instance shall it be located nearer than the following distances from any property line or structure:~~

Setback	Distance (Feet)
Front	25
Side (interior)	7.5
Rear or Easement	7.5
Structure	5
Side (corner)	15

- c. ~~Access. Exterior access to a swimming pool shall be through a self-closing and self-latching~~

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- ~~gate with latches placed at least four feet above grade and operable from the pool area only.~~
- ~~d. Drainage. If a patio is provided adjacent to or surrounding a swimming pool, it shall be designed so as to be self-draining away from the pool.~~
  - ~~e. Lighting. Artificial lighting used to illuminate the premises shall be shielded and directed away from adjacent properties and streets, shining only on the subject site.~~
  - ~~f. Height. Swimming pools and appurtenances shall not exceed a height of two feet above grade.~~
  - ~~g. Additional requirements. In addition to the foregoing requirements, all regulations and standards of Sections 151.01 through 151.18 of the Village's Code of Ordinances, and the Florida Building Code shall be complied with.~~
- ~~3. Barriers for swimming pools, spas and hot tubs required.~~
- ~~Barriers must be placed around the perimeter of the pool, spa or hot tub and must be separate from any fence, wall, or other enclosure surrounding the yard unless the fence, wall, or other enclosure or portion thereof is situated on the perimeter of the pool, spa or hot tub that is being used as part of the barrier, and meets the barrier requirements of this chapter, chapter 151 of this Code, and the Florida Building Code.~~
- ~~a. Barrier construction~~
    - ~~(1) A wall of a dwelling may serve as part of the barrier if it does not contain any door or window that opens to provide direct access from the home to the swimming pool, spa or hot tub.~~
    - ~~(2) Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:~~
      - ~~(a) All doors and windows providing direct access from the home to the pool, spa or hot tub shall be equipped with an exit alarm complying with this chapter and chapter 151 of this Village's Code, as well as the Florida Building Code that has a minimum sound pressure rating of 85 dB.~~
      - ~~(b) At 10 feet the exit alarm shall produce a continuous audible warning when the door and its screen are opened.~~
        - ~~i. The alarm shall sound immediately after the door is opened and be capable of being heard throughout the house during normal household activities.~~
        - ~~ii. The alarm shall be equipped with a manual means to temporarily deactivate the alarm for a single opening. Such deactivation shall last no more than 15 seconds.~~
        - ~~iii. The deactivation switch shall be located at least 54 inches above the threshold of the door.~~
        - ~~iv. Separate alarms are not required for each door or window if sensors wired to a central alarm sound when contact is broken at any opening.~~
      - ~~(c) All doors providing direct access from the home to the pool, spa or hot tub must be equipped with a self-closing, self-latching device with positive mechanical latching/locking installed a minimum of 54 inches above the threshold, which is approved by the authority having jurisdiction.~~
      - ~~(d) Exceptions:~~
        - ~~i. Screened or protected windows having a bottom sill height of 48 inches or more measured from the interior finished floor at the pool, spa or hot tub access level.~~
        - ~~ii. Windows facing the pool, spa or hot tub on floor above the first story. Screened or protected pass-through kitchen windows 42 inches or higher with a counter beneath.~~
    - ~~(3) The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool, spa and/or hot tub.~~
    - ~~(4) The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool, spa and/or hot tub.~~
    - ~~(5) Where the top of the pool, spa or hot tub structure is above grade the barrier may be at~~

## **Exhibit A**

- ground level or mounted on top of the pool, spa or hot tub structure.
- ~~(6) Where the barrier is mounted on top of the pool, spa or hot tub structure, the maximum vertical clearance between the top of the pool, spa or hot tub structure and the bottom of the barrier shall be 4 inches.~~
  - ~~(7) Maximum mesh size for chain link fences shall be a 2¼ inch square unless the fence is provided with slats fastened at the top or bottom which reduce the openings to no more than 1¾ inches. A mesh safety barrier meeting the following minimum requirements shall be considered a barrier as defined in this section:
    - ~~(a) Individual component vertical support posts shall be capable of resisting a minimum of 52 pounds (229 N) of horizontal force prior to breakage when measured at a 36-inch height above grade.~~
    - ~~(b) Vertical posts of the child mesh safety barrier shall extend a minimum of 3 inches below deck level and shall be spaced no greater than 36 inches apart.~~
    - ~~(c) The mesh utilized in the barrier shall have a minimum tensile strength according to ASTM D 5034 of 100 lbf., and a minimum ball burst strength according to ASTM D 3787 of 150 lbf. The mesh shall not be capable of deformation such that a ¼ inch round object could pass through the mesh. The mesh shall receive a descriptive performance rating of no less than "trace discoloration" or "slight discoloration" when tested according to ASTM G 53 (Weatherability, 1,200 hours).~~
    - ~~(d) When using a molding strip to attach the mesh to the vertical posts, this strip shall contain, at a minimum, #8 by percent-inch screws with a minimum of two screws at the top and two at the bottom with the remaining screws spaced a maximum of 6 inches apart on center.~~
    - ~~(e) Patio deck sleeves (vertical post receptacles) placed inside the patio surface shall be of a nonconductive material.~~
    - ~~(f) A latching device shall attach each barrier section at a height no lower than 45 inches above grade. Common latching devices which include, but are not limited to, devices that provide the security equal to or greater than that of a hook and eye type latch incorporating a spring actuated retaining level (commonly referred to as a safety gate hook).~~
    - ~~(g) The bottom of the child mesh safety barrier shall not be more than 1 inch above the deck or installed surface (grade).~~~~
  - ~~(8) The barrier may not have any gaps, openings, indentations, protrusions, or structural components that could allow a young child to crawl under, squeeze through, or climb over the barrier as herein described below.~~
  - ~~(9) One end of a removable child barrier shall not be removable without the aid of tools. Openings in any barrier shall not allow passage of a 4-inch diameter sphere.~~
  - ~~(10) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool, spa or hot tub side of the fence.~~
  - ~~(11) Spacing between vertical members shall not exceed 1¾ inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ inches in width.~~
  - ~~(12) Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1¾ inches.~~
  - ~~(13) Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.~~
  - ~~(14) Where an aboveground pool, spa or hot tub structure is used as a barrier or where the barrier is mounted on top of the pool, spa or hot tub structure, and the means of access is a ladder or steps;
    - ~~(a) The ladder or steps either shall be capable of being secured, locked or removed to~~~~



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- prevent access, or
- ~~(b) The ladder or steps shall be surrounded by a barrier which meets the requirements of this chapter and chapter 151 of this Village's Code, as well as the Florida Building Code.~~
  - ~~(c) When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter sphere.~~
  - ~~(15) Any permitted swimming pool may be enclosed by a screen enclosure, provided the enclosure is constructed of material which is 90 percent screening.~~
  - ~~(16) Screen enclosures shall have the same minimum side setbacks as those stated above for swimming pools.~~
  - ~~(17) Standard screen enclosures which meet the requirements of the Florida Building Code, may be utilized as part of or all of the "barrier" and shall be considered a "non-dwelling" wall.~~
  - ~~(18) Removable child barriers shall have one end of the barrier non-removable without the aid of tools.~~
  - ~~(19) Removable child barriers must be placed sufficiently away from the water's edge to prevent a young child or medically frail elderly person who may manage to penetrate the barrier from immediately falling into the water.~~
    - ~~(a) Sufficiently away from the water's edge shall mean no less than 20 inches from the barrier to the water's edge.~~
    - ~~(b) Dwelling or non-dwelling walls including screen enclosures, when used as part or all of the "barrier" and meeting the other barrier requirements, may be as close to the water's edge as permitted by this Code.~~
  - ~~(20) A barrier may not be located in a way that allows any permanent structure, equipment, or window that opens to provide access from the home to the swimming pool, spa and/or hot tub.~~
- ~~b. Access to swimming pools, spas and hot tubs.~~
- ~~Access gates, when provided, shall be self-closing and shall be equipped with a self-latching locking device located on the pool, spa or hot tub side of the gate.~~
- ~~(1) Where the device release is located no less than 54 inches from the bottom of the gate, the device release mechanism may be located on either side of the gate and so placed that it cannot be reached by a young child over the top or through any opening or gap from the outside.~~
  - ~~(2) Gates that provide access to the swimming pool, spa or hot tub must open outward away from the pool, spa or hot tub.~~
  - ~~(3) The gates and barrier shall have no opening greater than ½ inch within 18 inches of the release mechanism.~~
- ~~c. Adjacent waterways as barriers.~~
- ~~(1) Permanent natural or permanent man-made features such as bulkheads, canals, lakes, navigable waterways, etc., adjacent to a public or private swimming pool, spa or hot tub may be permitted as a barrier when approved by the authority having jurisdiction.~~
  - ~~(2) When evaluating such barrier features, the authority may perform on-site inspections and review evidence such as surveys, aerial photographs, water management agency standards and specifications, and any other similar documentation to verify, at a minimum, the following:~~
    - ~~(a) The barrier feature is not subject to natural changes, deviations, or alterations and is capable of providing an equivalent level of protection as provided by the code.~~
    - ~~(b) The barrier feature clearly impedes, prohibits or restricts access to the swimming pool, spa or hot tub.~~
- ~~d. Schedule of penalties.~~
- ~~Failure to comply with the requirements of any section of this chapter may result in a penalty~~

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as provided in Section 153 of the North Bay Village Code.

### ~~N. Towers, antennas, poles and masts.~~

#### ~~1. Generally.~~

~~Prior to the erection of a water tower, standpipe, windmill, tower, aerial, antenna, pole, mast, or other vertical structure over ten feet in height above the roof of a permitted structure, or over 20 feet in height if erected at grade, the requirements of this section and the South Florida Building Code shall be observed.~~

#### ~~a. Plans and specification required.~~

~~Plans and specifications for the structures listed above shall be submitted to the Building Official showing:~~

- ~~(1) All dimensions, size, and kind of members, footings, and guy wires;~~
- ~~(2) The location, depth, and type of guy anchors and footings;~~
- ~~(3) The type and weight of the antenna, apparatus, or structure to be attached to or supported by the structure; and~~
- ~~(4) An application made for a permit.~~

#### ~~b. Maximum height.~~

- ~~(1) The vertical height of any of the above structures shall not be greater than 90 percent of the horizontal distance from its base to the nearest property line.~~
- ~~(2) Radio towers, where incidental to a business use in the commercial district, may extend to a height of 150 feet measured from ground elevation.~~
- ~~(3) Poles, masts, and towers for supporting antenna used in the operation of amateur radio stations, citizen band radio stations, and citizen band radio stations licensed by the Federal Communications Commission shall be excepted from the above regulations and shall be governed by the following requirements:~~
  - ~~(a) All poles, masts, towers, and beam array antennas shall be placed not less than five feet from a public right-of-way line or adjacent property line, or nearer than one foot from any easement.~~
  - ~~(b) All such installations shall conform to the requirements of the National Electrical Code and applicable FCC regulations, and be located not less than eight feet from any power line over 250 volts, including the beam elements or any part thereof.~~
  - ~~(c) Permits shall be required for the installation of any poles, masts, or towers over 20 feet above the roof of any structure to which they may be attached, and for any installation over 35 feet in height when erected from grade. Applications for permits shall be accompanied by three copies of plans and specifications showing:~~
    - ~~(1) All dimensions, size and kind of members, f~~
    - ~~(2) Footings and guy wires;~~
    - ~~(3) The location, depth and type of guy anchors and footings; and~~
    - ~~(4) The type and weight of the antenna, apparatus or structure to be attached to or supported by the structure.~~
  - ~~(d) Poles shall be of an approved creosoted type or treated or painted with a chemical preservative and an outer coat of oil base paint before installation. The color shall match the surrounding development.~~
  - ~~(e) The recommended depth of holes for various type poles shall be subject to acceptable engineering standards:~~

<b>Pole Height Above-ground (feet)</b>	<b>Hole Depth in Firm Ground (feet)</b>	<b>Hole Depth in Rock Ground (feet)</b>
16	3.5	3
20	4	3
25	5	3

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35	6	4
50	7	5

- ~~(f) If the earth is damp or soggy, the depth of hole is to be increased by one foot.~~
  - ~~(g) If carrying a beam, poles must be properly guyed, as is the case where the pulling effect of the wire antenna or weight of other installations will require guying.~~
  - ~~(h) Wood masts shall be chemically treated, painted with an outside coat of oil base paint, and suitably guyed at the top and middle in at least three different directions.~~
  - ~~(i) Masts to support a beam, whether of wood or metal pipe, shall comply with all the applicable regulations in regard to the location, guying and the like, and the maximum allowable weight of antenna, rotator and components shall not exceed 150 pounds.~~
  - ~~(j) Towers of steel, iron or aluminum, whether of the rigid non-demountable type or the rigid, demountable type with the crank-up, crank-down and either the hinged base or swivel crank-over features shall carry no more weight on the top than specified by the manufacturers specifications.~~
  - ~~(k) In calculating the height of demountable type towers, the top of the lower rigid section shall be considered the top for the purpose of this section.~~
  - ~~(l) Beam array antennas shall be mounted so as to provide easy servicing and easy access for the removal at approach of hurricanes, or provide for the lowering of such beam.~~
2. ~~Dish antennas.~~
- ~~a. Application. This section shall apply only to private noncommercial dish antennas as defined in subsection (B)(2) below. This section shall supplement and not repeal or modify the requirements of Section 8.10(E)(5).~~
  - ~~b. Definitions:~~
    - ~~(1) Dish antenna means a dish antenna intended for the purpose of receiving communications from orbiting satellites and other extraterrestrial sources, a low noise amplifier (L.N.A) which is situated at the focal point of the receiving component for the purpose of magnifying and transferring signals, a coaxial cable for the purpose of carrying signals to the interior of a building.~~
    - ~~(2) A private noncommercial dish antenna is a dish antenna for a single family residence which is erected solely for the use of its owners. Said antenna shall not be used for the purpose of obtaining revenue.~~
  - ~~c. Placement. Private noncommercial dish antennae may be permitted in North Bay Village provided:~~
    - ~~(1) They are located in the rear yard.~~
    - ~~(2) They are placed no closer to any property boundary line than a distance equal to their height as measured from ground level to the top of the antenna but in no event closer than ten feet to said property lines.~~
    - ~~(3) On corner properties, no portion of the apparatus may extend beyond the imaginary extension of the line of the house structure.~~
    - ~~(4) Roof mounted dish antennae shall not be permitted except on two-story buildings with a flat roof, provided the antenna cannot be viewed from ground level, and in no instance is to exceed in height 15 [feet] above the roof.~~
  - ~~d. Dimensions. The height of dish antennas, on the ground, shall not exceed 15 feet from ground level nor shall their diameter exceed 12 feet.~~
  - ~~e. Number allowed; color. Only one dish antenna shall be allowed per single family house, and antennas shall be neutral in color, and one color only.~~
  - ~~f. Anchorage. All dish antennae shall be anchored securely to the ground or structure in~~

## Exhibit A

- ~~compliance with the requirements of the South Florida Building Code relative to structures.~~
- ~~g. Permit required. No dish antenna shall be erected until a permit has been issued by North Bay Village. All applications for a permit shall be accompanied by a site plan showing the proposed location of the antenna, the type, color, height and diameter of the antenna and the proposed landscaping.~~
  - ~~h. Screening. A private noncommercial dish antenna shall be screened by landscaping on its sides so as to obscure its visibility from the abutting properties' ground view.~~
  - ~~i. Once installed, dish antennas and related appurtenances must be maintained in good and operable condition, and the surrounding landscaping shall likewise be continuously maintained for the intended screening purpose.~~
  - ~~j. Nonconforming uses. All dish antennas that are legally existing on October 23, 1990, shall be allowed to remain until such time that they may be replaced, or the cost of repairs exceeds 50 percent of the replacement at which time they shall conform in all respects to this section.~~

### ~~3. Screening of mechanical equipment.~~

~~Lack of, or inadequate screening of, mechanical equipment can have negative visual impacts on the Village's streetscape, ambient landscape, and community image. Such impacts shall be minimized through compliance with the following requirements:~~

- ~~a. Mechanical equipment located on the ground, such as air conditioning units, heating units, satellite dishes, irrigation pumps, propane tank displays and refilling areas, utilities lift stations and the like shall be screened from public view. Screening shall, at a minimum be at the same height as the equipment. Structural screening shall be architecturally integrated into the overall project design and shall be compatible, in terms of style, construction materials, colors, and finish, with the principle structure(s). Landscaping may be substituted for structural screening if plantings are compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen at time of planting.~~
- ~~b. Equipment and appurtenances mounted on roof tops shall be kept to a minimum. All exposed roof top mounted equipment and appurtenances shall be fully screened from view from any public right-of-way. All screening shall, at a minimum be at the same height as the equipment and appurtenances. Screening shall be an integral part of the design of the building(s) and shall be architecturally consistent with the style, colors, construction materials and finish of the building(s).~~
- ~~c. Painting of exposed appurtenances to blend with the color of adjacent materials of the building may be approved where utilization of approved roof designs precludes full screening of exposed surfaces.~~

## Exhibit B

### CHAPTER 8, ZONING

#### DIVISION 1, ZONING DISTRICTS ESTABLISHED; ZONING MAP

##### § 8.1 – Title.

This chapter shall be known as the “Zoning Regulations for North Bay Village, Florida; 2017 Revision.”

##### § 8.2 – Purpose and intent.

The purpose of this chapter is to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, conveniences, prosperity and general welfare of the citizens of the Village, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for preservation, protection, development and conservation of the natural resources of land, water and air, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for adequate public utilities and facilities, for promotion and the civic amenities of beauty and visual interest, for promotion of large-scale developments as a means of achieving unified civic design, and for development in accord with the Village’s adopted comprehensive plan, by establishing zoning districts and by regulating the location and use of buildings, signs and other structures, and land and water for trade and residence by regulating and limiting or determining the height, bulk and access to light and air of buildings and structures, the area of yards and other open spaces, and the density of use. To accomplish this intent, the regulations and districts have been designed with reasonable consideration, among other things, to the character of the districts and their suitability for particular uses.

##### § 8.3 – Establishment of zoning districts.

In order to regulate and restrict the location of commercial, public and semi-public uses, and residences, and the location of buildings erected or altered for specific uses, to regulate or limit population density and the intensity of the use of lot areas, and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, the following zoning districts are hereby established:

###### A. *Single-Family Residential Districts.*

1. RS-1 Low Density Single-Family Residential District (See Section 8.10).
2. RS-2 Medium Density Single-Family Residential District (See Section 8.11)

###### B. *Multiple Family Residential Districts.*

1. RM-40 Medium Density Multiple Family Residential District (See Section 8.12).
2. RM-70 High Density Multiple Family Residential District (See Section 8.13).

###### C. *CG General Commercial District (See Section 8.16).*

###### D. *Bay View Overlay District (See Section 8.17)*

###### E. *Government Use District (See Section 8.18)*

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### **§ 8.4 – Reference to district names.**

For the purpose of reference hereafter in these regulations, unless specifically provided to the contrary, the term *Residential* shall include both single-family and multi-family districts.

### **§ 8.5 – Identification of district maps.**

Such land and the zoning district classification thereof shall be shown on a map designated as the Zoning District Map of the Village, dated and certified by the Village upon adoption. This Zoning District Map and all notations, dimensions, references, and symbols shown thereon pertaining to such districts, shall be as much a part of these regulations as if fully described herein, and shall be filed as part of these regulations. The map and any later alterations shall be available for public inspection in the offices of the Village Manager or his designee. These regulations shall be similarly dated, filed, and made available for public reference.

### **§ 8.6 – Publication of district maps.**

- A. The Village Manager or his designee shall cause to be published, or prints made available, no later than March 31 of the year following adoption of these regulations, the Official Zoning District Map, clearly showing the zoning district boundaries and zoning district names and designations for the incorporated area of the Village. In each calendar year thereafter, if there have been any changes in the zoning district boundaries or in reorganization of districts and district classifications in the preceding year, such amended map shall be published no later than March 31, and shall reflect all changes as of December 31 of the preceding year.
- B. Any person desiring a copy of the Official Zoning District Map shall pay a fee for each copy, as set by ordinance.

### **§ 8.7 – Interpretation of district boundaries**

- A. *Map symbols.* A district name or letter-number combination shown on the Zoning District Map indicates that the regulations pertaining to the district designated by that name or letter-number combination extend throughout the whole incorporated area of the Village, bounded by the district boundary lines within which the name or letter-number combination is shown or indicated, except as otherwise provided by this section.
- B. *Interpretation.* Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of these regulations, the following rules shall apply:
  - 1. In cases where a boundary line is given a position within a street, alley, or easement, it shall be deemed to be in the center of the right-of-way of the street, alley, or easement. If the actual location of the street, alley, or easement varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.
  - 2. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
  - 3. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where bounded approximately by lot lines, said lines shall be construed to be the boundary of such districts unless the boundaries are otherwise indicated on the map or by ordinance.

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4. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on the Zoning District Map.
5. All water areas within the zoning jurisdiction are considered to be within a zoning district and controlled by applicable district regulations. District boundaries over water areas are located by noted or scaled dimensions, by relation to physical features, by coincidence with Village limit lines, or by a straight line projection of the centerlines of streets as indicated on the Zoning District Map. Straight line district boundaries over water areas shall be assumed to continue as straight lines until they intersect with each other, with Village limit lines or county limit lines.

### **§ 8.8 – New land area.**

Any land hereafter created within or annexed to the corporate area of the Village shall take the classification of "RS-1" - Low Density Single-Family Residential. This shall include the extension of existing bulkhead lines or the creation of islands not contiguous to existing islands.

### **§ 8.9 – General regulations.**

#### **A. Compliance with regulations.**

1. No land or water area may be used except for a purpose permitted in the district in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or part thereof be used except for a use permitted in the district in which the building is located.
3. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered to exceed the height limit herein established for the district in which the building is located.
4. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the area regulations of the district in which the building is located.
5. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the off-street parking and loading regulations of the district in which the building is located.
6. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the floor area, floor area ratio, or open space ratio regulations of the district in which it is located.

**B. Encroachment reduction of lot area.** The minimum yards, parking space, and open spaces, including lot area per family, required by these regulations for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area be reduced below the requirements of these regulations.

**C. Accessory buildings; prior construction.** No accessory building, structure, or dock shall be constructed upon a lot until the construction of the main use building has actually commenced. No accessory building shall be used unless the main use building on the lot is also being used.

**D. Location on a lot required.** Every building or structure hereafter erected, moved, or structurally altered shall be located on a lot as herein defined, and except as hereinafter provided, in no case shall there be more than one principal building on one lot.

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## **DIVISION 2, APPLICATION OF DISTRICT REGULATIONS**

### **§ 8.10 – RS-1 Low Density Single-Family Residential District.**

#### **A. Purpose and intent.**

The purpose of this District is to provide for low-density single-family residential development in a spacious setting, together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible.

#### **B. Uses permitted.**

Single-family residential dwellings including duly licensed home occupation.

#### **C. Use exceptions as may be approved under Section 8.19**

#### **D. Prohibited uses.**

All other uses not specifically or provisionally permitted herein.

#### **E. Site development standards.**

##### **1. Minimum lot size:**

Area—7,000 square feet

Frontage—70 feet

##### **2. Minimum yard setbacks:**

<b><u>Setback</u></b>	<b><u>Distance (Feet)</u></b>
<u>Front</u>	<u>20</u>
<u>Side (corner)</u>	<u>20</u>
<u>Side (interior)</u>	<u>10</u>
<u>Rear</u>	<u>15</u>
<u>Waterfront</u>	<u>25</u>

The foregoing is applicable except for Lots I through 7 of Block 1 and 1 through 4 of Block 2, respectively, of the subdivision known as North Bay Island, which shall have a minimum waterfront setback of 20 feet.

##### **3. Maximum building height:**

Three stories, not to exceed 35 feet above grade.

##### **4. Minimum floor area:**

One story—2,000 square feet

Two story—2,600 square feet

### **§ 8.11 – RS-2 Medium Density Single-Family Residential District.**

#### **A. Purpose and intent.**

The purpose of this District is to provide for medium-density single-family residential development in a relatively spacious setting, together with other principal uses as may be approved as use



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exceptions and such accessory uses as may be necessary and compatible.

**B. Uses permitted.**

Single-family residential dwellings including duly licensed home occupation.

**C. Use exceptions as may be approved under Section 8.19****D. Prohibited uses.**

All other uses not specifically or provisionally permitted herein.

**E. Site development standards.****1. Minimum lot size:**

Area—6,000 square feet

Frontage—60 feet

**2. Minimum yard setbacks:**

<b><u>Setback</u></b>	<b><u>Distance (Feet)</u></b>
<u>Front</u>	<u>20</u>
<u>Side (corner)</u>	<u>15</u>
<u>Side (interior)</u>	<u>7½</u>
<u>Rear</u>	<u>15</u>
<u>Waterfront</u>	<u>25</u>

**3. Maximum building height:**

Three stories, not to exceed 35 feet above grade.

**4. Minimum floor area:**

One story—1,500 square feet

Two story—2,000 square feet

**§ 8.12 – RM-40 Medium Density Multiple Family Residential District.****A. Purpose and intent.**

The purpose of this District is to provide for medium density multi-family residential development, together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible. This district is intended to be utilized as a transitional buffer between single-family residences and high density apartments or commercial uses.

**B. Uses permitted.**

1. Multi-family residential dwellings.

2. Management offices within structures containing eight or more dwelling units.

3. Duly licensed home occupation.

**C. Prohibited uses.**

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All other uses not specifically or provisionally permitted herein.

### D. Site development standards.

#### 1. Minimum lot size.

Area—10,000 square feet

Frontage—100 feet

#### 2. Minimum yard setbacks.

<u>Setback</u>	<u>Distance (Feet)</u>
<u>Front</u>	<u>25</u>
<u>Side (corner)</u>	<u>25</u>
<u>Side (interior)</u>	<u>20</u>
<u>Rear</u>	<u>15</u>
<u>Waterfront</u>	<u>25</u>
<u>Adjacent single family structure</u>	<u>100</u>

#### 3. Maximum density.

Forty (40) efficiency or one-bedroom dwelling units per net acre. The following required amount of lot area per unit shall determine the number of other dwelling unit types permitted.

<u>Unit Type</u>	<u>Required Lot Area (Sq Ft / Unit)</u>	<u>Density (Units/Acre)</u>
<u>Efficiency</u>	<u>1,085</u>	<u>40.1</u>
<u>One-bedroom</u>	<u>1,085</u>	<u>40.1</u>
<u>Two-bedroom</u>	<u>1,200</u>	<u>36.3</u>
<u>Three-bedroom or larger</u>	<u>1,320</u>	<u>33.0</u>

#### 4. Maximum building height.

45 feet or four (4) stories, whichever is less

#### 5. Exclusion of grade level parking from height limitation.

a. A grade level of parking, not exceeding ten (10) feet in height, shall not be included in this height limitation.

b. The grade level parking floor may include other nonresidential uses, including laundry rooms, recreational rooms, storage rooms, and an office for building management.

#### 6. Minimum pervious area: 25 percent of the total lot area shall be retained as pervious area and shall be landscaped and maintained.

#### 7. Minimum floor area.

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<u>Unit Type</u>	<u>Floor Area (Sq. Ft.)</u>
<u>Efficiency</u>	<u>400</u>
<u>One-bedroom</u>	<u>750</u>
<u>Two-bedroom</u>	<u>1,000</u>
<u>Three-bedroom or larger</u>	<u>1,150</u>

E. Single-family homes approved under the provisions of Section 8.19 consistent with the setback provisions of the RS-1 (Low Density Single-Family Residential District).

F. Use exceptions as may be approved under Section 8.19.

### **§ 8.13 – RM-70 High Density Multiple Family Residential District.**

A. Purpose and intent.

The purpose of this district is to provide for high-density multi-family residential structures together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible.

B. Uses permitted.

1. Multi-family residential dwellings including duly licensed home occupation.
2. Management offices within structures containing eight (8) or more dwellings units or guest rooms.
3. Office retail and service commercial facilities of an ancillary nature within structures containing 100 or more dwelling units or guest rooms subject to the following conditions:
  - a. Access to such nonresidential facilities shall be only inside the building.
  - b. There shall be no external advertising signs, display windows or entrances, provided, however, that
  - c. Within a building containing 400 or more dwelling units, entrances, external signs and display windows are permitted under the following conditions:
    - (1) The signs do not abut or face a public right-of-way and cannot be read from the public right-of-way;
    - (2) Such external signs shall be affixed flat against the facade or awning canopy of the commercial facility;
    - (3) Such external signs shall not exceed in area ten percent of the area of the facade of the facility;
    - (4) Such external signs shall be compatible as to materials, background and style with all adjacent and contiguous commercial facilities, and
    - (5) Such external signs shall not be self-illuminated, "activated", "animated", "flashing", or "beacon light" signs as defined in Section 11.2 of the ULDC.

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### C. Prohibited uses.

All other uses not specifically or provisionally permitted herein.

### D. Site development standards.

#### 1. Minimum lot size.

Area—27,000 square feet;

Frontage—75 feet

#### 2. Minimum yard setbacks.

<u>Location</u>	<u>Distance (Feet)</u>
<u>Kennedy Causeway</u>	<u>30</u>
<u>Other street frontages</u>	<u>25</u>
<u>Rear</u>	<u>25</u>
<u>Adjacent single-family district</u>	<u>100</u>
<u>One side (interior)</u>	<u>15</u>
<u>Second side (interior)</u>	<u>20% of the lot width</u>
<u>Total side setback area free of structures at ground level</u>	<u>60</u>

#### 3. Maximum density.

a. Base density. The following table shall determine the number of dwelling units permitted by right.

<u>Unit Type</u>	<u>Required Lot Area (Sq. Ft./Unit)</u>	<u>Density (Units/Acre)</u>
<u>Efficiency</u>	<u>623</u>	<u>70.0</u>
<u>One-bedroom</u>	<u>623</u>	<u>70.0</u>
<u>Two-bedroom</u>	<u>685</u>	<u>63.6</u>
<u>Three-bedroom or larger</u>	<u>750</u>	<u>58.1</u>

b. Bonus density. Bonus density may be approved according to the Transfer of Density Rights program in Section 8.36.

#### 4. Maximum building height.

a. Base height: The maximum building height allowed by right is 150 feet.

b. Bonus height may be approved according to Section 8.35.

#### 5. Minimum pervious area: Twenty percent (20%) of the total parcel. The lot area at grade level shall be retained as pervious area and shall be landscaped.

**Exhibit B****6. Minimum floor area:**

<b><u>Unit Type</u></b>	<b><u>Floor area (Sq. Ft.)</u></b>
<u>Efficiency</u>	<u>600</u>
<u>One-bedroom</u>	<u>900</u>
<u>Two-bedroom</u>	<u>1,200</u>
<u>Three-bedroom or larger</u>	<u>1,350</u>

**E. Landscaping: Provided according to Miami-Dade Landscaping Chapter 18A.**

**F. Additional requirements.**

All properties developed under the RM-70 Zoning requirements shall provide the following:

1. Public access boardwalk as required by the Miami-Dade County Shoreline Review Committee. (Developer shall dedicate an easement to the Village conveying the boardwalk and a public access corridor according to Section 8.37).
3. A water feature shall be provided in the front of each development.
4. Developments shall comply with existing landscaping requirements, as well as changes implemented in the future to conform to contiguous developments and landscaping plans implemented for the causeway and interior island areas.
5. Developments shall provide streetscape benches along the boardwalk areas.
6. All parking garages shall be constructed with architectural features that hide them from public view (glass, screening, greenery etc.).

**§ 8.14 – Undersized parcels in the RM-70 High Density Multiple Family Residential District.**

**A. Purpose and intent.**

This section recognizes that certain parcels exist in the RM-70 District which do not meet the minimum lot size requirements set forth in Section 8.13(D)(1). to permit a building to be erected, converted, enlarged, reconstructed, moved or structurally altered. Some of said parcels are improved and some unimproved. The purpose of this section is to establish criteria whereby undersized parcels may be put to reasonable use, consistent with the Village's Comprehensive Plan for development and in furtherance of a policy which discourages overdevelopment and urban congestion.

**B. Uses permitted.**

Uses permitted shall be the same as permitted in Section 8.13(B)

**C. Site development standards:**

**1. Minimum lot size:**

Area —10,800 square feet

Frontage—30 feet

**2. Minimum yard setbacks shall be the same as specified in Section 8.10(D)(2) provided that existing buildings, which were completed prior to April 1, 1983, (existing structures) and were lawfully constructed so that any existing setback encroaches into the setback area prescribed**

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by current law but not in excess of 33 1/3 percent of the current setback requirements (nonconforming setback) shall be subject to the provisions of Section 8.14(C)(4) hereafter.

3. Maximum density shall be as prescribed in Section 8.13(D)3 except that
  - a. on minimum undersized parcels of 10,800 square feet in area and frontage of 30 feet, there shall be a maximum of six (6) residential units;
  - b. in the case of undersized parcels which exceed the minimum required lot area of 10,800 square feet and the minimum required frontage of 30 feet, in addition to six (6) units there shall be allowed one (1) unit for each whole 750 square feet of land area in excess of the minimum required lot area of 10,800 square feet
4. Maximum building height on undersized parcels.
  - a. The maximum building height on minimum undersized parcels shall be three (3) stories or 36 feet above code-approved grade, whichever is less.

Except, in the event an existing structure is the subject of a nonconforming setback, the new covered or roofed area of the third floor (if there is one) shall be reduced in area on the basis of one and five-tenths percent (1.5%) of the area of the second floor for each foot of nonconforming encroachment into the setback area.
  - b. The maximum building height on undersized parcels which exceed the minimum required lot area of 10,800 square feet and minimum frontage of 30 feet shall be one (1) floor for each whole 1,750 square feet of land area in excess of the minimum required lot area of 10,800 square feet, not to exceed six (6) stories or 72 feet above code approved grade, whichever is less.
  - c. Provided further, as to buildings newly constructed under the provisions of this ULDC, grade level beneath the building parking not exceeding ten (10) feet in height shall not be included in the height limitation herein imposed.
5. Minimum pervious area: 25 percent of the total lot area shall be retained as pervious area and shall be landscaped and maintained.
6. Minimum floor area shall be as prescribed in Section 8.13(D)(6)
7. Offstreet parking: The offstreet parking requirements as set forth in Sections 9.2 through 9.4 shall apply to buildings under this section except that every dwelling unit, regardless of size, shall require two (2) parking spaces.
8. All Village and County landscaping requirements shall be fully applicable to buildings under this section.

### **§ 8.15 – Optional Regulations for RM-70 High Density Multiple Family Residential District.**

#### **A. Purpose and intent.**

The purpose and intent of the Planned Residential Development (PRD) Overlay Zoning District to create a living environment that is responsive to the needs of its residents; to provide flexibility in planning, design, and development consistent with the Village's Comprehensive Plan; to encourage innovative approaches for the design of community environments; to provide for an efficient use of land, to provide an environment compatible with surrounding land use; to adapt the zoning process to changes in development and construction technology; to encourage infill and the redevelopment of the Village's multi-family areas; and to promote the public health, safety and general welfare of North Bay

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Village. The PRD shall be deemed an Overlay Zoning District and shall be approved only after public hearings for a specific site.

### B. Compatibility with existing zoning and existing development.

When applying the terms and conditions imposed by this section, the Planning and Zoning Board and the Village Commission shall determine compatibility with already existing zoning for the property subject to the application and shall require applicants for PRD approval to demonstrate compatibility with already existing or approved developments adjacent to the property for which the PRD approval is being sought.

### C. Ownership requirements.

The applicant for approval of a PRD shall be either the owner(s) or the contract purchaser or lessee of the entire property encompassed by the PRD application. If the applicant is the contract purchaser or a lessee, then the owner of the entire property shall execute a notarized consent to the filing of the application. The application for approval of a PRD shall not be assignable or transferable to other parties.

### D. Development parameters.

All applications for PRD shall comply with the following applicable development parameters:

1. The subject property shall be zoned for RM-70 multi-family use;
2. The subject property shall contain a minimum of one legally platted lot for the construction of no less than ten (10) residential units and twenty (20) off-street parking spaces, or two (2), but not more than three (3), platted lots contiguous, as of the effective date of this section [Jan. 22, 2002];
3. The subject property shall be deemed one (1) parcel of land and in the event that two (2) or more platted lots shall constitute a PRD, the applicant shall submit a Unity of Title in a form acceptable to the Village Attorney;
4. The following definitions shall apply to this section:
  - a. *Floor area ratio (FAR).* Total gross area of a building or buildings, excluding parking garage structure, on any lot divided by the area of the lots.
  - b. *Gross floor area.* Total area of all floors of a building that are enclosed including common areas such as elevators (area of shafts at ground floor only), stairs (except open stairways and enclosed stairways which are means of egress required by the fire department), corridors, interior recreation areas, storage, cabana, lobby, restrooms, etc. All these items are excluded: The garage structure with any required means of egress, and any open but covered walkways, exterior balconies, open decks, and terraces at the recreational area.
  - c. *Pedestal.* Portion of a building that contains the parking level entry lobby, office, manager's unit, storage, mechanical room, recreational facilities, and parking structures.
  - d. *Tower.* Portion of the building that contains residential units, parking structures, and may also include recreational facilities.
5. *Restrictions on floor area.*
  - a. No structure shall contain a FAR of greater than 3.0 for one lot; 3.75 for two lots; and 4.00 for three lots.

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b. No more than one-half of a floor area used for amenities can be allocated for dwelling units.

E. Permitted uses. Multifamily residential and recreational facilities ancillary thereto.

F. Site development standards.

1. Standard Building Setbacks.

a. Setbacks for a new building without pedestal and tower design shall be as set forth in the following table:

<u>Location</u>	<u>Distance (Feet)</u>
<u>Kennedy Causeway (north side)</u>	<u>40</u>
<u>Kennedy Causeway (south side)</u>	<u>60</u>
<u>Other street frontages</u>	<u>25</u>
<u>Rear</u>	<u>25</u>
<u>Adjacent single-family district</u>	<u>100</u>
<u>One side (interior)</u>	<u>15</u>
<u>Second side (interior)</u>	<u>20% of the lot width</u>
<u>Total side setback area free of structures at ground level</u>	<u>60</u>

b. For buildings with pedestal and tower design, the following setbacks shall apply:

1. Front pedestal—20 feet
2. Front tower—25 feet
3. Rear pedestal/tower—25 feet
4. Sides pedestal—Ten feet
  - Tower—One side—15 feet
  - Tower—Other side—20 percent of frontage

2. Flex setback.

Designer has the option to offer creative design solutions to the building configurations and the Village will allow the tower (and pedestal for sites involving only one lot) to encroach into the setbacks as per the following "flex box" criteria.

- a. The aggregate square footage of the floor area encroaching into the setback must be adjusted by deducting it from the buildable "box" allowed under the preceding standard setback regulations
- b. Up to 25 percent (25%) of the square footage of all balconies shown on the plan as encroaching into the setback may be excluded from the calculation of the total square footage of the encroachment.
- c. In no instance is the designer allowed to build more area per floor than what is permitted under the standard buildable "box".
- d. In no instance may any wall length, which encroaches into any side yard setback, be longer than one-third of the length of a wall which is permitted under the buildable "box" and the standard setback regulations. Balconies with railings or



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other physical containment, which do not exceed 42 inches in height are not included in the measurement of the wall length.

- e. The length of wall measurement shall be made at the point of maximum encroachment into the flex setback area.

### 3. Building height.

- a. No structure shall exceed 170 feet in overall height above base flood elevation (BFE) including all structures for stairways, storage, mechanical, elevator, recreational uses, et cetera. The total area of stairways, storage, mechanical, elevator, recreational uses, et cetera shall not exceed 30 percent of the footprint of the last residential floor.
- b. No structure shall exceed 150 feet from base flood elevation to the roof of the last residential floor and 160 feet for the overall height of the structure except that an elevator shaft may exceed 160 feet in height based on evidence of necessity as a result of requirements for elevator construction.
- c. No Pedestal shall exceed 30 feet in height from grade.

### 4. Off-street parking for multiple lot sites.

- a. Off-street parking shall be required as set forth for residential uses under Section 9.3(C)
- b. All parking spaces must be screened from ground level view.
- c. All parking spaces must be designed to meet the requirements of Section 9.3.E.
- d. The driveway required in 90-degree parking shall be a minimum of 22 feet zero inches wide.

### 5. Off-street parking for single lot sites only

- a. Driveways and maneuvering areas shall be designed in order to ensure safe travel in and out of the garage structure. Drives and access ramps are permitted to be smaller than twenty-two (22) feet in width if they are either limited to one-way traffic or designed so that gates or other barriers prevent the entry of more than one vehicle at a time. No drive aisle may be less than 10.5 feet in width.
- b. Notwithstanding the above or the requirements of Section 9.3(E), mechanical parking lifts may be permitted in an enclosed garage structure if approved by the Village Commission through the PRD site plan review process, during which time, the Village Commission shall have the right to determine whether a valet parking program will be required for any new development utilizing mechanical parking lifts. A mechanical parking lift is an automated mechanism that lifts vehicles to make space available to park other vehicles below it in a vertical tandem fashion. Both parking spaces created by a mechanical parking lift may be counted towards the total number of required parking spaces. A mechanical parking structure may be permitted if it meets the following standards:
  - (1) The mechanical parking lifts and the garage structure shall be designed so that the noise or vibration from the operation of the lifts shall not be plainly audible to, or felt by, any individual standing outside on property adjacent to the garage structure. Noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions.
  - (2) All mechanical parking lifts must be installed by the manufacturer or a

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manufacturer approved installer.

- (3) All lifts must be maintained and kept in good working order and must be inspected by a licensed mechanical engineer at least once every six months. A copy of the inspection report must be provided to the Village.
- (4) All free-standing mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage.
- (5) All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift.
- (6) All mechanical lift components shall be Underwriters Laboratories (UL) approved.
- (7) All non-mechanical parking spaces in the garage structure must measure at least nine (9) feet in width by eighteen (18) feet in depth.
- (8) The building owner or condominium association must maintain a service contract with the manufacturer or manufacturer-approved service company at all times to ensure continued operation of lifts. Proof of the service contract must be provided to the Village annually.
- (9) The ceiling height of any parking level with parking lifts within a garage shall be a minimum of 11 feet 6 inches.
- (10) The parking lift platform must be sealed and of a sufficient width and length to completely cover the bottom of the vehicle on the platform to prevent dripping liquids or debris onto the vehicle below.

### 6. Entrance feature/porte cochere.

- a. A covered/sheltered entrance feature with a vertical clearance of at least fourteen (14) feet shall be permitted to be located up to the front property line.
- b. If loading spaces are provided at this location, 14½ feet of vertical clearance shall be provided.
- c. Columns may be provided to support a porte cochere.

### 7. Balconies.

- a. Exterior balconies/terraces and covered walkways, excluding rooftops and other non-covered areas, may extend into setbacks a maximum of 25 percent of the allowable setback measurement but may not extend beyond the pedestal setback.
- b. Balconies projecting into setbacks shall be deemed as encroachments herein, but shall not be calculated as part of the floor area ratio.
- c. Notwithstanding anything herein to the contrary, in no event shall the total square footage of balconies exceed more than 25 percent of the total square footage of the buildable box.

### 8. Landscape requirements. (Refer also to Ch. 18, Miami-Dade Landscape Code.)

- a. A minimum of 30 percent of the exposed roof deck of the pedestal and any open areas with amenities shall be landscaped.

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- b. In addition "hardscape" (pavers, fountains, awnings, etc.) may be permitted if approved by the Village.
  - c. An applicant shall be required to submit a detailed landscape plan to the Village. The landscape plan shall be sensitive to surrounding properties and shall be utilized to enhance the subject property.
9. Minimum Unit size. All units shall comply with the minimum size requirements as follows:

<u>Unit Type</u>	<u>Floor Area (Sq. Ft.)</u>
<u>Efficiency</u>	<u>600</u>
<u>One-bedroom</u>	<u>900</u>
<u>Two-bedroom</u>	<u>1,200</u>
<u>Three-bedroom or larger</u>	<u>1,350</u>

- G. Application procedure. The applicant shall submit an application to the Village Manager, or his/her designee, on a form(s) prescribed by the Village Manager. The Village Manager shall require at least the following information which shall be considered the PRD application:
- 1. Letter of intent;
  - 2. Payment of \$5,000.00 development review application fee for each application submitted. Fees incurred by the Village for special planning and/or legal consultant services during the development plan approval process shall be reimbursed to the Village by the applicant;
  - 3. A detailed site plan showing dimensions of building(s), structure(s), setback(s), open space(s), landscaping and off-street parking. The landscaping plan shall provide buffering and/or masking of all parking facilities;
  - 4. Proposed floor plans and elevations (including signage) for all buildings and structures encompassing the size, placement and number of units;
  - 5. A complete list of uses and the square footage for each use;
  - 6. A certified copy of a land survey;
  - 7. Detailed calculations of water consumption increase and calculation of wastewater;
  - 8. Any other documentation as the Village Manager, or his/her designee, reasonably determines is necessary to properly review the proposed project; and
  - 9. Within ten days prior to the Planning and Zoning Board public hearing, the applicant shall furnish to the Village Manager, or his/her designee to make available for viewing
    - a. an architectural model built to scale and photographs depicting same or a
    - b. digital model on DVD depicting the proposed lot and structure including elevations all in relation to adjoining properties and structures thereon.
    - c. Said model shall be retrieved by the developer within thirty (30) calendar days following the final public hearing before the Village Commission, and the DVD and photographs depicting the model shall become a part of the public records.
    - d. Said model shall demonstrate the proposed structure as well as existing structures on either side. The applicant shall affirmatively demonstrate that all setbacks for the

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new structure shall not conflict with the existing or approved structure on either side of the proposed structure.

H. Public hearing procedure. At a public hearing, the applicant shall have the burden of proof in demonstrating that the PRD application complies with the purpose and intent of the PRD ordinance. In determining whether to grant approval of the PRD application, with or without appropriate and necessary conditions and safeguards, the Planning and Zoning Board and Village Commission shall determine whether the application complies with the purpose and intent of this section and shall make the following findings:

1. Whether the application is consistent with the Village's Comprehensive Plan.
2. Whether the proposed development will have a favorable effect on the economy of the Village.
3. Whether the proposed development application will generate or result in excessive noise or traffic.
4. Whether the proposed development will cause an undue or excessive burden on public facilities and services, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities, which have been constructed, or which are planned or budgeted for construction.
5. Whether the proposed development will tend to create a fire hazard or other dangerous conditions.
6. Whether the proposed development will cause excessive overcrowding or concentration of people or population that would create evacuation concerns.
7. Whether the proposed development will be compatible with the surrounding area and its development, and will demonstrate innovative design in order to minimize impact on surrounding properties.
8. Whether the proposed development is a reasonable use of the property and results in a public benefit including, but not limited to, the enhancement of the subject real property and/or the redevelopment of structures in deteriorated or poor condition.

I. Legal effect of PRD.

1. Notwithstanding anything in the Code to the contrary, the approval of a PRD application shall be deemed an Overlay Zoning District to the existing zoning of the property.
2. The approved PRD application shall encompass the approved development and the development regulations applicable to the property, and shall not be subject to any variances as may be required by other sections of this Code.
3. However, the Village Commission shall be prohibited from approving a PRD application that would increase the intensity, density or height above that which is permitted in these PRD regulations.
4. In the event that the owner wishes to modify an approved PRD application in any fashion which would increase the amount of square footage of the building(s) or lessen landscaping or open space, or create an undue burden on any public facilities, a new PRD application shall be filed and shall be subject to the terms and conditions of this section.
5. In the further event that the owner shall not begin development pursuant to the approved PRD application for a period exceeding 12 months, the PRD designation shall lapse and the Overlay Zoning District for the subject property shall terminate.

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6. The Village Commission shall have full authority to approve, approve with modifications, or deny a PRD application based upon its legislative determination that the application, as proposed or modified, serves and protects or does not serve and protect the public health, safety and welfare to at least an equivalent degree as the underlying zoning. Likewise, the Village Commission shall have authority to impose reasonable conditions and safeguards necessary to protect the public health, safety and welfare upon the approval of any PRD application.
7. Nothing contained in this section shall supersede or abrogate the express provisions of the Village's Comprehensive Plan, and all development orders issued by the Village shall not exceed the density limitations imposed by the Village's Comprehensive Plan. It shall be the duty of the Village Manager, or his/her designee, to advise the Village Commission whether any individual application will cause the density to exceed any density restrictions imposed by the Village's Comprehensive Plan.

### **§ 8.16 – CG General Commercial District.**

- A. Purpose and intent. The purpose of this district is to encourage the development of general office, retail, service commercial, tourist accommodations, and commercial-residential mixed use.
- B. Uses permitted:
  1. Bank or financial institution.
  2. Clinic, urgent care, or hospital.
  3. Dry cleaning substation or laundromat.
  4. Lounge or nightclub (subject to the provisions of Chapter 111 of the Village Code).
  5. Medical or dental office/laboratory.
  6. Personal services establishments, including but not limited to shoe repair, barber and beauty shop, stock brokerage, employment agency, travel bureau, and messenger service.
  7. Post office.
  8. Professional offices, including but not limited to architecture, accounting, engineering, investigative, investment and tax counseling law, medicine, and real estate.
  9. Mixed use multi-family and commercial structures.
    - a. Residential multifamily dwellings are permitted only in conjunction with permitted commercial uses.
    - b. Redevelopment of existing commercial uses will not be allowed unless the new development contains a commercial building square footage equal to at least fifty percent (50%) of the existing commercial use.
  10. Tourist accommodations including hotels, motels, vacation rentals, and time sharing units.
  11. Restaurants, coffee shops, delicatessens and fast order food establishments (excluding any form of drive-in or drive-thru service regardless of the type of establishment; unless granted special use exception as provided for in Section 8.16(C)(1) and Section 8.19. Outdoor seating/dining shall be subject to the requirements and conditions in Section 8.28.
  12. Retail sales establishments, including but not limited to the sale of appliances, books, stationery, drugs, hardware, liquor, groceries, meats, produce and fish; however, such retail

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sales shall be restricted to merchandise stored and displayed within the main structure.

13. Radio and television transmitting station and studio.
14. Storage facilities in connection with permitted uses or non-industrial mini-storage facilities in conjunction with other retail, commercial or mixed uses, including the rental of motor vehicles and trailers consistent with off-street parking restrictions (Section 9.6(A)) for self-hauling purposes and the storage of said vehicles on premises, subject to site plan approval by the Village Commission; provided, however, that all such material, including waste and cooling systems and the above described motor vehicles and trailers shall be stored or erected entirely within the walls of a building. Such rental vehicles shall not be over 30 feet in length. Parking shall be provided for the storage facility portion of any mixed use facility at the rate of one space for every 8,000 square feet of storage area.
15. Studios for artists, photographers, sculptors, or musicians, including: the teaching of art, music, dancing, or artistic instruction.
16. Daycare or nursery
17. Repair service establishments (shoes, watches, appliances, and other similar uses)
18. Gym or fitness center
19. Commercial parking lot
20. Business, vocational, and trade schools
21. Pharmacy
22. Animal hospital, grooming, and/or kennel
23. Funeral home or mortuary
24. Art gallery
25. Religious institution
26. Lodges, fraternal organizations, and union halls
- C. *Special uses permitted.* Uses permitted upon approval of the Village Commission in accordance with the provisions pertaining to use exceptions (See Section 8.19).
  1. Drive-thru or drive-in service.
  2. Marinas, provided that the following provisions are adhered to:
    - a. No docks or piers, including mooring piles, catwalks, and other appurtenances, shall be constructed closer than 7.5 feet to any adjacent property line.
    - b. In no case shall a dock or pier project more than ten percent into the width of any waterway.
    - c. Fire prevention and fire control equipment shall be provided as required by the South Florida Building Code.
    - d. In conjunction with the dockage of moorage of vessels, the following water-related activities, vessels and structures are prohibited:
      - (1) Commercial vessels.
      - (2) Haul-out facilities for major boat repair or overhaul work.
      - (3) Unscreened storage of boating supplies or accessories in the required front yard

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setback area.

- (4) Permanent live-aboard vessels except as required for work or security purposes.
3. Printing and publishing establishments, including blueprinting and photostating, provided that no such use shall occupy more than 1,500 square feet of gross floor area.
4. Service stations, provided that the following provisions are adhered to:
- a. All structures shall be designed in a manner that is compatible with the overall environmental and architectural design goals of the community.
  - b. All properties shall have at least 150 feet of frontage.
  - c. All new and used merchandise shall be stored and displayed within the main structure except tires, accessories, and lubrication items, which may be maintained in movable or enclosed cabinets.
  - d. No used or discarded automotive parts or equipment or permanently disabled or wrecked vehicles shall be located outside the main structure except within an enclosed trash storage area.
  - e. Major repairs or engine overhauling or transmission repair, painting, body and fender repair, and tire recapping is not permitted.
  - f. The rental of heavy equipment and the sale or rental of merchandise not related to the motoring public, other than as specified herein, is excluded.
  - g. The storage of up to ten rental trailers or automobiles is permitted, provided that the trailers or automobiles are backed up against a six-foot high wall, and located not less than 20 feet from any sidewalk, street, or driveway.
  - h. Car washes are permitted as an ancillary use subject to being located 200 feet from residential uses and subject to hours of operation.
  - i. Trash shall be stored in areas shielded from public view. Storage trash containers shall be enclosed and covered.
  - j. Any lights provided to illuminate or advertise the service station, shall be installed and maintained in a manner so as not to create an undue glare on adjacent properties.
  - k. Structures shall not occupy more than 30 percent of the total lot area.
  - l. Driveways shall be permitted at the intersections of primary and secondary arterials, provided the construction of driveway entrances is within the curb return, but shall be at least five feet beyond the end of the curb return. At all intersections, whenever possible, combine driveways servicing both service station and adjacent uses, shall be designated and provided.
  - m. Planter areas and tree wells shall be constructed and equipped with irrigation and drainage facilities and landscaped prior to final building inspection.
  - n. Whenever the use abuts a residential district, a wall shall be erected along the property line eight feet in height.
  - o. Service stations shall not be permitted within 300 feet of the property line of any church, synagogue, hospital, and school.
  - p. No more than four service stations shall be permitted within the Village at any one time.
5. Theaters for the showing of motion pictures shall provide no less than 400 fixed seats.

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When the theater is to be used solely for activities of a performing art, or an event of a cultural or civic nature, a lesser number of seats may be required by the Commission.

6. Yacht clubs, provided they have a minimum of 150 feet of water frontage and no main building is less than 4,000 square feet in gross floor area.

D. Prohibited uses. Boat storage facilities utilized for the purpose of storing boats shall be prohibited in the CG (General Commercial) District.

E. Site development standards.

1. Minimum lot size:

Area: 10,000 sf

Frontage: 75 feet

2. Minimum yard setbacks:

<u>Location</u>	<u>Distance (Feet)</u>
<u>Kennedy Causeway</u>	<u>30</u>
<u>Other street frontages</u>	<u>25</u>
<u>Rear</u>	<u>25</u>
<u>One side (interior)</u>	<u>15</u>
<u>Second side (interior)</u>	<u>20% of the lot width</u>

3. Maximum building height:

a. Base height: The maximum building height allowed by right is 150 feet.

b. Bonus height may be approved according to Section 8.35.

4. Maximum FAR: Maximum floor area ratio for all commercial uses is 3.0. Areas used for parking shall not be counted towards maximum FAR. Hotels and motels are considered commercial uses.

5. Maximum residential density:

a. Base density. The following table shall determine the number of residential dwelling units permitted by right.

<u>Unit Type</u>	<u>Required Lot Area (Sq. Ft./Unit)</u>	<u>Density (Units/Acre)</u>
<u>Efficiency</u>	<u>623</u>	<u>70.0</u>
<u>One-bedroom</u>	<u>623</u>	<u>70.0</u>
<u>Two-bedroom</u>	<u>685</u>	<u>63.6</u>
<u>Three-bedroom or larger</u>	<u>750</u>	<u>58.1</u>

b. Bonus density. Bonus density may be approved according to the Transfer of Density Rights program in Section 8.36.

6. Minimum pervious area: 20 percent of the total parcel. The lot area at grade level shall be retained as pervious area and shall be landscaped.



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7. Landscaping: Shall be provided according to Miami-Dade Landscaping Chapter 18A.
8. Minimum floor area:

<u>Unit Type</u>	<u>Floor area (Sq. Ft.)</u>
<u>Hotel or Motel</u>	<u>200</u>
<u>Efficiency</u>	<u>600</u>
<u>One-bedroom</u>	<u>900</u>
<u>Two-bedroom</u>	<u>1,200</u>
<u>Three-bedroom or larger</u>	<u>1,350</u>

### **§ 8.17 – Bay View Overlay District.**

#### **A. General requirements.**

1. Purpose and intent. The BVO District is intended to encourage taller, narrower, mixed use buildings on commercial lots on the north side of Kennedy Causeway where such lots front directly on, and provide unimpeded views north to Biscayne Bay. As such, this district provides the opportunity for development and redevelopment of mixed use residential buildings at greater heights than are otherwise permitted in the CG Zoning District if certain requirements are met. In order to provide incentives for re-development and streamline the development approval process, the BVO District has been pre-designated on the official zoning map. Application of the development incentives available in the BVO District to individual properties will be reviewed and approved by the Planning and Zoning Board and Village Commission concurrently with the site plan approval process.
2. Applicability.
  - a. The BVO District provides for an optional set of development regulations that may be voluntarily employed in the mixed use development of lands located within geographic limits of the BVO District shown on the official zoning map.
  - b. All regulations of the underlying zoning district that are not otherwise addressed in these regulations shall apply. Where the underlying zoning district and the BVO District both apply, the BVO District shall govern.
  - c. If a property owner should elect not to develop under these optional regulations, only the regulations of the underlying zoning district shall apply.
3. Procedure.
  - a. BVO standards review. Applications to use the development standards provided in the BVO District shall be processed concurrently with all other required development applications. At a minimum, the following applications are necessary and shall be considered in the following order:
    - (1) Building height bonus review to 300 feet pursuant to Section 8.35;
    - (2) Bay View Overlay District standards review; and
    - (3) Site plan review required.
  - b. Approval. Applications require approval by the Village Commission following a single public hearing and a recommendation from the Planning and Zoning Board. In order to

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approve an application, the Village Commission shall find that the development proposed:

- (1) Is compatible with surrounding intensities and densities of development;
- (2) Provides access to adequate light and air for surrounding properties; and
- (3) Preserves views of, and view corridors to, Biscayne Bay consistent with the Village's 2007 Master Charrette Plan.

B. Allowable uses. All uses listed as permitted or special exception uses in the underlying zoning district shall be permitted equally in the BVO District, and such use shall be subject to all conditions, requirements or limitations applicable to the use in the underlying zoning district, except as may otherwise be set forth in this section.

C. Building heights. A building height of up to a maximum of 400 feet may be proposed under the following conditions:

1. Lots over 500 feet in depth. For parcels where the lot depth is more than 500 feet, the following conditions shall apply:
  - a. The property is approved for a building height of 300 feet under the building height bonus provisions of Section 8.35.
  - b. The portion of any building that is more than 300 feet in height must be set back from the front property line by a distance that is not less than half the height of said portion of the building, with a maximum required front setback of 340 feet.
  - c. If any portion of a building on the site exceeds 300 feet in height, no part of any building on the site may be closer to either side property line than a distance equal to 20 percent of the width of the lot.
2. Lots under 500 feet in depth. For parcels where the lot depth is less than 500 feet, the following conditions shall apply:
  - a. The property is approved for a building height of 300 feet under the building height bonus provisions of Section 8.35.
  - b. The entire portion of a building that is more than 300 feet in height must be set back from the front property line by a distance that is at least 40 feet, plus one foot for each two feet of highest building height in excess of 300 feet, for a maximum front setback of 60 feet.
  - c. If any portion of a building on the site exceeds 300 feet in height, no part of any building on the site may be closer to either side or property line than a distance equal to 20% of the width of the lot.

### **§ 8.18 – Government Use District.**

A. Purpose and intent. The Government Use Zoning District is intended for federal, state and local government activities, transportation facilities, public facilities and utilities and other similar facilities owned or operated by government that generally serve and benefit the community.

B. Uses permitted:

1. Government owned facilities
2. Government operated facilities

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C. *Special uses permitted.* Uses permitted upon approval of the Village Commission in accordance with the provisions pertaining to use exceptions.

D. Site development standards

1. Minimum lot size

a. Area: no minimum lot size

b. Frontage: no minimum frontage

2. Minimum yard setbacks

a. Kennedy Causeway: 20 feet

b. Other street frontages: 10 feet

c. Rear: 10 feet

d. Abutting commercial zoning district: 5 feet

e. Abutting multi-family zoning district: 7 feet

f. Abutting single-family zoning district: 15 feet

3. Maximum building height: 150 feet

4. Minimum pervious area: Fifteen percent of the total parcel

### § 8.19 – Use exceptions

A. *Purpose and intent.*

In order to provide for adjustment in the relative locations of uses and buildings of the same or of different classifications; to promote the usefulness of these regulations as instruments for fact-finding, interpretation, application, and adjustment; and to supply the necessary flexibility to their efficient operation, use exceptions are permitted by these regulations.

B. *Use exceptions permitted.*

The Village Commission may permit the following buildings and uses as use exceptions, provided there are clear indications that such exceptions will not substantially affect adversely the uses permitted in these regulations of adjacent property.

1. Structural alterations to special uses, after these uses are approved by the Village Commission.

2. Other special uses as may be enumerated in specific zoning districts.

3. Assisted living facility or nursing facility.

4. Temporary sales/marketing office approval for no more than 12 months.

5. Farmers' market

C. *Expiration of use exception.*

After the Village Commission has approved a use exception, the use exception shall expire after two years, measured from the date of final Commission action, if no substantial construction or change of use has taken place in accordance with the plans for which the use exception was granted.

D. *Reapplication for use exception.*

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No application for a use exception shall be filed less than one year after the date of disapproval by the Village Commission of an application for a use exception involving the same land or any portion thereof.

### **DIVISION 3. SUPPLEMENTAL USE REGULATIONS**

#### **§ 8.20 – Accessory Uses and Structures**

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.

#### **A. Permitted accessory uses by zoning district**

##### **1. In all residential districts:**

##### **a. Private garages or carports provided:**

(1) No solid wall exterior facades or enclosures are allowed;

(2) Enclosures must create window facades proportional to the existing windows at the front of the home;

(3) 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

(4) 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.

##### **b. Private swimming pools, cabanas, whirlpools, saunas, spas and hot tubs.**

##### **c. Private tennis, basketball or volleyball courts or other similar outdoor recreational uses.**

##### **2. In all zoning districts**

a. Television and radio antenna structures, except for those of a microwave relay or transmission nature, subject to the provisions of Section 8.34.

b. Caretaker or watchman quarters when such quarters are associated with an active construction project.

c. Storage structures, provided no structure exceeds 150 square feet in gross floor area and is not more than 12 feet high from grade.

d. Doghouse, pens, and other similar structures for the keeping of commonly accepted household pets, provided, however, the requirements of Sections 91.03 and 91.10 through 91.12 of the Village Code of Ordinances are complied with.

##### **e. Disaster Shelters**

#### **B. Special Regulations. The following regulations shall apply to all accessory uses and structures:**

1. No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

2. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which they are located

3. All accessory uses and structures shall comply with the site development standards applicable in the zoning district in which they are located, unless specifically authorized otherwise herein.

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4. All accessory uses shall be arranged and maintained so as not to encroach into any required yard setback area, unless specifically authorized otherwise within the provisions of this chapter.
5. All accessory structures shall comply with all provisions of the South Florida Building Code, as amended.

### **DIVISION 4, SUPPLEMENTAL DEVELOPMENT STANDARDS**

#### **§ 8.21 – Awnings and Canopies**

- A. Pedestrian related concerns are a priority in the creation of a successful development. Overhead protection from rain and sun should be provided for pedestrians. Awnings have an impact on the appearance of the storefront and building and tend to bring pedestrians closer to shop windows and entrances. Consideration shall be given to the following where applicable:
1. Buildings/storefronts should have awnings or other means to provide pedestrians with sun/rain protection unless physically unsuited.
  2. Continuous awnings over several stores are prohibited.
  3. Individual awnings should be distinct from its adjacent neighbor. When multiple awnings are attached to one building, awnings shall be of identical height and depth.
  4. High gloss vinyl (plastic) awnings, backlit, and metal awnings are prohibited. These awnings, because of their high visibility, become attention getting devices - such as a sign, rather than means to provide comfort and protection for the pedestrian. Such awnings overwhelm the appearance of the buildings they are attached to, detracting from architectural qualities. Awnings that incorporate subtle down-lighting in a manner which creates a discreet peripheral washing of the awning, may be appropriate in some instances.
  5. Metal awnings should be contemporary in design and shall be subject to the same restrictions and guidelines as other awning materials.
  6. Awnings shall be maintained in good repair, free from tears, fading or peeling.
  7. Awnings may be supported by poles and connected to the building underneath.
  8. Awnings needing vertical support columns are prohibited in the setback area.
  9. The awnings on corner buildings shall continue around the corner for compatibility with building form and pedestrian patterns, wherever possible.
  10. Awnings shall not to be used where there is an existing projecting concrete sunscreen, except that a vertical awning valance may be suspended below the sunscreen with a clear height of eight feet above the sidewalk.
  11. Awnings should utilize color schemes that blend with those of neighboring developments as well as consistency in color schemes for the site. Accent colors should be chosen to enhance architectural details. Solid color and broad striped fabric patterns are preferred.

#### **§ 8.22 – Boats, docks and piers**

- A. Boats, docks and piers. Dockage space and facilities for the mooring of pleasure boats, yachts and other noncommercial watercraft may be permitted in any residential district on any waterway as an

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accessory use, provided that:

1. No boat may be used or maintained for overnight sleeping or living purposes or as a place of residence.
2. No boat may be used for any commercial purpose.
3. Docks shall be constructed and permitted according to Section 9.12.
4. Temporary piers, floating docks, or similar temporary moorings are prohibited.
5. All the regulations, standards, and requirements of Chapter 150 and Section 9.12 of the Village Code shall be complied with.
6. Barges and vessels shall be permitted in residential districts only for loading, unloading and on-site construction, in compliance with Chapter 150 and Section 9.12.

### **§ 8.23 – Clotheslines**

No clotheslines, drying racks, poles, railings, or other similar devices for hanging clothes, rags, or other fabrics shall be erected or maintained in a front or corner side yard.

### **§ 8.24 – Construction materials on premises before permit issued; removal of materials**

- A. Construction materials and equipment shall not be deposited on any premises, lot, or proposed building site in any district prior to the obtaining of a building permit as required herein.
- B. Surplus materials and construction equipment shall be removed from the premises if the job is abandoned, and before occupancy of the completed structure will be permitted.

### **§ 8.25 – Dumpster Enclosures**

- A. Mechanical equipment is necessary to the function of the buildings, which comprise a successful development. Unfortunately, space must be found for components that are sometimes large, noisy and unsightly. Mechanical equipment, particularly when added after the building is in use, can interrupt the streetscape and public views, decreasing the comfort and livability throughout the area. Enclosures and mechanical rooms shall conform to the following criteria:
  1. When associated with new construction or rehabilitation valued at more than 30 percent of the building value as determined by the building official:
    - a. Restaurant and/or drinking uses, trash and garbage facilities shall be within an enclosed, air-conditioned garbage room; and
    - b. Commercial, office or multifamily uses, trash and garbage facilities shall be within an enclosed, cross-ventilated garbage room.
  2. When located outside of the building, the trash and garbage facilities shall be enclosed within a decorative CBS, wood, metal or recycled products material, opaque structure. The structure (including opaque gates) shall be painted or finished to match the building appearance. No such containers shall be kept, utilized, left stored or maintained in front of any principal structure, except on collection day.
  3. Dumpster enclosures shall be located in visually obscure areas of the site and shall be designed in a manner as to visually screen the dumpster from adjacent view, and shall include a dumpster locking device on containers that include food waste to prevent access to the

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dumpster by birds or rodents.

4. Dumpster enclosures shall be placed in such a manner as to allow sanitation trucks to pick up garbage in a manner they are designed for.
5. Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building, and shall not be visible from the street.
6. All service bays, mechanical (HVAC) equipment and delivery areas should be located away from and not visible from the streets, waterways, sidewalks, and adjacent properties.
7. Service bays, ground-mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.
8. Exterior service bays and delivery areas should not be used for the storage of vehicles or materials.

### **§ 8.26 – Fences, Walls, and Hedges**

#### **A. When required**

1. An eight-foot high wall, hedge, or fence shall be required along all side and rear commercial property lines which are contiguous to a residential zoned property, subject to vision clearance requirements established elsewhere in this section.
2. All permitted outdoor storage areas in multifamily residential and commercial zones shall be visually screened from public view by an eight-foot high solid wood or masonry fence or wall.
3. Fences or walls to be built in connection with other permitted recreational uses such as baseball backstops, tennis courts, handball courts, and the like shall be permitted at the height necessary for the particular use.
4. All vacant lots adjacent to Kennedy Causeway shall be hedged along that portion of the lot which is adjacent to Kennedy Causeway.
  - a. The hedge shall not exceed four feet in height and not be lower than two feet in height and shall be of sufficient thickness and density so as to provide a physical barrier similar in effect to a fence.
  - b. The hedges shall be continuously and regularly trimmed, and any dead plants, or plants which fail to bear leaves, shall be regularly and timely replaced.
  - c. The remainder of the lots shall be fenced or hedged so as to prevent the unauthorized entry of motor vehicles thereon.
5. Concrete Block Walls. No fence, solid contiguous wall or ledge consisting of blocks or concrete shall be erected, constructed, installed or maintained in any manner parallel to the 79th Street Causeway.

#### **B. Prohibitions**

1. No fence, wall, or hedge may be constructed, installed, or maintained within six feet of any fire hydrant or other emergency apparatus.
2. No fence, wall, or hedge may be constructed, installed, or maintained which in any manner creates a visual obstruction to vehicular traffic. In no event shall any fence which obstructs or obscures vision, or any wall or hedge exceed four feet in height within 30 feet of the intersection of official right-of-way lines.

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3. No wall or fence shall exceed five feet in height within any required front yard setback, and shall not create a visual obstruction to pedestrian or vehicular traffic. For fences on corner lots, both street frontages shall be considered front yards. Additionally:
  - a. Landscaping shall be required on the street side of any such wall or fence, with at least a 2 foot deep landscape bed;
  - b. Any concrete wall or concrete block wall shall be sustained in a finished condition.
4. Hedge heights shall not exceed twelve (12) feet in height in the front, rear and side setbacks in the RS-1 and RS-2 Districts, provided that:
  - a. Such hedges do not interfere with vehicular traffic or visibility on public rights-of-way;
  - b. Such hedges are neatly trimmed;
  - c. The property owner responsible for planting the hedge shall maintain the entire hedge, including the sides facing the neighboring properties in order avoid any hindrance to said neighboring property.
  - d. Hedge planting is strictly prohibited within the Village right-of-way or easement area, except as provided for in Section 8.26(B)(8).
5. Walls and fences in the rear and side setbacks shall not exceed a height of six feet.
6. No chain link, wire or cable fencing or fences similar in appearance to any of the foregoing, will be permitted within front setbacks. (This includes all areas past the front edge of the house running towards the street.)
7. Ornamental entrances, fountains, plant containers, and similar architectural features exceeding the wall height restriction will be permitted, provided that:
  - a. No such feature shall exceed in height the wall height restriction for that district plus three feet; and
  - b. There shall be only one such feature in any front, side or rear yard, except that there may be two entrance gates.
8. Planting of vegetation in easement areas shall conform to the following:
  - a. No trees may be planted within any easement or public right-of-way area as shown on the recorded plats of the various subdivisions of the Village ("easement areas").
    - (1) Nothing in this section shall be construed to prohibit the planting of low growth landscaping in the easement or right-of-way areas ("easement landscaping").
    - (2) Easement or right-of-way landscaping is subject to removal by the Village without notice in the event that this landscaping impedes access to these areas. The Village shall not be responsible for damage to the removed landscaping;
    - (3) Prior to planting such easement landscaping in easement areas, the property owner shall execute a permission for removal, release and indemnification agreement, in a form acceptable to the Village, pertaining to such easement.
9. For single family properties on North Bay Island. The linear footage of any property's street front Village easement or right-of-way area must maintain a greenspace (pervious) area whereby the permissible paved area is to be limited to only 40 percent of that total linear footage.
  - a. The protected greenspace shall be restricted from any paving materials including but not limited to asphalt, concrete, brick, pavers, gravel or solid cover of mulch.



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- b. The depth of that protected pervious area must be maintained at full easement depth from the street to the property boundaries.
- c. Any paving of the property frontage beyond the easement area (within front yard), and greater than 40 percent of the permitted linear footage must create a green landscape facade to decrease the sight line of that paved surface from the street view.

10. For single family properties on all islands.

- a. Front yard area may be paved up to 40 percent of the total linear footage.
- b. The balance of footage 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, and heavily landscaped to create green landscape facade to decrease the sight line of that paved surface from the street.

11. Nonconforming uses of land. The lawful use of land existing at the time of the passage of this ordinance or an amendment thereto, although such uses do not conform to the provisions of this ordinance, may be continued subject to the following provisions:

- a. Front yard areas may not be increased in paved areas.
- b. All rights and obligations subject to the nonconforming use of the land run with the land and are not personal to the present owner or tenant of the nonconforming use of land and are not affected by a change in ownership or tenancy.

C. General requirements

1. Construction and materials.

- a. No fence or wall may be constructed of materials which will be hazardous to the health, safety, or welfare of persons or animals.
- b. Fences which are erected with sheathing, pickets or slats on one side only shall have such materials placed on the side of the fence facing the adjacent property in such a manner as to conceal the structural elements of the fence from off premises view.
- c. Walls or fences constructed of concrete block shall be constructed so that the side facing away from the property on which the wall or fence is located shall be finished with stucco or some other approved material.

2. Maintenance. All fences, walls, and hedges shall be maintained in a safe, attractive, and non-hazardous condition.

- a. Hedges shall not extend over or into the public right-of-way for the full height of the hedge.
- b. Maximum height.
  - (1) No fence or wall shall exceed six feet in height and no hedge shall exceed six feet except as may be permitted or further restricted elsewhere in this section.
  - (2) The height of a wall, fence, or hedge shall be the vertical distance measured from the average elevation of the finished building site to the top of the wall, fence, or hedge.
  - (3) The average elevation shall be measured along the wall, fence, or hedge line that the same is to be placed.
  - (4) The land within the area which the wall, fence, or hedge is to be placed may not be increased or decreased to effect the permitted height unless the entire building site is to be graded to level off this area.

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- D. Temporary fence around construction site. Nothing in this section shall be deemed to prohibit the erection and maintenance of a temporary fence around construction sites on which actual construction activity is taking place pursuant to a valid active building permit.
1. The fence may exceed the height limitations in this zoning code if the fence is constructed of solid wood (or plywood) and is decorated in an attractive and artful design as shall be determined by the Village Commission or appropriately designated board.
  2. In no event shall the fence exceed eight feet in height.
  3. Chain link fences shall not be the permitted around construction sites unless screening is used with the chain link to conceal construction materials from outside view.
- E. Existing nonconforming fences and/or walls; removal.
1. Intent. It is the intent of this division to recognize that the eventual elimination of existing fences, that do not conform with the provisions of this chapter, in as expeditious a manner as is reasonable, is as much a subject of the health, safety, and welfare of the citizens of the Village as is the prohibition of new fences that would violate the provisions of these regulations. It is also the intent of this division that there shall not be any unreasonable burden upon established private property rights.
  2. Continuance. Subject to the amortization schedule below, a nonconforming fence may be continued and shall be maintained in good condition, but shall not be:
    - a. Enlarged or changed to another nonconforming fence.
    - b. Reestablished after its removal.
    - c. Reestablished after being damaged or deteriorated whereby the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost.
  3. It shall be the responsibility of the Code Enforcement Officer to make an inventory and a record of all nonconforming fences and to serve notice on the owners or users of such fences within 30 days after the adoption of these regulations. The period of nonconformity shall nonetheless begin as of the date of the passing of this division. The inventory shall include the following:
    - a. Owner.
    - b. Type of fence
    - c. Location.
    - d. Reason for classification as nonconforming.
    - e. Date fence was erected.

### **§ 8.27 – Height Exceptions**

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.

### **§ 8.28 – Outdoor dining and sidewalk cafes**

Outdoor restaurants, bars or sidewalk cafés must be associated with an adjacent licensed restaurant and comply with all other zoning regulations and conform to the following criteria:

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- A. An application must be filed with the Village Manager, or his/her designee, for administrative review and approval, which shall include:
  - 1. Layout of all tables, chairs, benches, and other furniture;
  - 2. Pedestrian ingress and egress;
  - 3. Location of refuse containers; and other elements necessary to illustrate the proposed outdoor seating/dining use and area (all drawings must be titled, indicate orientation, and be at an acceptable scale).
- B. Outdoor seating/dining areas and uses of the public right-of-way and/or any private property may be approved, denied, or approved with conditions, modifications, safeguards, or stipulations appropriately and reasonably related to the intent, purposes, standards, and requirements of the related regulations by the Village Manager.
  - 1. Such permit shall not be transferable in any manner and is strictly a conditional use permit, issued for a period of one year, renewable annually via payment of the annual occupational license fee for such outdoor seating/dining uses.
  - 2. The fee for outdoor dining/seating use and area will be charged annually in the amount of \$250.00; the permit fee shall be added to the occupational license fee for the main business.
- C. The applicant shall provide an indemnity agreement that is acceptable to the Village Manager. This agreement will include specification of liability insurance to be provided.
- D. The conditional use permitting of outdoor seating/dining use and area may be revoked by the Village Manager or his/her designee, upon finding that:
  - 1. One or more conditions of these regulations have been violated, or
  - 2. That the outdoor seating/dining area and use are being operated in a manner that constitutes a public nuisance, or in any way that constitutes a reasonable risk of potential liability to the Village.
- E. Outdoor seating/dining use and area may be temporarily suspended by the Village for public use/purpose, utility, sidewalk or road repairs, emergency situations, or violations of provisions contained herein.
  - 1. The length of suspension shall be determined by the Village Manager as necessary.
  - 2. Removal of all street furniture and related obstructions shall be the responsibility of the owner/operator of the outdoor seating/dining.
- F. Outdoor seating/dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris. The applicant shall be responsible for daily cleaning and sweeping of the outdoor seating/dining area and for the cleanliness and maintenance of any outdoor planters immediately adjacent to the outdoor seating/dining area.
- G. Use of Village sidewalks for trash and garbage removal shall be prohibited.
- H. Outdoor seating/dining use and area shall not interfere with the free and unobstructed pedestrian or vehicular circulation of traffic, public access to any street intersections, crosswalks, public seating areas and conveniences, bus stops, alleys, service easements, handicap facilities, or access to any other commercial establishments.
- I. If there is seating on one side of the sidewalk, a minimum of five feet of sidewalk must remain clear and unobstructed for pedestrian passage;
- J. Outdoor seating/dining area on the public rights-of-way shall be open and unenclosed. No building

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structures of any kind shall be allowed in and over any portion of the outdoor seating/dining area located on public property.

- K. Tables, chairs and all other furniture used in the operation of an outdoor seating/dining area shall not be anchored or restrained in any manner.
- L. Individual table umbrellas, planters, or other such non-stationary elements may be permitted within the outdoor seating/dining area and where applicable, shall have a minimum clearance height of seven feet above grade.
- M. Outdoor seating/dining use and area shall be restricted to the length of the sidewalk or public right-of-way immediately fronting the cafe or other establishment
- N. Outdoor seating/dining area shall be at the same elevation as the adjoining sidewalk or public right-of-way.
- O. Carts and trays for serving food are permitted in the outdoor seating/dining area.
- P. Outdoor seating/dining use and area shall not be provided with amplified sound of any kind.
- Q. Outdoor seating/dining areas may serve alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only; provided:
  - 1. No entertainment of any kind is furnished.
  - 2. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.
- R. Any administrative decision may be appealed to the Village Commission in accordance with the requirements of this Code.
- S. The hours of operation shall coincide with that of the primary restaurant.
- T. Placement of tables, chairs and related equipment shall be situated to ensure that a minimum of five feet straight pathway on the sidewalk is maintained at all times as an unobstructed pedestrian path.
- U. Serving through windows is not permitted.
- V. Food preparation shall only occur in the enclosed restaurant.
- W. Because tables provide sufficient advertisement, no additional signs for sidewalk café are permitted.
- X. Outdoor furniture shall be substantial enough not to blow over with normal winds.
- Y. All outdoor furniture and fixtures shall be tastefully compatible and approved by the Planning and Zoning Official.
- Z. All disposable table materials such as plates, glasses, and napkins shall be imprinted with the name of the café (stickers may be used). This regulation is to control litter.
- AA. Sidewalk cafés shall receive a revocable permit subject to the procedures established by the Village.

### **§ 8.29 – Recreational and camping equipment**

Recreational and camping equipment in the form of travel and camping trailers, truck trailers, and motor travel homes, designed and used as temporary living quarters for recreation, camping, or travel use may be parked in the open on sites containing single-family residences, subject to the following

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conditions:

- A. No more than one piece of recreation or camping equipment shall be parked on the site.
- B. Such parking shall be limited to the equipment owned or leased by the owner-occupant or occupant-lessee of the site concerned, or owned or leased by a bona fide out-of-Dade County house guest of the occupant of the site concerned, with the parking of such equipment by the guest not to exceed 14 days.
- C. The location for such parked equipment shall be to the rear of the front building line and behind the side street building line, in each case the building line referred to being that portion furthest from the street.
- D. Such equipment and the area of parking shall be maintained in a clean, neat, and presentable manner and the equipment shall be in a usable condition at all times.
- E. Such equipment shall, at all times, have attached a current vehicle registration license tag.
- F. No major repairs or overhaul work on such equipment shall be made or performed on the site or any other work performed thereon which would constitute a nuisance under existing ordinances.
- G. When parked on the site, such equipment shall not:
  - 1. Be used for living or sleeping quarters, or
  - 2. Be used for housekeeping or storage purposes and
  - 3. Shall not have attached thereto any service connection lines, except as may periodically be required to maintain the equipment.
- H. The maximum length permitted for such equipment shall not exceed 30 feet and the maximum height shall not exceed ten feet.
- I. Such equipment shall be so secured that it will not be a hazard or menace during high winds or a hurricane.

### **§ 8.30 – Safe and sanitary dwelling unit standards**

The following shall be the minimum standards to be enforced in North Bay Village relative to the safe and sanitary maintenance of dwellings and dwelling units:

- A. All foundation walls shall be structurally sound, reasonably rodent-proof, and maintained in good repair.
- B. Foundation walls shall be considered to be sound if they are capable of bearing imposed loads and are not deteriorated.
- C. Every dwelling unit shall be reasonably weathertight, watertight, and rodent-proof.
  - 1. Floors, walls, ceilings, and roofs shall be capable of affording adequate shelter and privacy and shall be kept in good repair.
  - 2. Windows and exterior doors shall be reasonably weathertight, watertight and rodent proof, and shall be maintained in good working condition.
  - 3. All parts of the structure that show evidence of rot or other deterioration shall be repaired or replaced.
- D. Every inside and outside stairway, porch, and every appurtenance thereto, shall be maintained in a safe condition and be capable of supporting loads which normal use may impose.

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- E. Every chimney and smoke pipe, and all flue and vent attachments thereto, shall be maintained in such condition that there will be no leakage or backing up of smoke and noxious gases into the dwelling.
- F. All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.
- G. Every plumbing fixture, water pipe, waste pipe, and drain shall be maintained in good sanitary working condition, free from defects, leaks, and obstructions.
- H. The floor surface of every water closet compartment, bathroom, and shower room shall be maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- I. Every supplied facility, piece of equipment, or utility shall be maintained in a safe and satisfactory working condition.
- J. No owner or occupant shall cause any service, facility, equipment, or utility required to be removed from or discontinued for any occupied dwelling or dwelling unit except for such temporary interruption as may be necessary while actual repairs, replacement, or alterations are in process.
- K. For these purposes, every owner of a building containing three or more dwelling units, shall provide the continuing service of a person or persons solely to assure that the minimum requirements of maintenance and sanitation, as provided herein are maintained on the premises at all times.
- L. The provisions of the Dade County Minimum Housing Code shall apply as a minimum standard for Village enforcement.

### **§ 8.31 – Security guards**

- A. Definitions: The term security guards shall be synonymous with burglar guards and shall refer to steel bars commonly installed on the exterior or interior of doors or entryways and windows or breezeways or private residences, including free standing as well as multifamily residences and commercial and industrial buildings.
- B. No security guards may be installed on the exterior of doors and entryways, windows and breezeways on front and side elevations of buildings which face a street or public right-of-way.
- C. Continuance and removal of nonconforming security guards.
  - 1. A nonconforming security guard (one which is in existence at the effective date of this section) may be maintained and continued in use as a legal nonconforming use.
  - 2. However, no such security guard may be enlarged or replaced by another nonconforming device.
  - 3. At such time as title to the property changes, all nonconforming security guards shall be removed.
  - 4. Title change shall be defined to mean any change of record ownership, other than by survival or by inheritance of a tenant by the entreaties.

### **§ 8.32 – Setback Encroachments**

Every part of every required front, side, and rear yard setback shall be open and unobstructed from the ground to the sky except as herein provided.

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- A. Cornices, roof overhangs, window air conditioning units, awnings, chimneys, and sills may extend into a required side or rear yard, provided any such extension does not exceed 36 inches into the required yard.
- B. Balconies shall be permitted to project to a distance of 48 inches into the required yard, provided there is a seven-foot clear span.
- C. Fences and privacy walls as provided in Section 8.26.
- D. Swimming pool and pool decks as provided in Section 8.33.
- E. Signs as provided in Chapter 11.
- F. Landscaping retaining walls, parking curbs/bumpers, and other similar features less than 6 inches in height.
- G. Light poles and flag poles as provided in Section 8.34
- H. In single family districts only, the following setback encroachments are allowed:
  - 1. Ground mounted mechanical equipment, including air conditioning equipment, pool equipment, heat pumps, water heaters, generators and other similar equipment, may be placed in a side yard setback area; provided the unobstructed side setback area is not reduced by more than 50 percent of what is required in the zoning district regulations and provided the equipment placed in the setback area does not operate above 70 decibels.
  - 2. A garden window for the cultivation of small plants may extend into the setback area not more than 24 inches
- I. In all zoning districts other than single family, the following setback encroachments are allowed:
  - 1. A canopy shall be permitted to extend from the entrance door to the front property line provided:
    - a. The canopy does not exceed 12 feet in height or be screened or enclosed in any manner; and
    - b. The canopy shall be required to be removed during hurricane warning periods.
    - c. A clear space is provided between the grade and the bottom of the valance of at least six and one-half feet.
    - d. Additional awning/canopy requirements of Section 8.21 shall be complied with.
  - 2. An entrance feature/port cochere may extend from the entrance door into the front setback area provided:
    - a. Support columns may not be placed closer than 7 feet to the property line.
    - b. At least 14.5 feet of vertical clearance shall be provided.
    - c. The width of the entry feature/port cochere shall not exceed 25 feet or 20% of the subject property frontage width, whichever is greater.
    - d. The entrance feature/port cochere may extend from the entrance door to the front property line, or a distance of 35 feet, whichever is more restrictive.

### **§ 8.33 – Swimming pools**

- A. Purpose and intent. The Legislature finds that drowning is the leading cause of death of young children in this state and is also a significant cause of death for medically frail elderly persons in this state, that constant adult supervision is the key to accomplishing the objective of reducing the

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number of submersion incidents, and that when lapses in supervision occur a pool safety feature designed to deny, delay, or detect unsupervised entry to the swimming pool, spa or hot tub will reduce drowning and near-drowning incident.

In addition to the incalculable human cost of the submersion incidents, the health care costs, loss of lifetime productivity and legal and administrative expenses associated with drowning of young children and medically frail elderly persons in this state each year and the lifetime costs for the care and treatment of young children who have suffered brain disability due to near-drowning incident each year is enormous.

### B. Standards and requirements.

1. Any swimming pool operated by a residential homeowner, or condominium association, or by the resident of a single-family dwelling shall be permitted as an accessory use and shall exist only in conjunction with the principal use on the same lot, subject to the regulations stated herein.
2. A swimming pool may be permitted in any rear yard; however, in no instance shall it be located nearer than the following distances from any property line or structure:

<u>Setback</u>	<u>Distance (Feet)</u>
<u>Front</u>	<u>25</u>
<u>Side (interior)</u>	<u>7.5</u>
<u>Rear or Easement</u>	<u>7.5</u>
<u>Structure</u>	<u>5</u>
<u>Side (corner)</u>	<u>15</u>

3. Access. Exterior access to a swimming pool shall be through a self-closing and self-latching gate with latches placed at least four feet above grade and operable from the pool area only.
4. Drainage. If a patio is provided adjacent to or surrounding a swimming pool, it shall be designed so as to be self-draining away from the pool.
5. Lighting. Artificial lighting used to illuminate the premises shall be shielded and directed away from adjacent properties and streets, shining only on the subject site.
6. Height. Swimming pools and appurtenances shall not exceed a height of three feet above grade.
7. Additional requirements. In addition to the foregoing requirements, all regulations and standards of Sections 151.01 through 151.18 of the Village's Code of Ordinances, and the Florida Building Code shall be complied with.

### C. Barriers for swimming pools, spas and hot tubs required.

Barriers must be placed around the perimeter of the pool, spa or hot tub and must be separate from any fence, wall, or other enclosure surrounding the yard unless the fence, wall, or other enclosure or portion thereof is situated on the perimeter of the pool, spa or hot tub that is being used as part of the barrier, and meets the barrier requirements of this chapter, chapter 151 of this Code, and the Florida Building Code.

#### 1. Barrier construction

- a. A wall of a dwelling may serve as part of the barrier if it does not contain any door or window that opens to provide direct access from the home to the swimming pool, spa or hot tub.
- b. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:



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- (1) All doors and windows providing direct access from the home to the pool, spa or hot tub shall be equipped with an exit alarm complying with this chapter and chapter 151 of this Village's Code, as well as the Florida Building Code that has a minimum sound pressure rating of 85 dB.
- (2) At 10 feet the exit alarm shall produce a continuous audible warning when the door and its screen are opened.
  - i. The alarm shall sound immediately after the door is opened and be capable of being heard throughout the house during normal household activities.
  - ii. The alarm shall be equipped with a manual means to temporarily deactivate the alarm for a single opening. Such deactivation shall last no more than 15 seconds.
  - iii. The deactivation switch shall be located at least 54 inches above the threshold of the door.
  - iv. Separate alarms are not required for each door or window if sensors wired to a central alarm sound when contact is broken at any opening.
- (3) All doors providing direct access from the home to the pool, spa or hot tub must be equipped with a self-closing, self-latching device with positive mechanical latching/locking installed a minimum of 54 inches above the threshold, which is approved by the authority having jurisdiction.
- (4) Exceptions:
  - i. Screened or protected windows having a bottom sill height of 48 inches or more measured from the interior finished floor at the pool, spa or hot tub access level.
  - ii. Windows facing the pool, spa or hot tub on floor above the first story. Screened or protected pass-through kitchen windows 42 inches or higher with a counter beneath.
- c. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool, spa and/or hot tub.
- d. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool, spa and/or hot tub.
- e. Where the top of the pool, spa or hot tub structure is above grade the barrier may be at ground level or mounted on top of the pool, spa or hot tub structure.
- f. Where the barrier is mounted on top of the pool, spa or hot tub structure, the maximum vertical clearance between the top of the pool, spa or hot tub structure and the bottom of the barrier shall be 4 inches.
- g. Maximum mesh size for chain link fences shall be a 2¼ inch square unless the fence is provided with slats fastened at the top or bottom which reduce the openings to no more than 1¾ inches. A mesh safety barrier meeting the following minimum requirements shall be considered a barrier as defined in this section:
  - (1) Individual component vertical support posts shall be capable of resisting a minimum of 52 pounds (229 N) of horizontal force prior to breakage when measured at a 36-inch height above grade.
  - (2) Vertical posts of the child mesh safety barrier shall extend a minimum of 3 inches below deck level and shall be spaced no greater than 36 inches apart.
  - (3) The mesh utilized in the barrier shall have a minimum tensile strength according to

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- ASTM D 5034 of 100 lbf., and a minimum ball burst strength according to ASTM D 3787 of 150 lbf. The mesh shall not be capable of deformation such that a ¼ inch round object could pass through the mesh. The mesh shall receive a descriptive performance rating of no less than "trace discoloration" or "slight discoloration" when tested according to ASTM G 53 (Weatherability, 1,200 hours).
- (4) When using a molding strip to attach the mesh to the vertical posts, this strip shall contain, at a minimum, #8 by percent-inch screws with a minimum of two screws at the top and two at the bottom with the remaining screws spaced a maximum of 6 inches apart on center.
- (5) Patio deck sleeves (vertical post receptacles) placed inside the patio surface shall be of a nonconductive material.
- (6) A latching device shall attach each barrier section at a height no lower than 45 inches above grade. Common latching devices which include, but are not limited to, devices that provide the security equal to or greater than that of a hook and eye type latch incorporating a spring actuated retaining level (commonly referred to as a safety gate hook).
- (7) The bottom of the child mesh safety barrier shall not be more than 1 inch above the deck or installed surface (grade).
- h. The barrier may not have any gaps, openings, indentations, protrusions, or structural components that could allow a young child to crawl under, squeeze through, or climb over the barrier as herein described below.
- i. One end of a removable child barrier shall not be removable without the aid of tools. Openings in any barrier shall not allow passage of a 4-inch-diameter sphere.
- j. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool, spa or hot tub side of the fence.
- k. Spacing between vertical members shall not exceed 1¾ inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ inches in width.
- l. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1¾ inches.
- m. Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- n. Where an aboveground pool, spa or hot tub structure is used as a barrier or where the barrier is mounted on top of the pool, spa or hot tub structure, and the means of access is a ladder or steps:
- (1) The ladder or steps either shall be capable of being secured, locked or removed to prevent access, or
- (2) The ladder or steps shall be surrounded by a barrier which meets the requirements of this chapter and chapter 151 of this Village's Code, as well as the Florida Building Code.
- (3) When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter sphere.
- o. Any permitted swimming pool may be enclosed by a screen enclosure, provided the enclosure is constructed of material which is 90 percent screening.

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- p. Screen enclosures shall have the same minimum side setbacks as those stated above for swimming pools.
  - q. Standard screen enclosures which meet the requirements of the Florida Building Code, may be utilized as part of or all of the "barrier" and shall be considered a "non-dwelling" wall.
  - r. Removable child barriers shall have one end of the barrier non-removable without the aid of tools.
  - s. Removable child barriers must be placed sufficiently away from the water's edge to prevent a young child or medically frail elderly person who may manage to penetrate the barrier from immediately falling into the water.
    - (1) Sufficiently away from the water's edge shall mean no less than 20 inches from the barrier to the water's edge.
    - (2) Dwelling or non-dwelling walls including screen enclosures, when used as part or all of the "barrier" and meeting the other barrier requirements, may be as close to the water's edge as permitted by this Code.
  - t. A barrier may not be located in a way that allows any permanent structure, equipment, or window that opens to provide access from the home to the swimming pool, spa and/or hot tub.
2. Access to swimming pools, spas and hot tubs.
- Access gates, when provided, shall be self-closing and shall be equipped with a self-latching locking device located on the pool, spa or hot tub side of the gate.
- a. Where the device release is located no less than 54 inches from the bottom of the gate, the device release mechanism may be located on either side of the gate and so placed that it cannot be reached by a young child over the top or through any opening or gap from the outside.
  - b. Gates that provide access to the swimming pool, spa or hot tub must open outward away from the pool, spa or hot tub.
  - c. The gates and barrier shall have no opening greater than ½ inch within 18 inches of the release mechanism.
3. Adjacent waterways as barriers.
- a. Permanent natural or permanent man-made features such as bulkheads, canals, lakes, navigable waterways, etc., adjacent to a public or private swimming pool, spa or hot tub may be permitted as a barrier when approved by the authority having jurisdiction.
  - b. When evaluating such barrier features, the authority may perform on-site inspections and review evidence such as surveys, aerial photographs, water management agency standards and specifications, and any other similar documentation to verify, at a minimum, the following:
    - (1) The barrier feature is not subject to natural changes, deviations, or alterations and is capable of providing an equivalent level of protection as provided by the code.
    - (2) The barrier feature clearly impedes, prohibits or restricts access to the swimming pool, spa or hot tub.
4. Schedule of penalties.

Failure to comply with the requirements of any section of this chapter may result in a penalty as

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provided in Section 153 of the North Bay Village Code.

### **§ 8.34 – Towers, antennas, poles and masts**

#### **A. Generally.**

Prior to the erection of a water tower, standpipe, windmill, tower, aerial, antenna, pole, mast, or other vertical structure over ten feet in height above the roof of a permitted structure, or over 20 feet in height if erected at grade, the requirements of this section and the South Florida Building Code shall be observed.

#### **1. Plans and specification required.**

Plans and specifications for the structures listed above shall be submitted to the Building Official showing:

- a. All dimensions, size, and kind of members, footings, and guy wires;
- b. The location, depth, and type of guy anchors and footings;
- c. The type and weight of the antenna, apparatus, or structure to be attached to or supported by the structure; and
- d. An application made for a permit.

#### **2. Maximum height.**

- a. The vertical height of any of the above structures shall not be greater than 90 percent of the horizontal distance from its base to the nearest property line.
- b. Radio towers, where incidental to a business use in the commercial district, may extend to a height of 150 feet measured from ground elevation.
- c. Poles, masts, and towers for supporting antenna used in the operation of amateur radio stations, citizen band radio stations, and citizen band radio stations licensed by the Federal Communications Commission shall be excepted from the above regulations and shall be governed by the following requirements:
  - (1) All poles, masts, towers, and beam array antennas shall be placed not less than five feet from a public right-of-way line or adjacent property line, or nearer than one foot from any easement.
  - (2) All such installations shall conform to the requirements of the National Electrical Code and applicable FCC regulations, and be located not less than eight feet from any power line over 250 volts, including the beam elements or any part thereof.
  - (3) Permits shall be required for the installation of any poles, masts, or towers over 20 feet above the roof of any structure to which they may be attached, and for any installation over 35 feet in height when erected from grade. Applications for permits shall be accompanied by three copies of plans and specifications showing:
    - i. All dimensions, size and kind of members, f
    - ii. Footings and guy wires;
    - iii. The location, depth and type of guy anchors and footings; and
    - iv. The type and weight of the antenna, apparatus or structure to be attached to or supported by the structure.

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- (4) Poles shall be of an approved creosoted type or treated or painted with a chemical preservative and an outer coat of oil base paint before installation. The color shall match the surrounding development.
- (5) The recommended depth of holes for various type poles shall be subject to acceptable engineering standards:

<u>Pole Height Above-ground (feet)</u>	<u>Hole Depth in Firm Ground (feet)</u>	<u>Hole Depth in Rock Ground (feet)</u>
<u>16</u>	<u>3.5</u>	<u>3</u>
<u>20</u>	<u>4</u>	<u>3</u>
<u>25</u>	<u>5</u>	<u>3</u>
<u>35</u>	<u>6</u>	<u>4</u>
<u>50</u>	<u>7</u>	<u>5</u>

- (6) If the earth is damp or soggy, the depth of hole is to be increased by one foot.
- (7) If carrying a beam, poles must be properly guyed, as is the case where the pulling effect of the wire antenna or weight of other installations will require guying.
- (8) Wood masts shall be chemically treated, painted with an outside coat of oil base paint, and suitably guyed at the top and middle in at least three different directions.
- (9) Masts to support a beam, whether of wood or metal pipe, shall comply with all the applicable regulations in regard to the location, guying and the like, and the maximum allowable weight of antenna, rotator and components shall not exceed 150 pounds.
- (10) Towers of steel, iron or aluminum, whether of the rigid non-demountable type or the rigid, demountable type with the crank-up, crank-down and either the hinged base or swivel crank-over features shall carry no more weight on the top than specified by the manufacturers specifications.
- (11) In calculating the height of demountable type towers, the top of the lower rigid section shall be considered the top for the purpose of this section.
- (12) Beam array antennas shall be mounted so as to provide easy servicing and easy access for the removal at approach of hurricanes, or provide for the lowering of such beam.

**B. Dish antennas.**

1. Application. This section shall apply only to private noncommercial dish antennas as defined in below. This section shall supplement and not repeal or modify the requirements of Section 8.16 E.
2. Definitions:
  - a. Dish antenna means a dish antenna intended for the purpose of receiving communications from orbiting satellites and other extraterrestrial sources, a low noise amplifier (L.N.A) which is situated at the focal point of the receiving component for the purpose of magnifying and transferring signals, a coaxial cable for the purpose of carrying signals to the interior of a building.
  - b. A private noncommercial dish antenna is a dish antenna for a single-family residence which is erected solely for the use of its owners. Said antenna shall not be used for the purpose of

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obtaining revenue.

3. Placement. Private noncommercial dish antennae may be permitted in North Bay Village provided:
  - a. They are located in the rear yard.
  - b. They are placed no closer to any property boundary line than a distance equal to their height as measured from ground level to the top of the antenna but in no event closer than ten feet to said property lines.
  - c. On corner properties, no portion of the apparatus may extend beyond the imaginary extension of the line of the house structure.
  - d. Roof-mounted dish antennae shall not be permitted except on two-story buildings with a flat roof, provided the antenna cannot be viewed from ground level, and in no instance is to exceed in height 15 [feet] above the roof.
4. Dimensions. The height of dish antennas, on the ground, shall not exceed 15 feet from ground level nor shall their diameter exceed 12 feet.
5. Number allowed; color. Only one dish antenna shall be allowed per single-family house, and antennas shall be neutral in color, and one color only.
6. Anchorage. All dish antennae shall be anchored securely to the ground or structure in compliance with the requirements of the South Florida Building Code relative to structures.
7. Permit required. No dish antenna shall be erected until a permit has been issued by North Bay Village. All applications for a permit shall be accompanied by a site plan showing the proposed location of the antenna, the type, color, height and diameter of the antenna and the proposed landscaping.
8. Screening. A private noncommercial dish antenna shall be screened by landscaping on its sides so as to obscure its visibility from the abutting properties' ground view.
9. Once installed, dish antennas and related appurtenances must be maintained in good and operable condition, and the surrounding landscaping shall likewise be continuously maintained for the intended screening purpose.
10. Nonconforming uses. All dish antennas that are legally existing on October 23, 1990, shall be allowed to remain until such time that they may be replaced, or the cost of repairs exceeds 50 percent of the replacement at which time they shall conform in all respects to this section.

### C. Screening of mechanical equipment.

Lack of, or inadequate screening of, mechanical equipment can have negative visual impacts on the Village's streetscape, ambient landscape, and community image. Such impacts shall be minimized through compliance with the following requirements:

1. Mechanical equipment located on the ground, such as air conditioning units, heating units, satellite dishes, irrigation pumps, propane tank displays and refilling areas, utilities lift stations and the like shall be screened from public view. Screening shall, at a minimum be at the same height as the equipment. Structural screening shall be architecturally integrated into the overall project design and shall be compatible, in terms of style, construction materials, colors, and finish, with the principle structure(s). Landscaping may be substituted for structural screening if plantings are compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen at time of planting.
2. Equipment and appurtenances mounted on roof tops shall be kept to a minimum. All exposed

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roof top mounted equipment and appurtenances shall be fully screened from view from any public right-of-way. All screening shall, at a minimum be at the same height as the equipment and appurtenances. Screening shall be an integral part of the design of the building(s) and shall be architecturally consistent with the style, colors, construction materials and finish of the building(s).

3. Painting of exposed appurtenances to blend with the color of adjacent materials of the building may be approved where utilization of approved roof designs precludes full screening of exposed surfaces.

### **§ 8.35 – Bonus Height.**

Properties in the RM-70 and CG districts may request to purchase additional height from North Bay Village as follows:

#### A. Approval of bonus height

Requests for bonus height shall be made concurrent with site plan review. The Village Planning and Zoning Board shall review the request and provide a recommendation to the Village Commission. The Village Commission shall have the authority to approve or deny any bonus height request at a site plan review public hearing.

#### B. Maximum bonus height

1. Total building height, including bonus, shall not be approved exceeding 240 feet for any property in the RM-70 district.
2. Total building height, including bonus, shall not be approved exceeding 300 feet for properties in the CG district.

#### C. Fees

1. Bonus height community contribution fees shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission
2. For every 10 feet of bonus building height approved by the Village Commission, the community contribution fee shall be \$750 per residential dwelling unit in the building and \$250 per hotel/motel sleeping unit in the building
3. Community contribution fees collected according to the bonus height program shall be utilized for the purchase of future Village parks, land for additional public open space, other public amenities, or infrastructure projects.

### **§ 8.36 – Transfer of Density Rights (TDR) Program**

Properties in the RM-70 and CG districts may request to purchase additional dwelling units from North Bay Village as follows:

#### A. Sending Sites

The sending sites shall be land currently owned by the Village, formerly designated Multi-family High Density Residential Future Land Use, which will not be developed into residential buildings in the future; the Village Hall site on Harbor Island, Vogel Park on Harbor Island, and the public works property on Treasure Island. Total bonus density allocation within the Village shall not exceed the total developable potential of the sending sites. The total land area of these properties is 2.35 acres. The total number of dwelling units available for transfer is as follows:

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1. 164 efficiencies, or
2. 164 one-bedroom units, or
3. 149 two-bedroom units, or
4. 136 three-bedroom (or larger) units, or
5. Any combination thereof according to the following table:

<u>Unit Type</u>	<u>Required Lot Area (Sq. Ft./Unit)</u>	<u>Density (Units/Acre)</u>
<u>Efficiency</u>	<u>623</u>	<u>70.0</u>
<u>One-bedroom</u>	<u>623</u>	<u>70.0</u>
<u>Two-bedroom</u>	<u>685</u>	<u>63.6</u>
<u>Three-bedroom or larger</u>	<u>750</u>	<u>58.1</u>

### B. Maximum Density

1. Total density, including bonus, shall not be approved exceeding 70 dwelling units per acre for any property in the RM-70 district.
2. Total density, including bonus, shall not be approved exceeding 70 dwelling units per acre for properties without direct access to Kennedy Causeway in the CG district.
3. Total density, including bonus, shall not be approved exceeding 100 dwelling units per acre for properties with direct access to Kennedy Causeway in the CG district.

### C. Approval of Transfer of Density Rights

Requests for transfer of density rights shall be made concurrent with site plan review. The Village Planning and Zoning Board shall review the request and provide a recommendation to the Village Commission. The Village Commission shall have the authority to approve or deny any TDR request at a site plan review public hearing.

### D. Fees

1. A community contribution fee of \$40,000 per transferred dwelling unit shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission.
2. Community contribution fees collected according to the TDR program shall be utilized for the purchase of future Village parks, land for additional public open space, other public amenities, or infrastructure projects.
3. The number of dwelling units that the applicant must purchase to achieve the desired density shall be derived from the following calculation:

(number of dwelling units at total density including TDR allocation) –  
(number of dwelling units allowed according to base density) =  
(number of units that must be purchased)



## Exhibit B

### **§ 8.37 – Baywalk accessibility**

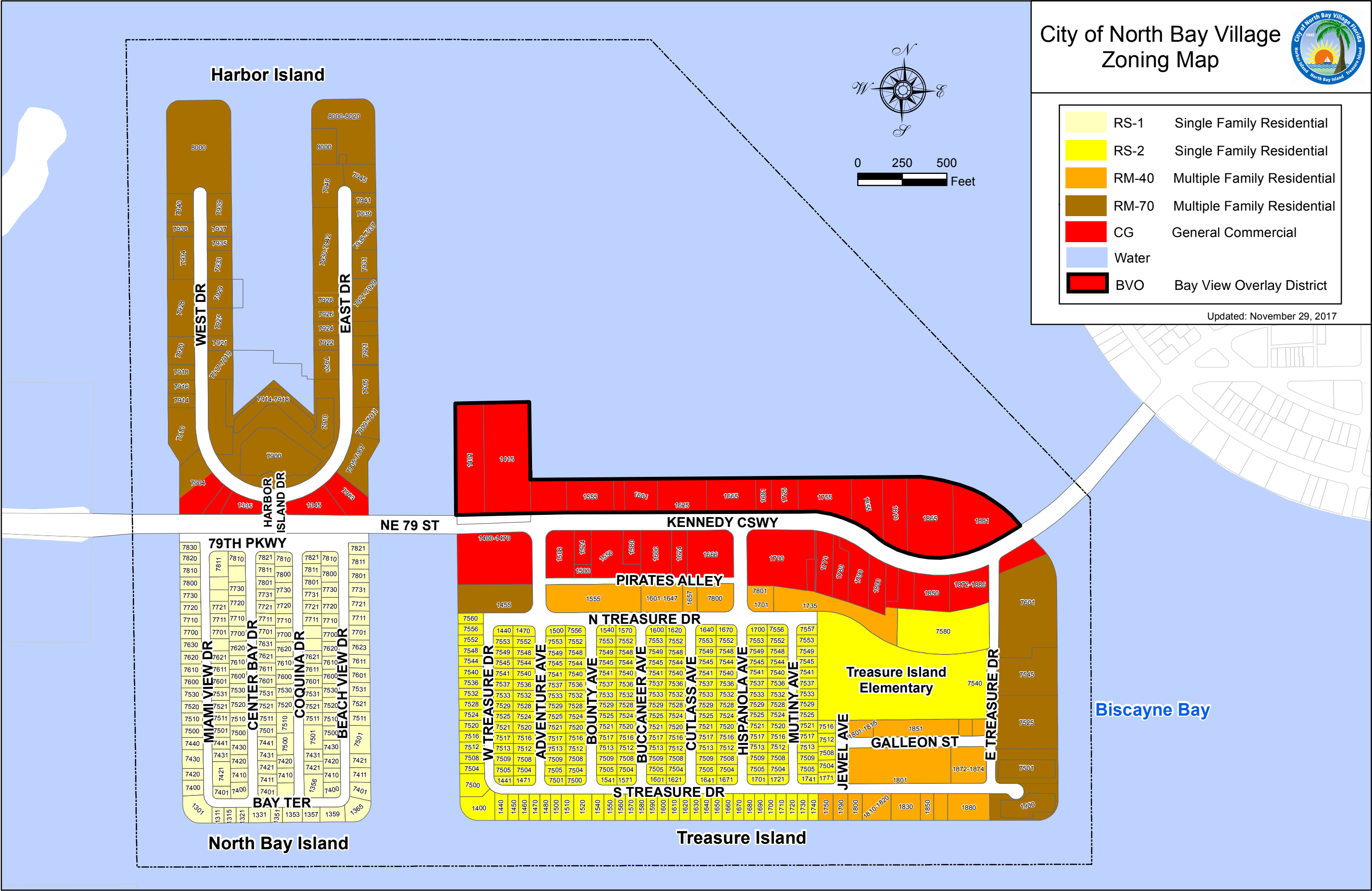
- A. All properties in the RM-70 and CG districts contiguous to Biscayne Bay and its natural tributaries shall provide a public access boardwalk/baywalk in the riparian right-of-way or an upland shoreline access easement adjacent to and parallel to the riparian right-of-way.
- B. Developments with multifamily residential dwelling units and/or hotel units shall also provide a connective public easement connecting contiguous properties and the public right-of-way to these shoreline access areas.

City of North Bay Village  
Zoning Map



	RS-1	Single Family Residential
	RS-2	Single Family Residential
	RM-40	Multiple Family Residential
	RM-70	Multiple Family Residential
	CG	General Commercial
	Water	
	BVO	Bay View Overlay District

Updated: November 29, 2017



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF NORTH BAY VILLAGE FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, REPEALING CHAPTER 8 (ZONING), ADOPTING A NEW CHAPTER 8 (ZONING), AMENDING CURRENT SECTION 8.10 (DISTRICT REGULATIONS), MODIFYING SETBACK REQUIREMENTS AND REMOVING THE BRICK PAVER AND STREET TREE LIGHTING REQUIREMENTS FOR NEW DEVELOPMENT IN THE RM-70 DISTRICT, MODIFYING BUILDING HEIGHT AND SETBACK REQUIREMENTS AND ALLOWING GREATER BONUS HEIGHT AND BONUS DENSITY FOR NEW DEVELOPMENT IN THE CG DISTRICT, REDUCING THE MINIMUM HOTEL SLEEPING UNIT SIZE, ALLOWING GREATER HEIGHT AND REDUCED SETBACKS IN THE BAY VIEW OVERLAY DISTRICT, REMOVAL OF SPECIAL EXCEPTION APPROVAL FOR BAY VIEW OVERLAY DEVELOPMENT, REQUIRING PUBLIC BAYWALKS FOR ALL NEW DEVELOPMENT ADJACENT TO BISCAYNE BAY IN THE RM-70 AND CG DISTRICTS; AMENDING CURRENT SECTION 8.13 (SUPPLEMENTAL DEVELOPMENT STANDARDS), CLARIFYING THAT FENCES ON CORNER LOTS SHALL NOT BE MORE THAN 5 FOOT HIGH IN BOTH YARDS WITH STREET FRONTAGE, RAISING MAXIMUM ALLOWABLE SWIMMING POOLS AND SWIMMING POOL APPURTENANCE HEIGHT TO 3 FEET ABOVE GRADE; AMENDING CHAPTER 9, GENERAL SITE DESIGN STANDARDS, MODIFYING SECTION 9.3 (OFF STREET PARKING REQUIREMENTS), REDUCING PARKING REQUIREMENTS FOR MULTIFAMILY UNITS, REDUCING PARKING REQUIREMENTS FOR HOTEL SLEEPING UNITS AND ANCILLARY USES, AMENDING SECTION 9.12 (COASTAL CONSTRUCTION WITHIN BISCAYNE BAY), ALLOWING FOR ADMINISTRATIVE APPROVAL FOR BOAT LIFTS AND MOORING PILES IN LIMITED SITUATIONS, AMENDING SECTION 11.9 (DISTRICT SIGN REGULATIONS), REMOVING REQUIREMENTS FOR ALL SIGNS WITHIN A BUILDING TO BE THE SAME STYLE AND COLOR; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, North Bay Village desires to update its Unified Land Development Code; and

**WHEREAS**, the North Bay Village Unified Land Development Code is intentionally modified to be relevant and to encourage development and redevelopment; and

**WHEREAS**, the North Bay Village Unified Land Development Code is wholly consistent with the Village's Comprehensive Plan and the Florida Community Planning Act; and

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

**Section 1. Recitals Adopted.** Each of the above stated recitals is true and correct and incorporated herein by this reference.

**Section 2. Village Code Amended.** North Bay Village Code of Ordinances is hereby revised as follows:

## CHAPTER 2, RELATIONSHIP TO THE COMPREHENSIVE PLAN

\* \* \* \* \*

### § 2.2 – Relationship between future land use categories and zoning districts.

\* \* \* \* \*

#### A. Residential future land use categories.

There are three residential future land use categories in the Village’s Comprehensive Plan that are applied to lands throughout the Village. Lands located within these categories are to be devoted to dwelling units used or intended to be used for permanent housing.

1. The single-family residential category allows a density of up to six dwelling units per acre. Zoning districts RS-1 and RS-2 fall under this land use category.
2. The medium density multi-family residential category allows for residential density ~~from seven (7)~~ up to 40 dwelling units per acre. RM 40 is the only zoning district consistent with this future land use category.
3. The high density multi-family residential category allows ~~from 41~~ up to 70 dwelling units per acre. RM-70 is the only zoning district consistent with this future land use category.

#### B. Commercial future land use category.

This category designates those areas in the Village suitable for commercial and mixed use development. Uses permitted include a broad range of general and professional office, retail, banking, hotel, service establishments and high density residential development.

\* \* \* \* \*

## CHAPTER 3, DEFINITIONS

\* \* \* \* \*

*Marijuana dispensary.* A marijuana dispensary is a facility where marijuana or marijuana-based products are made available for medical purposes in accordance with Florida law. A marijuana dispensary may also be ~~defined-referred to~~ as a “dispensing organization” as provided in Section 381.986~~(4)~~, Florida Statutes. Any medical marijuana treatment center at which marijuana or marijuana-based products are dispensed as part of a program of medical treatment shall be included within the definition of a marijuana dispensary.

\* \* \* \* \*

*Nightclub.* An establishment defined by section 111.01 of ~~this~~the Village Code of Ordinances.

\* \* \* \* \*

*Nursing home facility:* Any facility which provides nursing services as defined in [part I of Florida Statute chapter 464](#) [Section 400.021](#) and which is licensed according to this part.

\* \* \* \* \*

*Parking space, off-street.* An all-weather surfaced area, exclusive of streets, alleys, and driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by an all-weather surfaced driveway, which affords ingress and egress for a vehicle without requiring another vehicle to be moved. When developing single lot sites under the [PRD-optional RM-70 development](#) regulations found in Section 8. [15+0\(D\)\(9\)](#), mechanical parking lifts may be used to create an additional parking space which can be counted towards the total number of required parking spaces.

\* \* \* \* \*

## CHAPTER 4, ADMINISTRATION AND ENFORCEMENT

\* \* \* \* \*

### § 4.16 Amendments to the Comprehensive Plan.

#### A. Generally.

Amendments to the Village's Comprehensive Plan shall be undertaken only in accordance with the provisions for such amendments as set forth in Section 163.3184 Florida Statutes [\(Community Planning Act\)](#).

\* \* \* \* \*

## CHAPTER 5, PERMITS AND DEVELOPMENT APPROVALS

\* \* \* \* \*

### § 5.2 - Development permit required.

No development allowed by this Code, [as more fully referred to in Section 5.3](#), including accessory and temporary uses, shall be established or changed, no structure shall be erected, constructed, reconstructed, altered, or moved and no building used, occupied, or altered with respect to its use after the effective date of adoption of this Unified Land Development Code until there is on file in the Village an approved development order for said action. Nothing herein shall relieve any applicant of the additional responsibility of obtaining any permit(s) required by any applicable statute, ordinance, or regulation in compliance with all of the terms of this Unified Land Development Code or any other applicable laws.

\* \* \* \* \*

### § 5.12 – Filing fees, charges for consultant services, and escrow account.

\* \* \* \* \*

#### C. Cost recovery procedure.

1. At the time of submission of any application for development approval, the applicant shall pay the minimum cost recovery deposit fee outlined in the development approval fee and cost recovery deposit schedule set forth in this section, which funds shall be deposited into a cost recovery escrow account established for this purpose. Withdrawals shall be made to reimburse the Village for the cost of consultant services.
2. The Village shall provide the applicant with a copy of the consultant's invoice for any services

charged against the applicant's cost recovery escrow account.

3. When the balance in the Village's cost recovery escrow account is reduced to one-half (½) of its initial amount, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such amount is not replenished within 30 calendar days after the applicant is notified, in writing, of the requirement of such additional deposit, the Village ~~may~~ shall suspend its review of the application and the application shall be deemed withdrawn.

\* \* \* \* \*

## CHAPTER 8, ZONING

See attachment A and attachment B

## CHAPTER 9, GENERAL SITE DESIGN STANDARDS

\* \* \* \* \*

### § 9.3 – Off-street parking requirements

\* \* \* \* \*

#### C. Minimum number of off-street parking spaces required

\* \* \* \* \*

##### 2. Residential uses

- a. Single-family: Two spaces for each dwelling unit.
- b. Multifamily:

- (1) One and one-half (1.5) space for each efficiency unit, two parking spaces for one bedroom and ~~two-bedroom-larger~~ units, ~~and three parking spaces for three-bedroom units or larger and two-bedroom units, which contain an enclosed den or other space convertible to a bedroom~~ plus an additional ten percent of the total number of required spaces for guest parking, which shall be identified as such.
- (2) All of the required minimum number of parking spaces pursuant to these provisions, shall be conveyed for use by the developer to the condominium association, and then made available for use by the ~~unity~~ owners at no charge. Where spaces are indicated by a fraction, at least the whole number must be conveyed. This provision shall apply to development under the PRD Ordinance.

##### 3. Commercial uses

\* \* \* \* \*

##### q. Hotels, motels, and other tourist accommodations:

- (1) One space for each rental sleeping unit, plus an additional ten percent of the total number of required spaces, except as follows:  
1 space per sleeping unit, for the first 100 units, and 0.5 spaces per sleeping unit for all units in excess of 100; if the developer agrees in writing that a hotel shuttle service is provided and maintained in perpetuity, and a hotel employee parking plan is provided, which shall be subject to the review by the Village Planning Department. The hotel parking plan shall include measures to address employee

parking, including, but not limited to, provision of transit passes, carpool or vanpool programs, off-site parking when available and/or other measures intended to limit the impact of employee parking on surrounding neighborhoods

(2) For hotel establishments with at least 100 sleeping units, parking space requirements for restaurants, retail and other service uses within the hotel may be reduced by 25% if such uses are ancillary to the hotel.

\* \* \* \* \*

## § 9.12 – Coastal Construction within Biscayne Bay (North Bay Village Approval)

\* \* \* \* \*

### B. Construction and Structural Alteration

\* \* \* \* \*

5. Permits for seawalls and dock structures can be approved administratively and do not require a hearing or approval of the Village Commission if:

- a. All proposed dock structures, including but not limited to boat lifts and mooring piles, are not placed more than 25 feet measured perpendicular from the seawall- and all proposed dock structures, including but not limited to boat lifts and mooring piles, are entirely within the D-5 triangle as described in Section D5 of the Miami-Dade Public Works Manual; or
- b. All proposed work is limited to boat lifts and/or mooring piles which are not proposed to extend farther from the seawall than existing docks structures and which will not cause a lifted or moored boat to extend farther from the seawall than is possible using the existing dock structures. ~~All proposed dock structures, including but not limited to boat lifts and mooring piles, are entirely within the D-5 triangle as described in Section D5 of the Miami-Dade Public Works Manual.~~

\* \* \* \* \*

## § 9.18 – Bayview.

\* \* \* \* \*

E. All waterfront projects in the RM-70 and CG districts shall provide bay walkways along the rear of the property, which can be connected to other properties.

## CHAPTER 11, SIGNS

\* \* \* \* \*

### § 11.9 – District Sign Regulations

\* \* \* \* \*

C. Commercial (CG) District. No sign will be allowed in this district except the following and temporary signs meeting the criteria of Section 11.7 or the exemptions allowed in Section 11.76:

\* \* \* \* \*

2. A flat illuminated or nonilluminated sign may be erected on one facade of a building or each portion of a building occupied by a separate commercial or office use, provided the sign does not exceed an area equal to ten percent of the area of the facade upon which it is erected, and for any

single establishment user, contains no more than ten sign information items. For calculation purposes, the maximum single building storefront is limited to 75 feet, the maximum storefront 15 feet. In the case of a commercial or office use located on the ground floor of a multistory building, only the first floor facade area shall be used for the purpose of calculating the permissible sign area. Where an establishment fronts on more than one street, the above area of signs may be permitted on each street frontage; however, signs on side frontages will not be permitted if they face a residential area.

- a. ~~All adjacent contiguous retail and service establishments located in premises under the same ownership shall be required in lease agreements to maintain all permanent sign lettering and background in the same style and color.~~

**Section 3.**     **Repeal.** All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

**Section 4.**     **Severability.** The provisions of this Ordinance are declared to be non-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 render this Ordinance void in its entirety.

**Section 5.**     **Inclusion in the Code.** It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of North Bay Village; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

**Section 6.**     **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

A motion to approve the foregoing Ordinance on first reading on \_\_\_\_\_ was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**The Votes were as follows:**

Mayor Connie Leon-Kreps \_\_\_\_\_

Commissioner Andreana Jackson \_\_\_\_\_

Commissioner Jose R. Alvarez \_\_\_\_\_

Commissioner Laura Cattabriga \_\_\_\_\_

Commissioner Eddie Lim \_\_\_\_\_

A motion to approve the foregoing Ordinance on second reading was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.



**FINAL VOTES AT ADOPTION:**

Mayor Connie Leon-Kreps \_\_\_\_\_  
Commissioner Andreana Jackson \_\_\_\_\_  
Commissioner Jose R. Alvarez \_\_\_\_\_  
Commissioner Laura Cattabriga \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_

**DULY PASSED AND ADOPTED** \_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
**Connie Leon-Kreps**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Yvonne P. Hamilton**  
**Village Clerk**



## North Bay Village

Administrative Offices


1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

### MEMORANDUM

North Bay Village

TO: Mayor Connie Leon-Kreps  
Vice Mayor Andreana Jackson  
Commissioner Jose R. Alvarez  
Commissioner Laura Cattabriga  
Commissioner Eddie Lim

FROM: Lewis Velken   
Interim Village Manager

SUBJECT: Special Commission Meeting

DATE: September 4, 2018

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Pursuant to §30.03 of the North Bay Village Code of Ordinances and the Commission Meeting and Agenda Procedures, a Special Meeting of the Village Commission is hereby called for Tuesday, September 25, 2018 at 7:30 P.M. or as soon as possible thereafter at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida. The sole purpose of this meeting shall be to consider the attached Ordinance on first reading.

If you have any questions regarding this matter, please let me know.

LV/ypb

Mayor  
Connie Leon-Kreps

Vice Mayor  
Andreanna Jackson

Commissioner  
Jose R. Alvarez

Commissioner  
Laura Cattabriga

Commissioner  
Eddie Lim



## NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING ON **TUESDAY, SEPTEMBER 25, 2018 AT 8:00 P.M.**, OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING ORDINANCE, ON FIRST READING, AT PUBLIC HEARING:

- A. AN ORDINANCE OF NORTH BAY VILLAGE FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, REPEALING CHAPTER 8 (ZONING), ADOPTING A NEW CHAPTER 8 (ZONING), AMENDING CURRENT SECTION 8.10 (DISTRICT REGULATIONS), MODIFYING SETBACK REQUIREMENTS AND REMOVING THE BRICK PAVER AND STREET TREE LIGHTING REQUIREMENTS FOR NEW DEVELOPMENT IN THE RM-70 DISTRICT, MODIFYING BUILDING HEIGHT AND SETBACK REQUIREMENTS AND ALLOWING GREATER BONUS HEIGHT AND BONUS DENSITY FOR NEW DEVELOPMENT IN THE CG DISTRICT, REDUCING THE MINIMUM HOTEL SLEEPING UNIT SIZE, ALLOWING GREATER HEIGHT AND REDUCED SETBACKS IN THE BAY VIEW OVERLAY DISTRICT, REMOVAL OF SPECIAL EXCEPTION APPROVAL FOR BAY VIEW OVERLAY DEVELOPMENT, REQUIRING PUBLIC BAYWALKS FOR ALL NEW DEVELOPMENT ADJACENT TO BISCAYNE BAY IN THE RM-70 AND CG DISTRICTS; AMENDING CURRENT SECTION 8.13 (SUPPLEMENTAL DEVELOPMENT STANDARDS), CLARIFYING THAT FENCES ON CORNER LOTS SHALL NOT BE MORE THAT 5 FOOT HIGH IN BOTH YARDS WITH STREET FRONTAGE, RAISING MAXIMUM ALLOWABLE SWIMMING POOLS AND SWIMMING POOL APPURTENANCE HEIGHT TO 3 FEET ABOVE GRADE; AMENDING CHAPTER 9, GENERAL SITE DESIGN STANDARDS, AMENDING SECTION 9.3 (OFF STREET PARKING REQUIREMENTS), REDUCING PARKING REQUIREMENTS FOR MULTIFAMILY UNITS, REDUCING PARKING REQUIREMENTS FOR HOTEL SLEEPING UNITS AND ANCILLARY USES, AMENDING SECTION 9.12 (COASTAL CONSTRUCTION WITHIN BISCAYNE BAY), ALLOWING FOR ADMINISTRATIVE APPROVAL FOR BOAT LIFTS AND MOORING PILES IN LIMITED SITUATIONS, AMENDING SECTION 11.9 (DISTRICT SIGN REGULATIONS), REMOVING REQUIREMENTS FOR ALL SIGNS WITHIN A BUILDING TO BE THE SAME STYLE AND COLOR; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDINGS, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME AS NECESSARY, AS DETERMINED BY THE VILLAGE COMMISSION.

YVONNE P. HAMILTON, CMC  
VILLAGE CLERK

*(September 6, 2018)*