

may approve the plans with a requirement that the property owner file in the public records of Miami-Dade County, a deed restriction in a form acceptable to the Village Attorney, acknowledging the specific limitation as to the number of lawful Dwelling Units and declaring an intent to comply with such limitations, as well as advising any successor in interest of such binding limitations.

- d. For purposes of this subsection, the floor space shall not:
  - 1. be used as a separate Dwelling Unit;
  - 2. have separate Cooking Facilities; but
  - 3. may have a separate entrance so long as it (entrance) does not face a Street.
- e. If a garage or Carport is converted to living space, all exterior work shall have the same architectural style as the main residence.

(15) *Steps in Front Yard.* Steps in the Front Yard shall have a maximum width of ten feet.

(16) *Steps and landings.* The following regulations shall apply to steps and landings. ~~Retaining Wall, required. A retaining Wall shall be provided in the following instances:~~

~~(a) Front Yard: shall have a maximum width of ten feet and setback a minimum distance of 5 ft. from the front property line.~~

~~(b) Side Yard: the maximum projection is 3.5 feet; however the width of Side Yard at the location of the steps and landing shall be a minimum of four feet.~~

~~(c) Rear Yard: not to exceed six (6) ft. into the Required Yard.~~

~~(17)-a. Retaining Wall, required. A retaining Wall shall be provided in the following instances: Any where any portion of a Lot that has an elevation of two feet or more above the crown of the road and is adjacent to a non-elevated Building. (See Drainage Sec. 30-100(3)).~~

~~b. If a drain field is placed in the Front Yard.~~

(187) *Roof, roof overhangs and rooftop uses.* Principal Building roofs in all single Family districts shall adhere to the following Regulations:

- a. Hip roofs shall be symmetrically pitched between 4:12 and 8:12 ratios.
- b. Gable end roofs shall be symmetrically pitched between 6:12 and 12:12 ratios. Profile molded gables may be pitched to a 4:12 minimum ratio.
- c. Flat roofs shall have a minimum Parapet height of one foot.

**Comment [JK208]:** Deletes retaining wall as it does not relate to steps.

**Comment [JK209]:** No change as this regulation is set forth in the heading of this section.

**Comment [JK210]:** Establishes a maximum projection and setback for steps and landings in sideyards.

**Comment [JK211]:** Establishes a maximum projection in the rear yard.

**Comment [JK212]:** Creates a separate section for retaining wall and further requires them when adjacent to a non-elevated building (Macke). This required as the new homes have lots that are higher than the adjacent Mackel lots.

**Comment [JK213]:** Drain fields for septic tanks are no longer permitted.

d. Shed Roofs shall have a minimum pitch of 3:12 ratio.

e. No portion of a roof, including the gutter shall be permitted to extend ~~beyond five feet from the exterior Wall of a Building, more than 5 ft. into a Required Yard, nor may any portion of a roof extend closer than 3 1/2 feet from any interior side property line, nor 2 1/2 feet from the front or side Street property Lot line.~~

**Comment [JK214]:** Words are re-arranged in the paragraph. No impact on the regulations. ZORC did not permit drainage in front yard and Staff re-inserted it as it has no impact on adjacent property.

f. When a scupper drainage system is used in connection with a flat roof, the scupper cannot be located closer than 7 1/2 feet from any property line.

g. Recreational uses: No recreational facilities shall be permitted on the roof of any Structure within the single Family zoning districts.

h. New pitched roofs shall not use gravel or tar except for the re-roofing or repairs of existing areas.

(18) Satellite dish Telecommunication antennas. These antennas shall comply with the following Regulations:

**Comment [JK215]:** No impact on the regulations.

a. Shall not have a diameter or height that exceeds one yard ~~meter~~.

**Comment [JK216]:** Height restriction included and meter changed to yard to reflect usage in USA.

b. Shall be placed in a location to minimize its view from any public Street. A line of site study (antenna location to the sidewalk) shall be submitted for Building, Zoning, and Planning Director approval.

**Comment [JK217]:** Line of sight study will help to insure antennas cannot be seen from the sidewalk. Staff inserted the antenna location to the sidewalk for the line of sight study.

c. Shall employ, to the maximum extent possible, materials and colors that blend with the Building and surroundings.

(19) Sheds.

a. Maximum Height: 7.5 feet above the Maximum Lot Elevation.

b. Location: Not permitted in the Front Yard. Sheds are also not permitted in any Side Yard facing a Street unless it is behind a Wall or landscaping that prevents the shed from being seen from the road.

c. Setbacks: Side, 7.5 ft.; side facing a Street, 15 feet; rear, five feet. However, the side and rear setback may be 2 ft. if a 5 foot fence, Wall, or dense hedge exists or is installed at the time the shed is placed on the property.

**Comment [JK218]:** Permits the shed to be located 2 ft. from lot lines if buffered. This will result in the rear yard having more open space.

d. Size: 100 square feet.

e. Roof top Access: Prohibited.

f. Number: One.

g. Waterfront view corridor: Waterfront properties shall provide the following: No Structure shall be permitted within an isosceles triangle with each side measuring 25 feet at the intersection of the rear and side Lot lines.

(20) *Solar heating panels.* All solar panels shall be visually screened from the adjacent right(s)-of-way, or set into the roof so that the upper roof surface abuts the side or back of the solar panel.

(21) *Swimming pool pumps, heaters, and similar equipment.* These uses are permitted to encroach into Required Yards subject to the following Setbacks for Side Yards measured from the swimming pool water's edge:

TABLE INSET:

Yard	VR Village Residential	VE Village Estate	IR Island Residential (interior)	IR Island Residential (waterfront)	PS Parkside Residential
Front	Not permitted **	Not permitted **	Not permitted **	Not permitted **	Not permitted **
Rear	2 ft.	2 ft. 0. if waterfront	2 ft.	2 ft. 0 if waterfront	2 ft.
Side, interior *	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.
Side, Street *	2 ft. if behind an opaque Wall, otherwise not permitted	2 ft. if behind an opaque Wall, otherwise not permitted	2 ft. if behind an opaque Wall, otherwise not permitted	2 ft. if behind an opaque Wall, otherwise not permitted	2 ft. if behind an opaque Wall, otherwise not permitted

**Comment [JK219]:** Staff added the words "swimming pool" to make sure there is no confusion with canal or bay.

**Comment [JK220]:** ZORC had 15 ft. and staff re-inserted 0 ft. The 0 ft. setback is acceptable as the equipment is not adjacent to any property.

**Comment [JK221]:** See above comment.

\* If the equipment is located in a Side Yard, landscaping shall be planted which obscures views of said equipment. Additionally, where said equipment is located along any Street frontage it must be visually screened from the public Right-of-Way.

\*\* If a pool is permitted pursuant to section 30-100(f)(2), the equipment shall be at least two feet from the side property line, but in no instance shall it be placed in a location that allows it to be seen from the Street.

(22) *Tennis court and similar court games.* The following Regulations shall apply for fences, lightpoles, or other Accessory Structures associated with court games excluding basketball courts:

**Comment [JK222]:** Permits basketball courts in front and side yards facing a street.

a. Front Yard or Side Yard facing a street: Not permitted.

**Comment [JK223]:**

b. Required Side and Rear Yard: Maximum height of fences shall be ten feet and fences shall be set back 7.5 feet from the interior Side or Rear Yards. When the fence faces a Street, the maximum height shall be ten feet and the fence shall be set back to the side Building Line at least 15 feet from the property line.

**Comment [JK224]:** Results in greater setback to match the building wall setback.

c. Accessory lighting fixtures, when customarily associated with the use of court games, shall be Erected so as to direct light only upon the Premises on which they are located. The maximum height of light fixtures shall not exceed ten feet when located in a Required Yard; otherwise, the maximum height shall not exceed 20 feet. Light is not permitted to be cast on any public Right-of-Way.

d. All chain link fences shall be coated with green or black materials.

e. Any play surface, whether paved or unpaved, when associated with said court games, shall have the following minimum Required Yards: front and side when not facing a street, not permitted; interior side, 7.5 feet; any side facing a Street, 15 feet; rear, 7.5 feet. Said surface shall be screened from a public right of way with landscaping of minimum height of 30 inch at planting and 30 inches on center.

**Comment [JK225]:** Results in screening of the court games surface.

(23) *Utility lines on private property.* Developments on vacant Lots and additions and rehabilitation Work where the value of Work exceeds 50 percent of the assessed value of the Building, shall have all overhead utility lines (power, cable, telephone, etc.) placed underground.

(24) *Waterfront view corridor.* No Structure shall be permitted within an isosceles triangle with each side measuring 25 feet at the intersection of the rear and side Lot lines; however, a hedge, Wall, or fence with a maximum height of four feet is permitted.

(25) *Pipe soffit enclosure:* Pipes located below a ceiling that can be seen from a public right of way shall be enclosed in a soffit.

**Comment [JK226]:** Improves the appearance of the building by enclosing pipes in a soffit.

(26) *Garage facing a Street:*

**Comment [JK227]:** For lots that are 80 ft. wide, garages cannot face a street. If less than 80 ft. wide, then only a one car garage can face a street. These regulations improve the appearance of the home.

a. Lot width 80 ft. or less: No more than one (1) parking space in a garage shall face the Street with a minimum 20 ft. front Setback.

b. Lot width greater than 80 ft. Garage doors shall not face a street. The minimum required front Setback shall be 10 ft. The wall facing a street shall have windows that match those in the Main Permitted Use.

(27) Railing Required. Whenever the Florida Building Code requires a railing, it shall be at least 50% open.

**Comment [JK228]:** Improves the appearance of a building by creating open railings instead of enclosed.

(28) Balcony Regulations.

**Comment [JK229]:** Improves the appearance of a building by creating open railings instead of enclosed.

- a. Railings or Walls shall be at least 50% open.
- b. When facing a street, the minimum projection (depth) shall be 4 ft and minimum length 8 ft.

(29) Generator Regulations.

**Comment [JK230]:** Establishes regulations for temporary or portable generators with a maximum sound of 60 decibels. Generators must be turned off from 11:00 p.m. to 7:00 a.m. every day of the week.

- a. Temporary or portable generators are not permitted on any multi-family, condominium or townhome property.
- b. Generators are not permitted in any yard that faces a Street.
- c. Maximum decibel level for any generator is 60 db measured at the property line as measured with a calibrated Sound Level Meter.
- d. All generators shall be setback a minimum of five (5) feet from any property line and must be completely screened on all sides by the use of walls, fences, landscaping, or other material which extends a minimum of 6" above the top of the generator.
- e. The fuel source for all generators shall be limited to natural or propane gas.
  - i. If natural gas is used as the fuel source for the generator, the natural gas shall be provided through an underground line connected to a supply at or within the public right-of-way.
  - ii. Propane gas shall be stored in propane gas storage tank(s). Propane gas storage tank(s) shall be limited to 500 gallons or less if placed above ground and 1,000 gallons or less if buried underground. Such tank(s) shall be installed in accordance with NFPA 58, as amended. When located in any yard facing a street, propane gas storage tank(s) shall only be permitted to be located below ground. When located above ground in the rear or interior side yard, such tank(s) shall be installed on structural slabs with the necessary wind uplift connections, screened from view in accordance with subsection c. above, and located a minimum of five feet from the adjacent Side Property Line.
- f. Generators that were permitted prior to the adoption of this Section which produce a noise greater than 60 decibels measured at the property line shall not be permitted to operate from 11:00 p.m. to

7:00 a.m. on any day of the week. The Building, Zoning and Planning Director may grant an exception to the time limitations if an occupant of the Building can provide a written statement from a physician that includes the medical condition which requires the residence to be air-conditioned.

(30) Light. All light emanating from a property shall be directed so as to be contained on the property.

*(g) Supplemental Use Regulations in single Family and PS Parkside residential districts.*

(1) Bed and Breakfast Inns. Bed and Breakfast Inns are allowed in single family homes in the Single Family and PS Parkside residential districts. Subject to the following Regulations:

- a. It is located in an existing single Family Building with a Floor Area not exceeding 2,000 square feet and built prior to ~~the adoption of this ordinance~~ (October 24, 2000);
- b. The owner of the Bed and Breakfast Inn shall permanently reside in the Building;
- c. The Structure shall maintain public rooms (living room/dining room) for use of the guests;
- d. There shall be no Cooking Facilities in guest rooms with the exception of a microwave oven. One refrigerator with a maximum capacity of five cubic feet shall be permitted in each guestroom;
- e. Breakfast shall be the only meal served on the Premises and shall only be served to registered guests. No other meals shall be provided. The room rate shall be inclusive of meal if it is to be made ~~A~~available;
- f. The entire Building shall be substantially rehabilitated and conform to the Florida Building Code, these Regulations ~~Code of the Village of Key Biscayne~~, and the Fire Prevention and Life Safety Code on the date a certificate of use and Local Business Tax Receipts are applied for;
- g. One non-illuminated Building identification Sign is permitted. The Sign shall not exceed one square foot and shall only be located on the Building;
- h. The Building shall have central air conditioning;
- i. The required off-street Parking shall be the same as for a single Family residence. The Building, Zoning, and Planning Director may require additional Parking only if the single Family character of the property is maintained with adequate landscaping and open

**Comment [JK231]:** States where they are permitted. Staff added they must be in single family homes as in a duplex is not compatible the abutting unit.

**Comment [JK232]:** This is the Village's Code. No need to reference the Village.

space. Tandem Parking is allowed. The Parking area shall have a hard surface as required in section 30-180(f); and

j. These Regulations apply to those facilities, ~~which may be operating, but without any approval from the Village. They are required to comply with these Regulations within 90 days from the date this ordinance is adopted (October 24, 2000). These Regulations also apply to prospective facilities.~~

**Comment [JK233]:** More precise.

k. The Building, Zoning, and Planning Director may place conditions on this use to ensure that it is compatible with surrounding properties.

(2) *Community residential facilities.*

- a. Total Number of residents and/or day users is limited to six;
- b. That the applicant must obtain a license from the State regulatory agency responsible for the Regulation of such uses;
- c. A certificate of use and an Local Business Tax Receipt shall be required. No such certificates shall be issued unless the Fire Department approves the issuance of said certificates. The care provided at the facility shall be limited to personal care, shelter, sustenance, and other support services. Residents and day clients shall be ambulatory; and

**Comment [JK234]:** Grammar correction.

d. The Building shall have central air conditioning.

(3) *Day care facilities.*

- a. Total Number of children on the Premises at any given time, including those who reside in the residence, shall not exceed six;
- b. That the age of children, excluding those of the resident Family, shall not exceed 11 years of age;
- c. That the applicant obtain a license from the State regulatory agency responsible for the Regulation of such uses; and
- d. A certificate of use, a Certificate of Occupancy, and a Local Business Tax Receipt shall be required. No such certificates shall be issued unless the Fire Department approves the issuance of said certificates.
- e. If a swimming pool is present, fencing shall include a self-closing and locking gate, 42 inches high with vertical members every four inches on center surrounding the entire pool.

~~f. These Regulations apply to those facilities that may be operating but without approval from the Village. These facilities are required to comply with the above Regulations within 90 days from the date this ordinance (October 24, 2000) is adopted. These Regulations also apply to prospective facilities.~~

**Comment [JK235]:** Date expired.

fg. Hours of operation shall be limited to 8:00 a.m.--7:00 p.m., Monday through Friday. Day care facilities shall not be operated on national holidays.

(4) *Home occupations.*

- a. Signage on the property or on watercraft is prohibited.
- b. No customer may be permitted served in the home or on the property.
- c. Employees in the business are limited to full time residents of the Dwelling Unit.
- d. The business requires a Village Local Business Tax Receipt (Restricted).

**Comment [JK236]:** Prohibits signage on boats for home occupations.

**Comment [JK237]:** More precise.

(h) *Grand Bay Estate Development Regulations.* The following Regulations shall apply to this development consistent with the approved Site Plan:

(1) *Setbacks.*

TABLE INSET:

Regulation	Front (ft.)	Side, Interior (ft.)	Side, Facing Street (ft.)	Rear (ft.)
Principal Building	20	5	5	20
Porches, Porte-Cocheres, Carports/Canopies	10	10	10	10
Mechanical Equipment	10	3	10	10
Swimming Pool Pumps and Equipment	10	3	10	10
Pool Decks	5	5	5	5
Swimming Pools	5	5	5	5
Screen Enclosures	20	5	15	5
Accessory Buildings	15	5	5	5

(2) *Development Regulations.*

TABLE INSET:

Regulation	Requirement	Regulation	Requirement
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Minimum Frontage	Lot	45 ft.	Maximum Coverage	Lot	40%
Minimum Lot Area		6,000 sq. ft.	Maximum Area Ratio	Floor	.68
Minimum Pervious Area		25%			

(i) *Grand Bay Villas Development Regulations.* The following Regulations shall apply to this development consistent with the approved Site Plan:

(1) *Setbacks.*

TABLE INSET:

Regulation	Front (ft.)	Side, Interior (ft.)	Side, Facing Street (ft.)	Rear (ft.)
Principal Building	20 ft. for 50% of width of bldg. 10 ft. for remainder	0 ft. one side 10 ft. one side	15 ft.	one Story 15 ft. two Story 20 ft.
Porches, Porte-Cocheres, Carports/Canopies	10 ft.	10 ft.	10 ft.	10 ft.
Mechanical Equipment	35 ft.	2 ft.	2 ft.	2 ft.
Swimming Pool Pumps and Equipment	35 ft.	2 ft.	2 ft.	2 ft.
Pool Decks	35 ft.	2 ft.	2 ft.	2 ft.
Swimming Pools	35 ft.	5 ft.	10% of Lot width, minimum 15 ft.	5 ft.
Screen Enclosures	20 ft.	4 ft., 0 ft. for zero Lot line sides	10 ft.	5 ft.
Accessory Buildings	10 ft.	5 ft.	5 ft.	5 ft.

(2) *Development Regulations.*

TABLE INSET:

Regulation	Requirement	Regulation	Requirement		
Minimum Frontage	Lot	50 ft.	Maximum Coverage	Lot	50%

Minimum Lot Area	5,000 sq. ft.	Maximum Floor Area Ratio	.80 Main .07 Porch
Minimum Pervious Area	20%		

(j) ~~Supplemental Landscaping Regulations.~~ These Regulations are in addition to those listed in Article 9. Single Family homes and Duplexes shall provide the following landscaping prior to the issuance of any type of occupancy or approval to occupy the Building. The landscaping shall be maintained and remain in place for the life of the Building. If the landscaping is replaced a permit is required and shall include materials that match the below specifications:

**Comment [JK238]:** This section was re-located to Article IX Landscape Regulations.

- (1) One shade tree shall be provided for every 1,875 square feet. All shade trees shall have a six foot clear trunk or height of 12 feet. Palm trees may be used at a ratio of three per one shade tree, but in no instance shall the Front Yard have less than one shade tree and three palms, or two shade trees. All palms shall have a six foot clear trunk or height of 14 feet.
- (2) In any Yard, which faces a Street, shrubs shall be provided at the ratio of 20 per tree, planted at a minimum height of 24 inches. Hedges shall be planted 24 inches on center with a continuous, unbroken, and solid screen.
- (3) When the Structure has a side Wall in excess of 35 feet in length, there shall be a dense hedge along the property line adjacent to all portions of the Wall greater than 35 feet.
- (4) The area within five feet of a side Lot line that is also within 25 feet of the rear property line shall be planted with a dense, landscape screen at a height of ten feet.
- (5) For those portions of the Structure with a rear Setback of less than 25 feet, the area within five feet of the rear property line shall be planted with a dense, landscape screen at a height of ten feet.
- (6) In-ground irrigation system shall be provided.

Floor Area Ratio Schedule for Single Family and Duplex\*

This table summarizes the FAR bonuses which are listed in subsection 30-100(b).

TABLE INSET:

—	Description—	FAR—
Applicability—	The FAR Bonus Schedule is only applied to new construction on vacant Lots and Developments that exceed 50% of the assessed value of the Building. New Floor Area which does not meet this criteria shall not result in a site having a FAR that exceeds .47.—	N/A—
FAR Range—	Base FAR— PS— and —VR Districts—	One platted lot **— .30—
—	— VE— and —IR Districts—	One platted lot **— .36—
—	Any district—	More than one platted .13—

		lot **	
—	—	One Story Home regardless of zoning district or Number of platted Lots	.36
—	Max. FAR	Developments on one platted Lot **	.47
—	—	Developments on two platted Lots **	.35
—	A Development may exceed the base FAR but contain no more than the maximum FAR as set forth above subject to an administrative determination by the Building, Zoning, and Planning Director that the design meets one or more of the below criteria.		—
FAR Reduction	VR and PS Districts: Designs that do not receive bonuses 3 and 11		.10
—	VE and IR Districts: Designs that do not receive bonus 11		.10
Site Plan	The FAR bonus must be listed on the site plan page and approved by the plans reviewer and the Building, Zoning, and Planning Director.		Not applicable
Certificate of Occupancy Completion	No certificate of occupancy or completion shall be issued unless the completed Development includes each of the bonuses listed on the approved site plan.		Not applicable

TABLE INSET:

Bonus Criteria		How to Calculate/Explanation	Maximum FAR
1.	Porch facing a Street	.00005 per sq. ft. of Floor Area on the Porch	.03
2.	Open and unenclosed Balconies located above the first finished floor	.00005 per sq. ft. of Floor Area on the Balcony	.03
3.	Building located 15-20 ft. from the front property line	.001 per linear ft. of frontage of a Wall that is located 15-20 ft. from the front property line	.03
4.	Building located within 15-20 ft. of the rear property line	.001 per linear ft. of frontage of a Wall that is located 15-20 ft. from the rear property line	.03
5.	Garage and Carport containing 2 or more vehicles parked parallel with an exterior column	Formula not required to determine this bonus	.03

	separating each of the spaces			
6.	Single story home	Formula not required to determine this bonus		.03
7.	Combination One and Two Story Home	Second floor occupying less than 50% of the Floor Area of the first floor under roof		.10
8.	Entrances to Parking Garage	Interior Lot:	Placed in a location that does not face the Street	.02
--	--	Corner Lot:	Entrance from a Side Yard	.02
9.	Location of windows	Windows located above the first floor which face an adjacent Building. These windows must be at least 5 ft. above the finished _____ floor. or		.01
--	--	No windows facing an interior side property line		.03
10.	Side Yard Setback	VR and PS Districts:	.00005 per sq. ft. that exceeds the required Yard	.03
--	--	VE and IR Districts:	15 ft. Setback	.03
11.	Front Building Walls	VR and PS Districts:	Structures that provide a Front Yard Setback of less than 25 ft. which have a roof at least 3 ft. lower than the roof of the main Building	.03
--	--	VE and IR Districts:	A portion of the Building having a length of at least 10 ft. with a Front Yard Setback that exceed the required 25 ft. (.0002 per sq. ft.)	.03
12.	Reduction in Building heights	.006 per ft. below the maximum height permitted		.03

\* This schedule summarizes the FAR Bonuses which are listed in section 30-100(b).

\*\* Platted as of the effective date of this ordinance (October 24, 2000)

**Sec. 30-101. Commercial Districts.**

C-1 Low Intensity Commercial District.

(a) Purpose and Uses.

TABLE INSET:

District Purpose	Main Permitted Uses*	Conditional Uses	Accessory Uses	Prohibited Uses
<p>This district permits the Development of land in a low intensity manner and Uses that provide for the sale of goods and products that are needed throughout the entire Village.</p> <p>The permitted uses provide goods and services that primarily serve the residents of the Village.</p>	<p>Bar</p> <p>Commercial Uses 1. Offices: No individual or multiple business entity(ies) that are affiliated can occupy more than 10,000 sq. ft. Medical offices shall not exceed 10,000 sq. ft.</p> <p>2. Retail uses: No individual or multiple business entity(s) shall occupy more than 10,000 sq. ft.* except for stores whose principal product is food for consumption off the premises.</p>	<p>Service Station where the primary use on the site; Package Store</p>	<p>Any Use that is customarily associated with the Main Permitted Uses (See Sec. 30-111)</p>	<p>Any Use not listed as a Main Permitted Use, Conditional Use, or Accessory Use. (See Sec. 30-113)</p>
	<p>Antique furniture that is at least 50 years old and the resale of jewelry, art, and furs.*</p> <p>Personal Service Uses</p> <p>Restaurant (except on parcels that immediately abut a single Family</p>			

	district)			
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\* If a Use is located immediately adjacent to a single Family district, then such Use shall be closed after 6:00 p.m. Monday through Saturday. On Sunday, the hours of business are limited to 9:00 a.m. through 1:00 p.m. These restrictions do not apply from Thanksgiving through December 31 where the hours of operation shall be the same as the majority of businesses in the Village.

(b) *Development Regulations.*

TABLE INSET:

Lots Area	Maximum Number of Stories	Floor Area Ratio (See FAR Design Bonus Schedule)**	Lot Coverage
Less than or = to 21,000 sq. ft.	3 stories not to exceed 35 ft.	.20-.50  FAR may be increased to .55 by: a. .025 if subterranean parking garage receives the bonus and/or b. .025 if a parking garage is sited at least 50 ft. from a public street.	35%
More than 21,000 less than or = to 60,000 sq. ft.	3 stories not to exceed 35 ft.	.20-.50  FAR may be increased to .55 by: a. .025 if subterranean parking garage receives the bonus and/or b. .025 if a parking garage is sited at least 50 ft. from a public street.	35%
More than 60,000 but less than 100,000 sq. ft.	3 stories not to exceed 35 ft.	.20-.50  FAR may be increased to .55 by: a. .025 if subterranean parking garage receives the bonus and/or b. .025 if a parking garage is sited at least 50 ft. from a public street.	35%
100,000 sq. ft. or more	3 stories not to exceed 35 ft.	.20-.50  FAR may be increased to .55 by: a. .025 if subterranean parking garage receives the bonus and/or b. .025 if a parking garage is	35%

		sited at least 50 ft. from a public street.	
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\*Lots must be adjacent to one another and have at least one lot line in common.

\*\*The FAR Design Bonus Schedule is a range based on a minimum and a maximum.

(c) *Setback Requirements.*

TABLE INSET:

Street Frontage	Side, Interior	Rear
First and second floor shall be 10 ft. Third floor shall be greater than 20 ft.	0-5 ft. based on Site Plan Review for sideyard facing a street; 0-30 ft. based on Site Plan Review for interior sideyard. If adjacent to land zoned Institutional or adjacent to a park, the sideyard setback is 35 ft.	25 ft. facing Fernwood Rd., Village Green Way or adjacent to single-family district; 35 ft. if adjacent to land zoned Institutional or adjacent to a park. 0 ft. in all other situations.

(d) *Floor Area Ratio Design Bonus Schedule.*

TABLE INSET:

Design Criteria	How to Calculate Floor Area Ratio Bonus	Maximum FAR Bonus
1. Elevation facing a street a. First floor: zoning Code requires 50% of elevation to be in windows. Bonus for additional windows. b. Steps in front of the storefront leading to the street c. Variation in vertical roof lines d. Variation in building wall plane e. Mansard or pitched roof facing a street f. Ornamental reveals, designs, or trellis g. Open balconies with 75% of each side having railings h. Porch or covered terrace (not a balcony)	a. 0.0005 per sq. ft. of window b. 0.0005 per linear ft. of stair width c. 0.0003 per linear ft. of roof line providing the length of the roof element is not less than 25% of the length for the largest roof d. 0.0003 per linear ft. of wall recess or projection measured from the corner of the wall joint to corner wall joint of each recess or projected element e. 0.0003 per linear ft. f. 0.002 per sq. ft. of decorative element or trellis area g. 0.0001 per sq. ft. of balcony floor area h. 0.00003 per sq. ft. of porch or terrace floor area	a. 0.05 b. 0.05 c. 0.08 d. 0.08 e. 0.08 f. 0.02 g. 0.02 h. 0.08
2. Courtyards and passageways to interior public spaces	.000007 per sq. ft. of courtyard floor area	a. 0.07 b. 0.07

a. Interior courtyards b. Pedestrian Passageways to interior courtyards. No pedestrian passageway can be an interior courtyard.	.000007 per sq. ft. of passageway floor area	
3. Clustering of Building(s): this bonus is limited to projects that occur on 60,000 sq. ft. or more of land.	.05 per building, provided no individual building floor area is less than 35% of the largest building floor area. Buildings may be connected by roofed passageways.	.15
4. Sites adjacent to a park that provide an alternate route to Crandon Boulevard.	Route must provide two way traffic, commercial uses fronting on >50% of frontage, and if it connects to two streets then easement to the Village.	.10
5. Use a. Automobile repair* *All new auto repair uses shall agree to a recorded development restriction limiting the use of the property for auto repair for a minimum period of 10 years. b. Service Station	a. .03 per auto repair bay; and/or b. .02 per gasoline dispenser.	a. 0.09 b. 0.08
6. Parking Garages a. finished floor located below grade in a garage that contains >50% of the required parking spaces.	0.06 per foot or fraction thereof below Grade	0.20
7. At Grade Parking Lots	0.025 when access is provided to an adjacent parking lot	0.025
8. Landscaping: Providing more landscaping than is required a. Shade trees b. Native shrub c. Ground cover d. Planter boxes	a. 0.005 per shade tree b. 0.00005 per native shrub c. 0.00005 per sq. ft. of ground cover d. 0.00005	a. 0.05 b. 0.01 c. 0.01 d. 0.01

(e) *Performance Standards* (all items apply to uses in the C-1 District).

(1) Service Stations, automotive repair, detailing and washing.

a. All vehicle repair shall take place within a fully enclosed Building.

b. No windows or garage doors shall be placed within 100 feet of residentially zoned property.

- c. The overnight outdoor storage of vehicles is prohibited.
  - d. Detailing/car washing shall only be permitted in a Structure or under a permitted Canopy. Canopies shall not be placed where they will interfere with on-site Parking or traffic circulation nor visible from a street.
  - e. Air compressors shall be within a wholly enclosed building that prevents the transmission of noise.
- (2) Burglar alarm. The alarm bell or device shall not face residentially zoned property.
  - (3) *Buffering and Screening:* A decorative, opaque six-foot CBS Wall shall be placed five feet from any property line adjacent to a street. The area between the property line and the Wall shall have dense landscaping. The design of the Wall and the landscaping shall be approved by the Building, Zoning, and Planning Director. The Director shall determine if the Wall and landscaping provide an adequate buffer and screen between the commercial uses and the adjacent properties. The Director may require that additional trees be placed in the swale.
  - (4) Restaurants may offer alcoholic beverages for consumption on the premises if the primary Use of the property is for the sale of meals. There shall be a printed menu and food shall be available for the entire time the restaurant is open. Alcohol sales may occur as long as the restaurant is open and food is available for consumption on the premises.
  - (5) The wall, which contains the main entrance into a business, shall have a minimum of 50 percent of the surface in windows and doors.
  - (6) Perimeter walls or fences that face a street shall be set back two feet from the lot line.
  - (7) Commercial properties may provide two way access from Fernwood Road for pedestrians, bicycles, and golf carts; however, the access shall be sited in a manner which does not result in a direct route to Crandon Boulevard.
  - (8) If a roof deck contains parking spaces, it shall include an opaque 42-inch high parapet.
  - (9) Stores and offices shall provide a knee wall or bulkhead between 18 and 24 inches in height.
  - (10) Buildings which are on sites that include more than one lot shall provide a covered or uncovered passageway for every 200 linear feet of building facade.
  - (11) When stairs are provided from a building to a sidewalk, then the width of the stairs shall not be less than ten feet.

(12) *Parking Garages.*

a. The exterior elevations of accessory parking structures shall be designed the architecturally integrated with the exterior elevation.

b. Primary entrances to a parking structure shall not be located on the main facade of the principal use which the parking structure serves.

c. Openings in parking structures shall be screened so that no cars, headlights, or light fixtures are visible from surrounding uses. The size and proportions of openings shall be compatible with neighboring buildings. Glazing, perforated metal panels, applied surface elements, landscaping or combinations of these that are compatible with other materials of the facade shall be used to screen openings.

d. Driveway and pedestrian entries to parking structures shall be integrated with the ground level facade and shall include doors compatible with the design of the building.

(13) Buildings sited at the corner of two public streets shall provide a prominent corner entrance to street level shops or lobby space.

(14) Flat roofs shall not be visible from the street or from any floor that contains commercial or office uses. Pitched or mansard roofs shall not use tar, gravel, or asphalt shingles or other similar products as determined by the Building, Zoning, and Planning Director. Flat roofs of garages shall have a parapet or other opaque screening at least 36 inches high measured from the finished deck floor, to shield automobiles from public view at the street level.

(15) Asphalt or other similar products as determined by the Building, Zoning, and Planning Director shall not be on the surface of any floor that is considered as common space which contains commercial or office uses.

(16) Common space such as, but not limited to, courtyards, plazas, and pedestrian spaces shall be landscaped in accordance with the landscape standards for vehicular use areas (See section 30-238), or hardscaped for use as plazas, courtyards, and pedestrian passages integrated into the overall site layout and pedestrian circulation system. These spaces may include architectural trellis work over at least 30 percent of the top deck area, or treated with a combination of architectural and landscape elements to achieve a screening effect.

(17) In Shopping Centers, facades which front on a street shall contain storefronts that provide the main entrance into the place of business.

(18) All properties which have retail and/or office uses shall provide a bicycle rack or racks which contain one bicycle space per 5 retail and/or office spaces. This shall apply to all shopping centers which currently do not have bicycle racks as well as all existing new shopping centers.

**Sec. 30-102. GU Government Use District.**

(a) *GU Description.* Upon the acquisition of ownership of or a long term lease (five years or longer) of land by the Village, the Village Manager or designee shall indicate on the Official Zoning Map that the zoning district designation for the property is GU, Government Use.

(b) *Purpose and Uses.*

TABLE INSET:

District Purpose	Main Uses	Permitted Uses	Conditional Uses	Accessory Uses	Prohibited Uses
This district is designed to permit land owned by a governmental entity to be used for any public purpose and certain limited private activities.	Governmental Buildings and facilities such as but not limited to schools, offices, post offices, parks, open space, community centers, recreational buildings, police and fire stations. Recreational activities as described in subsection (e).		None	Any Use customarily associated with the Main Permitted Use (See section 30-111)	Any Use not listed as a Main Permitted Use, Conditional Use, or Accessory Use. (See section 30-113)

(c) *Development Regulations.* Council shall use the following Development Regulations:

TABLE INSET:

Floor Area Ratio	Maximum Height	Lot Coverage	Lot Area	Setback
.75	35 ft.	35%	No minimum	5 ft., except where prior zoning district has a more liberal setback standard, which shall then apply

(d) *Approval Process.* Prior to establishing any new use of lands designated GU, the Village shall conduct the following public hearing(s):

(1) The Village Council shall conduct a public hearing to determine the Use(s) to which particular land purchased for Governmental Use may be put. The public hearing before the Village Council shall be held upon at least 15 days' notice of the time and place of

such hearing published in a newspaper of general circulation in the Village. A courtesy notice containing general information as to the date, time, and place of the hearing, the property location and general nature of the proposed Use may be mailed to the property owners of record within a radius of 300 feet of the property on which the facility will be located, or such greater distance as the Village Manager may prescribe; provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceeding taken hereunder. To provide additional notice to the public, the property shall be posted by a Sign or Signs indicating the action desired and the time and place of the public hearing thereon.

(2) At the public hearing the Village Council shall consider the Use(s) to which the land should be put, from the list of Uses in paragraph (b) above, considering among other factors a recommendation by the Village Manager (if any), the public need therefore and the existing land use pattern in the area. After considering these factors and any public comment, the Village Council shall adopt a resolution establishing the Use(s) for the property and take such action as is necessary to promote and protect the public health, safety and welfare of the citizens and residents of the Village.

(3) If the Use(s) approved by the Village Council include the construction of any Buildings or Structures on the property, the Village Council shall conduct another public hearing prior to the commencement of any construction activity. That public hearing shall be noticed in the same manner as the initial hearing described in subsection (d)(1) above. At the public hearing the Village Council shall review and evaluate a detailed Site Plan for the property, including all Buildings and improvements. At a minimum, the Site Plan shall contain a schedule of development criteria as set forth in subsection (c) above. In its review and approval, the Village Council shall apply the development regulations in subsection (c) above, except that the Village Council may waive the regulations or any part of the regulations in the interest of the public health, safety and welfare to provide the facilities to serve the public. After considering the Site Plan, recommendations of the Village Manager (if any) and public comment, the Village Council may by resolution take such action as it deems necessary or appropriate to promote and protect the public health, safety and welfare of the citizens and residents of the Village, including the approval of the Site Plan with any modifications thereto.

(e) *Permitted Recreational Activities.* Subject to the approval of a Beach Management Plan pursuant to subsection (f) and the supplementary regulations in subsection (g) the activities as described below shall be considered Main Permitted Uses on lands within the GU District which are seaward of the Erosion Control Line (as identified in Section 1.03 of the Village Charter) where such activities occur as ancillary and supportive of principal uses conducted on the upland contiguous privately owned property.

TABLE INSET:

Type of Recreational Activities	Upland Hotel	Upland Private Club	Beach	Upland Multi-Family Residential
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Use of lounges/chairs/umbrellas	Yes	Yes	Yes
Food and Beverage Service	Yes	Yes	No
Special Events 1	Yes	Yes	Yes
Use of Non-Motorized Vessels 2	Yes	Yes	No 3

1 Special Events shall be limited to the following: organized athletic events, meetings, parties, weddings, fireworks displays, or professional film activities and shall be subject to obtaining a Special Event Permit pursuant to section 17-5 of the Village Code.

2 Up to six non-motorized Vessels (as defined in Section 327.02(37), Florida Statutes) shall be permitted for use in conjunction with and as accessory to hotels of at least 250 rooms or private beach clubs. They shall be operated only through an approved channel authorized under section 4-32 of the Village Code, and shall be uniformly marked and painted in a uniquely identifiable manner associated only with the hotel property or private beach club. Additionally, except for an authorized rescue vessel approved under subsection (g)(9) below, the use of motorized vessels is absolutely prohibited.

3 Nothing in this section shall be construed or interpreted to preclude individual Village residents from the legal use and enjoyment of the public beach area, or deny or impair the common law riparian rights of persons owning property which fronts the public beach area, or to require that individual residents (including specifically residents within any multifamily apartment building) obtain an approved Beach Management Plan for such activities.

(f) *Beach Management Plan Approval.* As a condition to the establishment, use and operation of any of the uses listed in subsection (e) above (except for Special Events which require a Special Event Permit), a plan for the proposed use and operation (Beach Management Plan) shall be submitted and approved by the Village. Except for the use of lounges, chairs and umbrellas, all Beach Management Plans shall require the approval of the Village Council after a public hearing noticed in accordance with section 30-68 of the Village Code. Beach Management Plans for the use of lounges, chairs and umbrellas shall be approved by the Village Manager. In the approval, the Village Manager or Village Council must find that the proposed activity(ies) comply with the requirements of this section and do not constitute a threat to public safety or welfare or constitute a danger or impediment to the public beach area. The Village Council or the Village Manager shall impose reasonable restrictions and conditions on the approval of the Beach Management Plan in order to preserve the health, safety and welfare of the Village residents. Violation of any provision of the approved Beach Management Plan automatically results in the revocation the Beach Management Plan approval. Nothing in this section shall be construed or interpreted to preclude individual Village residents from the legal use and enjoyment of the public beach area, or deny or impair the common law riparian rights of persons owning property which fronts the public beach area, or to require that individual

residents (including specifically residents within any multifamily apartment building) obtain an approved Beach Management Plan for such activities.

(1) *Beach Management Plan Application and Procedures.* In a form provided by the Village, all Beach Management Plans shall be submitted to the Village Manager and shall contain the following information:

- a. A detailed and dimensioned site plan depicting the type and location of all proposed activity(ies), structures, garbage containers, storage areas and where the use of Vessels is proposed, the proposed location of a channel to be approved by Village Council pursuant to section 4-32 of the Village Code;
- b. If applicable, the number of proposed Vessels;
- c. Proposed hours of operation;
- d. Proposed safety and emergency plans;
- e. If applicable, storage, hours of use and method of fueling of an all terrain vehicle authorized under subsection (g)(10) below;
- f. Indemnity and Insurance (with Village as additional insured) in a form and amount approved by Village Attorney;
- g. Proof of ownership of adjacent upland property or written authorization from upland property owner;
- h. Application fee plus the annual inspection fee for the approved activity as established by resolution pursuant to section 30-4 of the Village Code;
- i. Any additional information as reasonably required by the Village Manager.

(g) *Supplementary Regulations.* The recreational activities identified in subsection (e) shall be subject to the following restrictions:

- (1) All activities shall be conducted as accessory to the adjacent contiguous upland property.
- (2) It is prohibited to conduct the sale or rental of any equipment or food and beverage item associated with any permitted activity upon the public beach. The sale or rental shall only be conducted upon the associated upland private property.
- (3) None of the permitted activities shall be conducted or maintained outside of the property area contained within the extension of the side lot lines of the upland property as they extend seaward toward the waterline.

- (4) Activities adjacent to the upland hotel and private beach club properties shall be setback 20 feet from the adjacent property side lot lines as extended seaward toward the waterline.
- (5) Activities adjacent to the upland multi-family residential properties shall be setback 100 feet from the adjacent property side lot lines as extended seaward toward the waterline.
- (6) None of the permitted activities including the storage of any equipment shall be maintained or conducted within five feet of the dune as defined pursuant to Section 161.54, Florida Statutes, or within 15 feet of the waterline, unless overnight storage on the public beach is approved pursuant to a Beach Management Plan.
- (7) Except for one corporate insignia, no larger than 20 square inches identifying the applicant or the upland property owner, commercial advertising shall be prohibited on all equipment associated with any approved activity.
- (8) Except as approved pursuant to a Special Event Permit, hours of operation shall be limited to between sunup and sundown each day and all equipment, furniture, and temporary structures (if any) shall be removed from the public beach by sundown each day unless overnight storage on the public beach is approved pursuant to a Beach Management Plan. This limitation shall not apply to the use of chairs and lounges for viewing fireworks displays on Independence Day or New Year's Eve.
- (9) The use of non-motorized vessels shall be prohibited without the onsite provision of one personal watercraft as defined in Section 327.02, Florida Statutes, maintained in good working condition and available at all times for emergency rescue purposes. The personal watercraft shall have a four stroke engine or best available technology, be equipped with an operational marine radio or wireless phone, and shall satisfy all U.S. Coast Guard safety requirements.
- (10) Except for an unenclosed motorized all terrain vehicle approved pursuant to a Beach Management Plan, it is prohibited to use or operate or to allow another to use or operate upon, or along the public beach, or upon any beach or shoreline or waters adjacent thereto, any motorized vehicle. The private use of an all terrain vehicle must be limited in use to the loading and unloading of equipment permitted under an approved Beach Management Plan. This prohibition shall not apply to any municipal, county or state vehicle, or to any vehicle or equipment authorized by the Village to be used or operated for a public purpose.
- (11) Approval of a Beach Management Plan does not exempt user from adhering to all local, state and federal statutes and regulations and requirements, including, but not limited to, Article II "Local Business Tax Receipt" of Chapter 25 "Taxation" of the Village Code.

(h) *Change Upon Sale or Lease Expiration.* Upon the sale (or expiration of a long term lease) of GU land that was owned (or leased) by the Village, the Village Council shall change the zoning district designation pursuant to the procedures established in this section.

(i) *Conflict.* This section 30-102 shall be the exclusive regulation governing lands designated GU, and to the extent that it conflicts with any other section of this chapter, this section shall control.

**Sec. 30-103. Hotel Resort District.**

(a) *Purpose and Uses.*

TABLE INSET:

District Purpose	Main Permitted Uses	Conditional Uses	Accessory Uses	Prohibited Uses
This district is designed to promote the Development of ocean resort Hotels and multiple Family residences.	Hotel Apartment Building	None	Any Use that is customarily associated with the Main Permitted Uses (See sec. 30-111)	Any Use not listed as a Main Permitted Use, Conditional Use, or Accessory Use (See sec. 30-113)

(b) *Development Regulations.*

TABLE INSET:

Density	Maximum Height	Lot Coverage	Minimum Lot Area
Hotel 30 Units per acre No Development shall exceed 350 Hotel Units Apartment Building 16 Units per acre If a Development contains Hotel and Apartment Units, then Lot area, which is counted towards one Use, cannot be counted towards another Use.	150 ft.	.40	The site shall be subdivided as of the date of this ordinance.

TABLE INSET:

	Setback	Floor Area Ratio
Front:	25 ft. + 5 ft. per floor above the first floor but not to exceed 50 ft.	.40, however oceanfront and bayfront Buildings that provide a 7.5 ft. dedicated

		Easement on each side of the property from the Street to the beach shall use the following:									
Side:	25 ft. minimum (however no portion of Building may extend beyond a "building envelope" formed by a prism the base of which is formed by the Lot boundaries and whose height is defined by two base angles of 63 degrees each, * see sketch below).  Side Setbacks shall be measured from the dedicated Easement as required in the Floor Area Ratio calculation.	<table border="0"> <tr> <td>1 Story .40</td> <td>4 Story 1.00</td> <td>7 Story 1.60</td> </tr> <tr> <td>2 Story .60</td> <td>5 Story 1.20</td> <td>8 Story 1.80</td> </tr> <tr> <td>3 Story .80</td> <td>6 Story 1.40</td> <td>9 Story+ 2.00</td> </tr> </table> <p>The dedicated Easement shall be counted in the Floor Area Ratio calculation. The Easement shall be improved with landscaping and a hard paved surface. The improvements shall require approval by the Building, Zoning, and Planning Director prior to the issuance of a building permit and must be installed prior to the issuance of a certificate of occupancy.</p>	1 Story .40	4 Story 1.00	7 Story 1.60	2 Story .60	5 Story 1.20	8 Story 1.80	3 Story .80	6 Story 1.40	9 Story+ 2.00
1 Story .40	4 Story 1.00	7 Story 1.60									
2 Story .60	5 Story 1.20	8 Story 1.80									
3 Story .80	6 Story 1.40	9 Story+ 2.00									
Rear:	25 ft. + 5 ft. per floor above the first floor but not to exceed 50 ft.										

GRAPHIC LINK: [Click here for graphic](#)

**Sec. 30-104. Institutional District.**

(a) *Purpose and Uses.*

TABLE INSET:

District Purpose	Main Permitted Uses	Conditional Uses	Accessory Uses	Prohibited Uses
This district is intended to permit uses that provide a public or semi-public service.	Places of worship  Village Recreational Facilities	Community Residential Facilities <u>Homes</u>	Any Use that is customarily associated with the Main Permitted Use  Day Care Facilities  Meeting rooms Schools (See sec. 30-	Any Use not listed as a Main Permitted Use, Conditional Use, or Accessory Use.  (See sec. 30-113 for other prohibited Uses)

**Comment [JK239]:** The word "Facilities" matches state statute and should be retained.

			111)	
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(b) *Development Regulations.*

TABLE INSET:

Setbacks		Maximum Height	Floor Area Ratio	Lot Coverage
New Construction		35 ft.	.25	35%
Front	50 ft.			
Side, interior or facing a Street	25 ft.			
Rear	50 ft.			
Additions in Side and Rear Yards shall provide the same Setback as the existing Building. Additions in the Front Yard shall provide a 50 ft. Setback.				

(c) *Performance standards (items apply to Uses in the I District).* Perimeter Walls or fences that face a Street shall be set back two feet from the Lot line.

**Sec. 30-105. Multiple Family districts.**

(a) Purpose and Uses.

TABLE INSET:

District Purpose	Main Permitted Uses	Conditional Uses	Accessory Uses	Prohibited Uses
These districts are intended to permit the Development and maintenance of Multiple Family Buildings	In Multiple Family Districts: Apartment Buildings Duplex Townhomes In PUD Districts: The above Uses and those Uses set forth in a Site Plan approved prior to the adoption of this ordinance *	None	Any Use that is customarily associated with the Main Permitted Use (See sec. 30-111)	Any Use not listed as a Main Permitted Use, Conditional Use, or Accessory Use. (See section 30-113)

\* Key Colony pursuant to the Site Plan as approved by Dade County. Grand Bay and Ocean Club pursuant to the Site Plan as approved by the Village Council.

Both Developments are previously approved Developments of Regional Impact (see notes pertaining to Future Land Use Map 1 and 2 of the master plan regarding the Development rights of these two projects).

(b) Development Regulations.

TABLE INSET:

District	Maximum Density (Units per net acre)	Maximum Height	Floor Area Ratio		Lot Coverage
RM-10 Low Density	10	35 ft.	.30		.35
RM-16 Medium Density	16	50 ft.	1 Story .30	3 Story .75	.30
			2 Story .50	4 Story+ .80	
RM-30 High Density	30	150 ft.	.40		.40
			If oceanfront/bayfront Buildings provide a 7.5 ft. dedicated Easement on each side of the property, which is improved with a hard paved surface from the Street to the beach, then the below FAR's may be used:		
			1 Story .40	6 Story 1.40	
			2 Story .60	7 Story 1.60	
			3 Story .80	8 Story 1.80	
			4 Story 1.00	9+ Story 2.00	
			5 Story 1.20		
PUD-1 Ocean Club	*	*	*		*
PUD-2 Grand Bay	*	*	*		*
PUD-3 Key	*	*	*		*

Colony				
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\* Key Colony pursuant to the Site Plan as approved by Dade County. Grand Bay and Ocean Club pursuant to the Site Plan as approved by the Village Council. Both Developments are previously approved Developments of Regional Impact (see notes pertaining to Future Land Use Map 1 and 2 of the master plan regarding the Development rights of these two projects).

(c) Setback Regulations.

TABLE INSET:

District	Distance Between Bldgs.	Front	Side	Side Facing a Street	Rear
RM-10 Low Density	15 ft.	25 ft.	15 ft. minimum 50 ft. maximum the sum of the Side Yards must be $\geq$ 25% of Lot width	25 ft. minimum 50 ft. maximum the sum of the Side Yards must be $\geq$ 25% of Lot width	25 ft.
RM-16 Medium Density	30 ft.	25 ft.	20 ft.	20 ft.	25 ft.
RM-30 High Density	50 ft.	25 ft. + 5 ft. per floor above the first floor but not to exceed 50 ft.	25 ft. minimum (however no portion of Building may extend beyond a "building envelope" formed by a prism the base of which is formed by the Lot boundaries and whose height is defined by two base angles of 63 degrees each, * see sketch below).	25 ft. minimum (however no portion of Building may extend beyond a "building envelope" formed by a prism the base of which is formed by the Lot boundaries and whose height is defined by two base angles of 63 degrees each, * see sketch below).	25 ft. + 5 ft. per floor above the first floor but not to exceed 75 ft.
PUD-1 Ocean Club	*	*	*	*	*
PUD-2 Grand Bay	*	*	*	*	*

PUD-3 Key Colony	*	*	*	*	*
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\* Key Colony pursuant to the Site Plan as approved by Dade County. Grand Bay and Ocean Club pursuant to the Site Plan as approved by the Village Council. Both Developments are previously approved Developments of Regional Impact (see notes pertaining to Future Land Use Map 1 and 2 of the master plan regarding the Development rights of these two projects).

**GRAPHIC LINK: [Click here for graphic](#)**

(d) If a Building is damaged by a natural disaster or other casualty, the application of the above Development Regulations shall not preclude the repair or reconstruction of any Building or portion thereof; however, the repair and reconstruction work shall only occur within the original building envelope and with the same or fewer number of Units than existed prior to the natural disaster or other casualty.

(e) Performance standards (items apply to Uses in the RM-10 District). Perimeter Walls or fences that face a Street shall be set back two feet from the Lot line.

**Sec. 30-106. Office District.**

O-1 Low Intensity Office District.

(a) Purpose and Uses.

TABLE INSET:

District Purpose	Main Permitted Uses	Conditional Uses	Accessory Uses	Prohibited Uses
This district permits the Development of land in a low intensity manner and Buildings which are designed to be compatible with adjacent Residential Uses.	Office	None	Any Use that is customarily associated with the Main Permitted Uses (See sec. 30-111)	Any Use not listed as a Main Permitted Use, Conditional Use or Accessory Use. (See sec. 30-113)

(b) Development Regulations.

TABLE INSET:

Setbacks	Maximum Height	Floor Area Ratio	Lot Coverage	Minimum Lot Area
Front 20 ft.	35 ft.	0.50	40%	12,500 sq. ft. or as subdivided as of the date of the adoption of this ordinance
Side, Interior				

10 ft.				
Side, Facing Street 10 ft.				
Rear 20 ft.				

(c) Performance standards.

(1) Walls facing a Street shall include a minimum of 50 percent of the surface in windows and doors.

(2) Walls facing residentially zoned property shall not have windows; however the design of the Wall shall include architectural treatments that add visual interest such as scoring, caps, columns, reveals, and similar architectural treatments. The design shall be approved by the Building, Zoning, and Planning Director.

(3) For properties that front on Crandon Boulevard, the performance standards of the C-1 Low Intensity Commercial District, subsection 30-101(e) shall apply.

(d) Burglar alarm. Shall not face residentially zoned property.

(e) Buffering and screening. A decorative, opaque six-foot CBS Wall shall be placed on any property line that is adjacent to a residential district. There shall be a five-foot Setback from the Wall. This area shall be landscaped with dense materials. The design of the Wall and the landscaping shall be approved by the Building, Zoning, and Planning Director. The Director shall determine if the Wall and landscaping provides an adequate buffer and screen between the office Uses and the Adjacent Properties.

(f) Perimeter Walls and fences that face a Street shall be set back two feet from the Lot line.

**Sec. 30-107. Private Club.**

(a) Purpose and Uses.

TABLE INSET:

District Purpose	Main Permitted Uses	Conditional Uses	Accessory Uses	Prohibited Uses
This district is designed to permit non-commercial, private facilities that provide recreational	Main Permitted Uses: Private Club	None	Any Use that is customarily associated with the Main Permitted Uses or	Any Use not listed as a Main Permitted Use, Conditional Use, or Accessory Use

and social activities for their members and guests.			Conditional Uses (See sec. 30-111)	(See sec. 30-113)
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(b) Development Regulations.

TABLE-INSET:

Setbacks	Floor Area Ratio	Maximum Height	Lot Coverage	Lot Area
Front 50 ft. Side 25 ft. Rear Bayfront 25 ft. Oceanfront - No encroachment into the Coastal Construction Line area is permitted.	.15	35 ft.	.15 *	The site shall be subdivided as of the date of this ordinance

\* See Lot Coverage definition in Article II. Lot Coverage shall also include non-roofed areas enclosed by Walls (excluding Building Walls) which exceed six feet in height. Lot Coverage shall also include any boat storage facility (rack) which exceeds ten feet in height when measured from the ground to the top of the uppermost boat. Additionally, an increase of up to five percent of Lot Coverage is permitted for Gazebos, Porches, or similar Structures.

(c) If a Building is damaged by a natural disaster or other casualty, the application of the above Development Regulations shall not preclude the repair or reconstruction of any Building or portion thereof; however, the repair and reconstruction work shall only occur within the original building envelope and with the same or fewer number of Units than existed prior to the natural disaster or other casualty.

(d) Site Plan review shall be required pursuant to these Regulations section 30-80. The following criteria shall also be utilized for water and marina dependent Uses:

(1) Must have a minimum four-foot depth at mean low tide in the marina basin, canal and Access channel, and direct Access to the intracoastal waterway (if applicable) or to another dredged channel or area with a minimum of six feet clearance at mean low tide.

(2) Must be compatible with existing and surrounding land Uses and of sufficient size to accommodate the specific project and the required Parking.

(3) Oceanfront property should preserve or improve traditional public shoreline Uses and public Access to estuarine and coastal waters, preserve or enhance the quality of the estuarine and coastal waters, water circulation, tidal flushing and light penetration, and preserve archeological artifacts or zones and preserve or incorporate historic sites.

(4) Shall provide substantiation that the project is consistent with the purpose of the zoning district.

(5) Shall demonstrate that the Development is compatible in terms of scale and Uses with Adjacent Properties.

(6) Shall demonstrate that the impact on the infrastructure is consistent with the Level of Service established in the master plan.

(7) Shall list the benefits to the community in terms of urban, economic, and cultural impact.

(8) Construction or subsequent operation of any new or expanded marina shall not destroy or degrade hammocks, pinelands, salt marshes, mangrove protection areas, seagrass, hard bottom communities, or habitats used by endangered or threatened species, unless approved by the appropriate regulatory agencies.

In making the above determinations, the Building, Zoning, and Planning Director may require the applicant to provide documentation and studies supporting such findings. An application for Site Plan review shall address each of the above criteria.

**Sec. 30-108. PROS Public Recreation and Open Space District.**

(a) *Purpose and Uses.* The PROS Public Recreation and Open Space Use District is an alternative zoning district to the GU Government Use District, where the Village has ownership or a long term lease (five years or more) of land and desires to use the land for public recreation or open space purposes.

TABLE INSET:

District Purpose	Main Permitted Uses	Conditional Uses	Accessory Uses	Prohibited Uses
This district is designed to permit public non-commercial recreational or open space Uses	Parks, swimming pools and decks Active and passive recreational Uses	None	Any Use that is customarily associated with a Main Permitted Use (See sec. 30-111)	Any Use not listed as a Main Permitted Use, or Accessory Use (See sec. 30-113)

(b) *Development Regulations.* In approving development for lands designated PROS, the Village Council shall use the following Development Regulations:

TABLE INSET:

Floor Area Ratio	Maximum Height	Lot Coverage	Lot Area	Setback

.75	20 ft.	15%	No minimum	5 ft., except where prior zoning district has a more liberal setback standard, which shall then apply
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(c) *Approval Process.* Prior to establishing any new use of lands that are designated PROS, the Village shall conduct a public hearing or hearings pursuant to the procedures set forth in section 30-102, GU Government Use District. Upon the sale (or expiration of a long term lease) of PROS land that was owned (or leased) by the Village, the Village Council shall change the zoning district designation pursuant to the procedures established in section 30-102, GU Government Use District.

**Sec. 30-109. Supplemental Setback Regulations.**

General provisions:

(1) *Determination of Yards.* When the definitions of Yards do not clearly determine the Front, Side or Rear Yard, the Building, Zoning, and Planning Director shall be guided by the pattern of Development in the vicinity of the Lot and the platting of the Lots in question in determining what is the applicable Yard.

(2) *Double frontage Lots.* The required Front Yard shall be provided on each Street frontage. Unless provided for in these Regulations, Accessory Structures shall not be provided for in either Yard.

(3) *Private roads.* The Setback shall be measured from the centerline of a private road.

**Sec 30-110. Allowable encroachments into Required Yards (all districts except Single Family and PS Parkside Residential).**

(a) *Awnings.*

(1) *Commercial and Office Districts.* Awnings facing a Right-of-Way must maintain a Setback of at least 18 inches from the edge of pavement, and are subject to the approval of the Building, Zoning, and Planning Director. The decision shall be based on the height of the Awning, design, and relationship to the Building, sidewalk and intended Use of the space beneath the Awning.

(2) *All other districts except Single Family and PS Parkside Residential.* Awnings shall not project closer than three feet from any Lot line or have a total projection that exceeds 7.5 feet.

(b) *Canopies.* A Canopy shall be permitted to extend from an entrance door toward the Street side of any Building. The Canopy may extend to within 18 inches of the edge of pavement. Such canopies shall not exceed 15 feet in height and 12 feet in width or be screened or enclosed in any manner and shall provide an unobstructed, clear space between the grade and the bottom of the Canopy valance of at least seven feet. The

location of vertical supports for the Canopy shall be approved by the Engineering Division.

(c) *Carports.* Not permitted.

(d) *Decks and Screen Enclosures (whether or not associated with a pool) Setbacks.*  
 TABLE INSET:

Front Setback	Side Facing a Street	Interior Side	Rear
Not permitted in Front Yard	15 ft.	10 ft.	10 ft. non-oceanfront Lots 0 ft. for oceanfront Lots

(e) *Driveways and sidewalks on private property.* Five feet from side or rear Lot line.

(f) *Fences and Walls.*

(1) *Generally.* For purposes of regulating perimeter fences and Walls, there is hereby established three zones. The "Front Zone" being the area between any Building and the adjacent Street(s), and the "Rear Zone" being the area from the back of the Front Zone to the rear property line.

(2) *Maximum height.*

a. *Front Zone.* Except for arches, columns, gates and other ornamental entry features which may extend to eight feet in height, the height between any Building and adjacent Street(s) shall be limited to six feet measured from the crown of the road.

b. *Rear Zone.* Six feet from the average grade of the Lot or to the allowable height of a permitted Wall on the contiguous Lot. The height, when measured from the grade of the contiguous Lot is further limited to eight feet, except by mutual consent of the contiguous Lot owners, the height may extend to four and one-half feet above BFE. For fences associated with tennis courts and other court games the maximum height is set forth in subsection (p) below.

c. *Arches.* May go up to nine and one-half feet in the Side Yard only.

(3) *Finish. Fence and Wall finish materials and restrictions.* The fence and Wall finish materials and restrictions shall be the same as the Single Family and Two-Family districts.

~~a. *Front Zone.* All Walls between any Building and the adjacent Street(s) must be finished on all side(s). Masonry Walls must be stuccoed and wood fences must have no exposed nail points.~~

**Comment [JK240]:** Reference to find regulations.

**Comment [JK241]:** Results in aesthetic improvement to fences.

~~b. *Rear Zone.* All concrete Walls must be finished on the exterior face (stucco and paint) except where adjacent and contiguous with an existing Wall. All wood fences must be finished so that no nail points are exposed or visible. For fences used in conjunction with court games (see subsection (p) below).~~

**Comment [JK242]:** ZORC removed this regulation; however, staff retained this regulation for aesthetic reasons.

(4) *Corner Line of sight triangle on private property.* At a Street corner, the maximum height of a Wall, fence, or landscaping is 2.5 feet measured 15 feet along the intersection of property lines. Landscaping in this triangle is limited to shrubs.

(g) *Hedges.* No height limit except with regard to corner visibility where Regulations listed in subsection (f)(3) above.

(h) *Lightpoles.* 15 feet.

(i) *Marine Structures.* As set forth in section 30-100(f)(3).

(j) *Mechanical equipment.* Air conditioning, water pumps, and similar equipment shall be permitted in a Required Yard subject to the following:

- (1) Not located in any Yard facing a Street.
- (2) Provide a minimum five-foot Setback to the Lot line.
- (3) Shall provide a solid acoustical screen at least one foot above the top of the air conditioner compressor and along the sides. Perimeter Walls may be used as the acoustical screen where the height of the Wall extends at least one foot above the equipment.
- (4) If located on a roof, the equipment shall be screened from view in a manner that a Person standing on the sidewalk opposite the site cannot view the equipment.

(k) *Parking facilities, at grade Lots and garages.*

(1) At-grade Parking Lots with six or more spaces.

a. Required Setbacks:

TABLE INSET:

Parking Lot Width	Side or Rear Yard Setback	Front Setback
50 ft. or less	5 ft.	5 ft.
More than 50 ft. but <= 200 ft.	5 ft.	7.5 ft.
More than 200 ft.	10 ft.	10 ft.

**Sec. 30-111. Accessory Use Regulations.**

(a) *General provisions.* Accessory Uses shall comply with the following general provisions:

- (1) They shall be located on the same Lot as the Main Permitted Use.
- (2) They shall be incidental to and customarily associated with the Main Permitted Use. In making this determination, the Building, Zoning, and Planning Director may require the applicant to provide evidence that said Use meets this criteria.
- (3) Off-Street Parking and loading spaces shall be considered as Accessory Uses in all districts unless listed as a Main Permitted Use or Conditional Use.
- (4) A Use other than those listed in this section may be considered as an Accessory Use if it is customarily associated with one of the Main Permitted Uses and if the Building, Zoning, and Planning Director finds that the Use complies with the below mandatory criteria:

- a. The Use complies with items (1) and (2) above;
  - b. The Use is consistent with the purpose of the Zoning District in which it is located;
  - c. That the necessary safeguards will be provided for the protection of surrounding property, Persons and neighborhood values;
  - d. That the public health, safety and general welfare of the community will not be materially and adversely affected; and
  - e. It is consistent with the master plan.
- Appeal of the Building, Zoning, and Planning Director's decision pertaining to any finding shall be to the Village Council as an appeal of an administrative decision.

(b) *Accessory Uses in the Single Family and PS Parkside Residential District.* See section 30-100.

(c) *Accessory Uses in the Commercial District.*

(1) The storage of supplies or merchandise that are associated with the Main Permitted Use.

(2) The assembly of prefabricated products that are sold or used on the Premises.

(d) *Accessory Uses in the GU Government Use District.* See subsection (a) above.

(e) *Accessory Uses in the HR Hotel Resort District.*

(1) Retail Uses sized to serve the needs of Hotel guests.

(2) Bars, restaurants, lounges, and recreational facilities sized to serve the needs of Hotel guests and residents of the island.

(f) *Accessory Uses in PUD Planned Unit Development Districts.* Private Clubs (membership to the Private Club may be open to the general public), restaurants, office, Retail, recreational facilities, and similar Uses, provided such Uses have no direct Access to the exterior of the Building and no exterior signage.

(g) *Accessory Uses in the Institutional District.* Schools, cafeterias, chapels, meeting rooms, day care facilities, and special events.

(h) *Accessory Uses in RM Multiple Family Districts.* Recreation facilities and Private Clubs (provided they are for the exclusive Use of residents and owners of the Development and their guests, and are not open for general membership), restaurants, office, Retail and similar Uses, provided such Uses have no direct Access to the exterior of the Building and no exterior signage.

(i) *Accessory Uses in the Office District.* The storage of supplies that are associated with the Main Permitted Use; Retail Uses directly serving the office Uses they are associated with on the first occupied floor of the Building only and not to exceed 50 percent of the first floor area, exterior signage or exterior entrances directly into the Retail Uses prohibited.

(j) *Accessory Uses in the PC Private Club District.* Shall include, but not be limited to the following: club houses, marinas, dock master's office, social halls, meeting rooms, Bars, dining rooms, card rooms, tennis courts, swimming pools, restaurants, Parking facilities, docks, fixed or floating, breakwaters, boat Trailers, trailered boat storage, boat ramp, outdoor dining, Gazebos, children's play area, sailing school, tennis school, summer camp, exercise facilities, outdoor grill, fish cleaning tables, members' store, mooring piles/buoys, a temporary overnight facility serving the needs of the club and those that remain on their boats overnight and similar recreational facilities, maintenance sheds, temporary Tents, marine fuel storage and sales, minor marine repairs, small boat crane/hoist, marine pump-out station, small sailboat rack storage and security entrance gate and Building.

(k) *Accessory Uses in the PROS Public Recreation and Open Space District.* See subsection (a) above.

(l) *Uses in districts not listed above.* Review criteria listed in subsection (a) above shall apply.

If a Use is not listed above, it may be permitted if the Building, Zoning, and Planning Director finds it is consistent with the criteria listed in subsection (a) above.

**Sec. 30-112. Supplemental Use Regulations.**

(a) *Alcoholic beverages.* The Village shall use the Miami-Dade County Ordinance for purposes of regulating the sale of alcoholic beverages, except that package stores shall be permitted as a conditional use in the C-1 Low Intensity Commercial district as set forth in Section 30-101; however, in no instance shall alcoholic beverages be offered for sale for consumption on the Premises, except in bars, as incidental to restaurants, within 500 feet of a place of worship, a school or from a parcel immediately adjacent to a single Family district. The distance measurement shall be a straight line measured from the property line where the establishment is located to the nearest point of the property line of the school or place of worship. Grocery stores shall be limited to the sale of beer and wine only for consumption off premises. No establishment, except for Hotel room service, shall offer alcoholic beverages for consumption on or off the Premises between 2:00 a.m. and 7:00 a.m. on any day of the week, except as permitted by an extended hours license granted pursuant to the Conditional Use procedures set forth in section 30-72. However, beer and wine may be sold, for off premises consumption only, 24 hours. The Village Council may grant an extended hours license, to allow an establishment to offer alcoholic beverages for consumption on or off the Premises as late as 4:50 a.m. In evaluating such requests, the Village Council shall use the following criteria:

- (1) The number of off-street Parking spaces;
- (2) The amount and degree of law enforcement activities; and
- (3) The impact on Adjacent Properties in terms of noise and traffic.

The Village Council may require, as a condition of granting an extended hours license, conditions to mitigate the adverse impacts that such establishments have on Adjacent Properties. The extended hours license is personal to the applicant and shall not be transferred or assumed without the approval of the Village Council pursuant to the Conditional Use procedures set forth in section 30-72. An extended hours license is automatically renewed unless it is suspended by the Village Manager. Following the suspension, the Village Council shall hold a public hearing to determine it should be reinstated or revoked. The Village Manager's decision to suspend the extended hours license must be based on a determination that the Use is harmful to the health, safety, and welfare of the Village. The Council shall determine whether there is competent and substantial evidence to support the decision of the Village Manager using the process for an appeal of an administrative decision (See section 30-70). Prior to a decision to suspend an extended hours license, the Police Chief shall submit a report and recommendation to the Village Manager. The report shall address the criteria listed in subparagraphs (1)--(3) above [sic].

The granting of an extended hours license is a privilege subject to revocation by the Village Council at any time. As such, no Person may reasonably rely on a continuation of the privilege.

(b) *Amusement devices.* Such as video games, pinball and similar mechanical devices, as an Accessory Use subject to the following Regulations:

(1) Must be accessory to a Hotel.

(2) All devices shall be located inside a wholly enclosed Building and not visible from any Street.

~~(c) *Bed and Breakfast Inns.* Subject to the following Regulations:~~

**Comment [JK243]:** This section deleted because it is referenced elsewhere in the ordinance

~~(1) It is located in an existing single Family Building with a Floor Area not exceeding 2,000 square feet and built prior to the adoption of this ordinance;~~

~~(2) The owner of the Bed and Breakfast Inn shall permanently reside in the Building;~~

~~(3) The Structure shall maintain public rooms (living room/dining room) for use of the guests;~~

~~(4) There shall be no Cooking Facilities in guest rooms with the exception of a microwave oven. One refrigerator with maximum capacity of five cubic feet shall be permitted in each guest room;~~

~~(5) Breakfast shall be the only meal served on the Premises and shall only be served to registered guests. No other meals shall be provided. The room rate shall be inclusive of meal if it is to be made available;~~

~~(6) The entire Building shall be substantially rehabilitated and conform to the South Florida Building Code, the Code of the Village of Key Biscayne, and the Fire Prevention and Life Safety Code on the date a certificate of use and Occupational License are applied for;~~

~~(7) One non-illuminated Building identification Sign is permitted. The Sign shall not exceed one square foot and shall only be located on the Building;~~

~~(8) The Building shall have central air conditioning;~~

~~(9) The required off street Parking shall be the same as for a single Family residence. The Building, Zoning, and Planning Director may require additional Parking only if the single Family character of the property is maintained with adequate landscaping and open space. Tandem Parking is allowed. The Parking area shall have a hard surface as required in section 30-130(f); and~~

~~(10) These Regulations apply to those facilities which may be operating in the Village but without any approval from the Village. These facilities are required to comply with these Regulations within 90 days from the date this ordinance is adopted. These Regulations also apply to prospective facilities.~~

(cd) *Commercial and office Uses adjacent to residential districts.* A six-foot perimeter CBS Wall shall be placed on any property line between any commercial or office district and an adjacent Single Family district or the PS Parkside Residential District. A three-foot Setback shall be provided between the Wall and sidewalk when present. This Setback area shall be landscaped to buffer the non-residential Development from the residential Development. In addition, the Building, Zoning, and Planning Director may require additional Street trees planted in the Right-of-Way for purposes of creating a buffer.

(de) *Communication Towers.* It is the intent of the Village to regulate the installation of Communication Towers so as to limit possible adverse economic, aesthetic, and safety impacts from such installations, and thereby promote the health, safety, and general welfare of the community. Consistent with this intention, Communication Towers are permitted as follows:

(1) Monopole Towers are only permitted in RM-30 High Density Multiple Family District, HR Hotel Resort District, the PUD Planned Unit Development Districts, and the GU Government Use District subject to approval by the Village Council pursuant to the Conditional Use procedures set forth in these Regulations section 30-72. The Tower(s) shall only be mounted in a location or have screening that prevents them from being seen from a public Right-of-Way. The finish on the Towers shall blend into the sky and the color of the Building. Towers which are located below the parapet are permitted in the above districts subject to approval by the Building, Zoning and Planning Director.

(2) The specific location which is proposed for the Tower must be necessary to provide service to a particular geographical area;

(3) The Tower may not adversely affect the existing character of the surrounding area; and

(4) Approval of the Tower will not be detrimental or injurious to the health, safety, and general welfare of Persons working or residing within the vicinity of the site.

(f) *Community residential facilities.* These facilities shall be considered subject to the Conditional Use procedures set forth in these Regulations section 30-72 and restricted to those districts which list such Use as a Conditional Use subject to the following restrictions:

(1) Restrictions as set forth below:

a. That the applicant must obtain a license from the State regulatory agency responsible for the regulation of such uses;

b. A certificate of use and an Business Tax Receipt Occupational License shall be required. No such certificates shall be issued unless the Fire Department approves the issuance of said certificates; and

**Comment [JK244]:** Several years ago, state statute made this change.

c. The care provided at the facility limited to personal care, shelter, sustenance, and other support services. Residents and day clients shall be ambulatory;

(2) Site Plan Review approval as set forth in ~~these Regulations section 30-80~~; and

**Comment [JK245]:** More comprehensive.

(3) Density shall not exceed 16 Units per acre. If the Community Residential Facility is located on property that contains several other Uses, then only the area that is directly associated with the facility shall be used to determine density. For density purposes, two beds equals one Unit, regardless of the Number of sleeping rooms.

(g) *Day care facilities.*

(1) Commercial, Institutional, Hotel Resort, and Planned Unit Development Districts: Day care facilities are permitted in these districts subject to the restrictions below as either Main Permitted Uses or Accessory Uses.

a. That the applicant obtain a license from the State regulatory agency responsible for the regulation of such Uses; and

b. A certificate of use, a certificate of occupancy, and an Business Tax Receipt Occupational License shall be required. No such certificates shall be issued unless the Fire Department approves the issuance of said certificates.

**Comment [JK246]:** Several years ago, state statute made this change.

(2) If a swimming pool is on the site, refer to section 30-110(f) above for fence requirements.

~~(3) These Regulations apply to those facilities that may be operating in the Village but without any approval from the Village. These facilities are required to comply with these Regulations within 90 days from the date this ordinance is adopted. These regulations also apply to prospective facilities.~~

**Comment [JK247]:** Not necessary as the regulations apply to existing places.

(h) *Height exemptions.* The height Regulations as set forth in the zoning districts, shall not apply to the following:

TABLE INSET:

(1) Airplane beacons	(14) Ornamental Towers and spires
(2) Belfries	(15) Stacks
(3) Communication Towers	(16) Steeples and domes
(4) Chimneys	(17) Smoke stacks
(5) Church spires	(18) Tanks
(6) Conveyors	(19) Roofs ( see subparagraph d. below)
(7) Cooling Towers	(20) Satellite dishes (see subparagraph (j) below)

(8) Cupolas	(21) Television antenna
(9) Elevator bulkheads	(22) Towers, decorative
(10) Fire Towers	(23) Water Towers
(11) Flag poles	(24) Lighting structures for Village recreation facilities
(12) Lofts	(25) Any other Structure that is similar to those listed above
(13) Monuments	

The above listed exemptions are allowed, provided the following criteria are met:

- a. The maximum height allowed in the district shall not be exceeded by more than 35 percent, except for the height of roofs, which shall be pursuant to subparagraph (4) below, and except for lighting structures for Village recreational facilities (including lighting for playing fields) which may have a height of up to 70 feet. The maximum Floor Area of any of the rooftop Structures listed above is limited to ten percent of the roof area of the entire Building. Equipment shall be screened in a manner that prevents it from being seen from the Street. The Building, Zoning, and Planning Director may require a line of sight study in order to make this determination.
- b. Parapet Walls may exceed the permissible height limit provided that they shall not extend more than five feet above the flat portion of the Building roof upon which they are constructed.
- c. Notwithstanding other provisions of these Regulations, the height of all Structures shall be limited by the requirements of the Federal Aviation Administration and any airport Regulations applicable to the Structure.
- d. Principle Building roofs shall comply with the following requirements:
  1. Hip roofs shall be symmetrically pitched between 4:12 and 8:12 ratios.
  2. Gable end roofs shall be symmetrically pitched between 6:12 and 12:12 ratios. Profile molded gables may be pitched to a 4:12 minimum ratio.
  3. Flat roofs shall have a minimum Parapet height of one foot.
  4. Shed roofs shall have a minimum pitch of 3:12 ratio.
  5. Roof overhang. No portion of a roof, including the gutter, shall be permitted to extend more than five feet from the exterior Wall of a Building and not closer than 3.5 feet from an interior side property line or 2.5 feet from any Wall facing a Street.
  6. When a scupper drainage system is used, the scupper shall have a minimum 7.5-foot Setback from any Lot line.

(i) *Home occupations in Single Family, RM Multiple Family Districts, and PUD Planned Unit Development Districts.* Are permitted subject to the following:

- (1) Signage is prohibited;
- (2) No customer may be permitted served in the home or on the property;
- (3) Employees in the business are limited to full time residents of the Dwelling Unit; and
- (4) The business requires a Village Business Tax Receipt Occupational License.

**Comment [JK248]:** More precise.

(j) *Outdoor dining Regulations.* Tables and chairs may be placed outside of a restaurant on private property that is located on individual sites or within Shopping Centers. The tables and chairs may be used for dining purposes as an accessory to an indoor restaurant facility, subject to compliance with the following criteria:

**Comment [JK249]:** Several years ago, state statute made this change.

- (1) Tables and chairs shall not be placed in a manner that restricts direct pedestrian Access along a 44-inch wide pathway from the entrance of a Shopping Center to a elevator or steps. Tables and chairs shall not be placed in a manner that violates The Americans with Disabilities Act ("ADA");
- (2) Furniture is limited to tables, chairs, and umbrellas;
- (3) Signage is prohibited on outdoor furniture;
- (4) The applicant shall submit evidence that the owner of the Shopping Center permits Outdoor Dining Facilities on the Premises;
- (5) Furniture which is composed of PVC, plastic, fiberglass, Formica, or similar materials is prohibited;
- (6) An Outdoor Dining Facility shall not require additional Parking;
- (7) The Building, Zoning, and Planning Director may establish conditions as part of the approved Site Plan. An appeal of the Director's decision shall be decided by the Village Council;
- (8) There shall be no outdoor music or amplification associated with the Outdoor Dining Facilities.
- (9) Tables and chairs that are not permanently attached to the floor shall be stored inside the restaurant providing such service, when the restaurant is closed;
- (10) Tables and chairs at each restaurant shall have a consistent design and color;

- (11) Tables and chairs shall be located directly in front of the restaurant Unit served;
  - (12) The restaurant providing such Outdoor Dining Facility shall provide bathroom facilities in accordance with the South Florida Building Code;
  - (13) Restaurants shall have any disposable tableware and accessories marked with its trademark or indicia of ownership and shall be responsible for all litter within a 300-foot radius;
  - (14) All food preparation shall be from within the enclosed restaurant;
  - (15) Pass-through windows, take-out windows, or similar types of windows are not permitted; and
  - (16) A Site Plan, accompanied by all pertinent data, shall be submitted to and approved by the Village's Building, Zoning and Planning Department, Fire Department, and Police Department. Such Site Plan shall be revocable at the will of the Village if any of the criteria or conditions of approval are violated or if new Regulations are adopted by the Village and not satisfied by the restaurant facility. Site Plans shall describe the location of all furniture, lighting, and other related services and functions associated with the request for approval.
- (k) *Room additions to residential Structures and conversions of garages or Carports to living space.* Are permitted subject to the following:
- (1) Conversion of detached or attached garages, Carports or other Accessory Structures for the purpose of creating living space shall be permitted only if the newly created living space is consistent with FEMA requirements.
  - (2) If the required off-street Parking is deleted or rendered unusable by a conversion or addition, it shall be replaced in a manner consistent with Article VII.
  - (3) If the Building, Zoning, and Planning Director determines that the plans indicate that future conversion may result in additional Dwelling Units not in compliance with these Zoning and Land Development Regulations, the Director may deny the plans outright, or may approve the plans with a requirement that the property owner file in the public records of Miami-Dade County, a deed restriction in a form acceptable to the Village Attorney, acknowledging the specific limitation as to the number of lawful Dwelling Units and declaring an intent to comply with such limitations, as well as advising any successor in interest of such binding limitations.
  - (4) For purposes of this subsection, the floor space shall not:
    - a. be used as a separate Dwelling Unit;

b. have separate Cooking Facilities; but

c. may have a separate entrance so long as it (entrance) does not face a Street.

(5) If a garage or Carport is converted to living space, all exterior work shall have the same architectural style as the main residence.

(l) *Satellite dish antennas.* Shall not have a diameter that exceeds one meter. Antennas or dishes larger than one meter in the other districts shall comply with the following requirements and may only be approved by the Village Council subject to the Conditional Use procedures:

(1) Dishes shall be placed in a location to minimize its view from any Public Street. The height shall not exceed 18 feet measured from the elevation of the roof to the highest point of the dish at its maximum vertical extension. The Building, Zoning, and Planning Director may place conditions on the location and require screening to achieve this objective. Appeal of a Building, Zoning, and Planning Director's decision is to the Village Council as an appeal of administrative decision;

(2) No part of the antenna shall be within 15 feet of a rear, or interior side property line or within the waterfront view corridor (See section 30-100). It is not permitted within the Front Yard, a Yard facing a Street;

(3) The dish shall employ, to the maximum extent possible, materials and colors that blend with the surroundings;

(4) Poles shall be constructed in a manner that will not retain water (i.e. weep holes or filled with concrete); and

(5) The dish shall be sited in a manner that prevents them from being seen from the Street. In order to make this determination, a line of site study shall be submitted to the Building, Zoning, and Planning Director.

(m) *Suites Hotel or suite Hotel Units.* When a Hotel Unit contains Cooking Facilities it shall be considered as a suite Hotel Unit and shall conform with the following:

(1) The Units shall only be permitted in new construction or in Buildings which have been substantially rehabilitated or where the suites Hotel Units are part of a request for a building permit that will result in the Building being substantially rehabilitated.

(2) Cooking Facilities shall be limited to one microwave oven. The Unit is further limited to one five-cubic-foot refrigerator.

(3) The Building shall contain a registration desk and a lobby;

(4) The Building shall have central air conditioning or flush mounted Wall units;

(5) Except for Units on the ground floor, the Building shall not have unenclosed exterior walkways that provide Access to the Units; and

(6) If a door is provided to a hallway or as a means of exit and entrance into the Unit from the exterior of a Building, then it is considered as a separate Unit for purposes of calculating Density.

(n) *Vending Machines*. Permitted as an Accessory Use if the machine(s) is located inside a Building at least ten feet from a window that faces a Street or in a courtyard when the machine(s) cannot be seen from a Street.

(o) Cabanas. A cabana shall not exceed 300 sq. ft. and shall not have 220 volt electrical service. One (1) five (5) cubic foot refrigerator is permitted. Air conditioning is not permitted.

**Comment [JK250]:** Discourages use of cabanas overnight as a residential unit.

**Sec. 30-113. Prohibited Uses.**

TABLE INSET:

<i>Prohibited Uses</i>	If a Use is not specifically listed as a Main Permitted Use, Conditional Use, or Accessory Use, then such Use is considered as a Prohibited Use and not permitted anywhere in the Village. Specifically listed prohibited Uses include the following:
	(a) Any type of Adult Entertainment Establishment.
	(b) Any Use that involves the sale of secondhand merchandise, except the resale of Antique furniture that is at least 50 yrs. old and the resale of jewelry, art, or furs is permitted. Those Uses which have merchandise that is at least 50 yrs. old may offer for sale other secondhand merchandise if the inventory of said merchandise occupies less than 25 percent of the floor space Occupied by the entire Use.
	(c) Outdoor sale or storage of any merchandise except outdoor and Sidewalk Cafes as permitted in section 30-111.
	(d) Psychic Help Uses.
	(e) Video arcade, pinball and similar mechanical and/or electrical game machines as a Main Permitted Use.
	(f) The overnight outdoor Parking or storage of any vehicle with signage indicating a commercial business within 125 feet of any Street. Further, overnight outdoor Parking or storage of Commercial Vehicles for businesses not located on the property, is prohibited in

**Comment [JK251]:** ZORC included the following but the Village Attorney recommended it not be in the Code because the current regulations address our needs.

(ZORC PREFERENCE)A particular Use must be specifically identified as a Permitted Use in a particular District in order to be recognized as a Permitted Use in such District. Specific provisions regarding Permitted Uses and other specific provisions of these Regulations govern and control over general rules of construction and general applications or interpretations of these Regulations

any outdoor lot.
(g) Any other Use that the Building, Zoning, and Planning Director has determined to be inconsistent with the master plan or the district in which such Use is intended to be located. An appeal of the Director's decision shall be considered as an appeal of an administrative decision. Such appeals shall follow the procedures set forth in section 30-70 "Appeals of Administrative Decisions".
(h) Drive through facilities, except when associated with a bank.

**ARTICLE VI. CONCURRENCY MANAGEMENT**

**Sec. 30-160. Purpose.**

The purpose of this article is to ensure that the infrastructure necessary to serve new Development is Available concurrently with the impacts of that new Development. Impact is measured against the adopted minimum acceptable levels of service with respect to: (a) roads, (b) sanitary sewer, (c) solid waste, (d) drainage, (e) potable water, (f) schools, and (gf) parks and open space.

**Sec. 30-161. Application for Concurrency Determination.**

(a) *Concurrency application.* All building Development permit applications shall also be treated as applications for a Concurrency Determination under this article.

(b) In the course of reviewing the application, the Building, Zoning, and Planning Director or designee, shall determine the following:

- (1) Whether the necessary facilities are in place and the Village's level of service standards are met at the time that a Development permit is issued, or that such permit will be conditioned upon the necessary facilities being in place and the level of service standards being met prior to the issuance of a certificate of occupancy; or
- (2) Whether the necessary facilities are under construction at the time a permit is issued or that there is a binding contract for the construction of such facilities at the time of permit issuance; or
- (3) Whether the necessary facilities are included in the Village's approved annual budget at the time of permit issuance; or
- (4) Whether the Development has vested rights determined pursuant to the provisions of this article.

**Sec. 30-162. Determination of vested rights.**

**Comment [JK252]:** No impact on the regulations.

(a) The following procedures are established for the request for a determination of vested rights as to the need to meet the Concurrency requirements of this article.

(1) A request for exemption from the Concurrency requirements of this article based upon vested rights shall be submitted to the Village Council in a form provided by the Department. The request shall be accompanied by copies of any contracts, letters, appraisals, reports or other documents or items upon which the claim is based.

(2) The following criteria shall be used in connection with a request for determination of vested rights:

a. Is there a valid, unexpired act of the Village that authorized Development and have expenditures or obligations been made or incurred in reliance thereon?

b. Has the property owner dedicated Right-of-Way and/or constructed and/or funded roadway improvements directly related to the Development for which the claim of vested rights is requested?

c. Has the property owner made on-site infrastructure improvements (e.g., water or sewer systems) directly related to the Development for which the claim of vested rights is requested?

(b) The Village Council shall determine whether the project has vested rights. The Village Council or Manager may require the submission of additional information that will assist in the determination of Concurrency.

**Sec. 30-163. Level of service standards.**

For the purpose of Concurrency Determinations, the Village has adopted a ~~master~~ Comprehensive Plan that provides the Level of Service Standards (LOS) for public facilities and services: roads, sanitary sewer, schools, solid waste, drainage, potable water, and parks and recreation. All Developments that are subject to a finding of Concurrency must be consistent with these standards.

**Comment [JK253]:** Changes Master Plan to Comprehensive Plan. Includes "schools" in the Level of Service requirements.

**Sec. 30-164. Exemptions.**

(a) *Exemptions.* The following shall be exempt from the provisions of this article:

(1) Construction, rehabilitation or expansion of a Single Family Dwelling or Two-Family Dwelling on one parcel;

(2) Permits for Accessory Structures to existing residential Structures;

(3) Maintenance, renewal, improvement or alteration of any Structure where the work affects only the interior or color of the Structure or the decoration of the exterior of the Structure;

(4) Change in the Use of Land or Structures to another Use permitted within the same zoning district that is consistent with the master plan, and within the same group occupancy categories as defined by the South Florida Building Code, only if there is no expansion of the Structure; and

(5) Any Development order consistent with an approved Development of Regional Impact (DRI) pursuant to Florida Statutes.

(6) Any new construction that results in a reduction in square footage or density.

**Comment [JK254]:** ZORC recognized that reductions in sq. ft. and density has less impact than the original structure and therefore should be exempt from a Concurrency determination.

**Sec. 30-165. Failure to establish Concurrency.**

No building permit shall be issued unless:

(1) The Building, Zoning, and Planning Director or designee determines, pursuant to section 30-161, that all LOS have been met;

(2) The Village Council has made a vested rights determination pursuant to section 30-162; or

(3) The Development is subject to one of the exemptions listed in section 30-164.

**Sec. 30-166. Appeal.**

An appeal of any determination made with regard to this article shall be considered as an appeal of an administrative decision.

**ARTICLE VII. OFF-STREET PARKING AND LOADING**

**Sec. 30-180. Off-Street Parking required.**

(a) Every Building, Use or Structure instituted or Erected after January 1, 2000, shall be provided with off-street Parking facilities in accordance with the provisions of this article for the use of occupants, employees, visitors and/or patrons.

(b) Off-Street Parking facilities required by this article shall be maintained and continued as long as the Use giving rise to the requirement is continued.

(c) The sale or transfer of the required Parking spaces without establishing alternative vehicle Parking facilities in accordance with this article is prohibited.

(d) Those single Family homes that do not have driveways on the date of adoption of this ordinance must come into compliance at such time as they make modifications to the property having a value greater than or equal to ten percent of the assessed value of the Building.

**Sec. 30-181. Location, character and size of required Parking spaces.**

(a) The off-street Parking facilities required by this article shall be located on the same Lot or parcel of land that the Use they are intended to serve is on.

(b) Parking stall and aisle dimensions.

TABLE-INSET:

Orientation to aisle	45 Degrees	60 Degrees	75 Degrees	90 Degrees
Stall width	12'	10'	9'	9'
Stall length	26.5'	23'	20'	18'
Aisle width	12'	17'	21'	22'
Bumper overhang	1.8'	2.2'	2.4'	2.5'

(c) Access to a Street. Each individual Parking space shall be directly accessible from a Street or from an aisle or driveway leading to a Street according to the minimum dimensions specified in subparagraph (b) above; however, single Family homes, Duplexes and Townhomes may have tandem spaces.

(d) Striping. The required off-street Parking facilities for all Development, excluding single Family and Duplex, shall be painted with paint strips in accordance with the Building, Zoning, and Planning Director's requirements.

(e) Parking Lot aisles in Lots that contain 50 or more spaces shall be numbered. Aisles in Lots that exist prior to the effective date of this ordinance shall be numbered when the Parking Lot is resealed.

(f) Surface material. All off-street Parking facilities including Access aisles, driveways, aprons on the Right-of-Way (from the driveway to the Street) shall be surfaced with a hard dust free material (such as asphalt, brick paver, poured or stamped concrete or other similar material) and maintained in a smooth well-graded condition. There shall be an exception to this requirement allowed for up to 50 percent of the required Parking for churches and other places of worship.

(g) Drainage for all off-street Parking facilities shall meet the requirements of the Metropolitan Miami-Dade County Planning, Development, and Regulation Landscape Manual.

(h) Lighting shall be arranged and designed to prevent glare or excessive light on Adjacent Property and shall not exceed 0.5 footcandles.

(i) A Site Plan shall be submitted with every application for a building permit for any Use or Structure which is required to provide off-street Parking facilities. The Site Plan shall designate the required Parking spaces, Access aisles, driveways and the relation to Uses or Structures which the off-street Parking facilities are intended to serve.

(j) The minimum required width of Parking spaces which are adjacent to a Wall or other solid obstruction shall be 10.5 feet.

(k) Maximum ramp angles for driveway Access to above grade and/or below grade Parking Structures shall be subject to approval by the Chief Building Official.

(l) All Parking spaces shall have concrete car stops (6 feet long) or curbing, except for tandem spaces and Parking spaces in single Family and Duplex.

(m) Head-in/back-out Parking. Parking stalls shall not have direct Access from or to a Public Street or public alley; provided, however, vehicular Parking stalls may have direct Access from and to a Public Street when serving a one-Family residence, Duplex, or Townhome.

(n) Curb cuts. All curb cuts shall conform to the design and construction standards required by the Public Works Supervisor.

(o) Handicap Parking spaces. These spaces may be counted towards the required Parking calculation and designed in accordance with the Americans with Disabilities Act, as amended.

(p) Tandem Parking spaces. Single Family homes, Duplexes, and Townhomes may have required Parking spaces where vehicles are parked in front or in back of each other as long as one vehicle has direct Access to a Street.

(q) Setback for parking garages in single Family homes. A 20-foot Setback from the garage door to a property line.

**Sec. 30-182. Joint Use of Parking facilities.**

Parking facilities may be utilized by two or more Buildings or Uses provided that:

(1) The total of such shared Parking spaces shall not be less than the sum of the requirements of the several individual Uses when computed separately.

(2) A covenant running with the land shall be prepared for the purpose of insuring that the required Parking is provided and available at all times. The Unity of Title shall be executed by the owners of the properties concerned, approved as to form by the Village Attorney, recorded in the public records of Miami-Dade County as a covenant running with the land and shall be filed with the Building, Zoning, and Planning Department and attached to plans or permit applications that are filed with the Village.

(3) No part of an off-street Parking area required for a Building or Use shall be included as part of an off-street Parking area similarly required for another Building or Use unless as set forth in subparagraph (2) above.

(4) Nothing in this article shall prevent two or more properties [from] temporarily sharing their Parking spaces if each has the required number of Parking spaces.

**Sec. 30-183. Calculation of required off-street Parking spaces.**

(a) *Non-specified Uses.* The requirements for off-street Parking for any Use not specifically mentioned in sec. 30-184 shall be the same as provided in this article for the Use most similar to the one sought as determined by the Building, Zoning, and Planning Director.

(b) *Fractional measurements.* Shall be calculated to the nearest whole number. A fraction of one-half shall be rounded to the highest whole number unless otherwise specified in section 30-184.

(c) *Mixed Uses.* The total requirements for off-street Parking shall be the sum of the requirement of the various Uses computed separately, except where specific requirements are stipulated in this article. Off-Street Parking spaces for one Use shall not be considered as providing the required off-street Parking for any other Use.

(d) *[Additions to existing Structures.]* Additions to existing Structures shall provide the number of Parking spaces as required in this article for similar new construction.

**Sec. 30-184. Amount of required off-street Parking.**

(a) The required off-street Parking spaces shall be provided and maintained on the basis of the minimum requirements listed in this article.

TABLE INSET:

Use	Required Number of Spaces	Special Additional Required Spaces	Conditions
(1) Apartment Building	1.75 per Unit		Developments with more than 10 Units, then 1 additional per 5 Units, marked as guest Parking
(2) Cabana Clubs	0.5 per cabana		
(3) Churches and other places of worship	See special conditions		1 per 60 sq. ft. of Floor Area available for seating and per 4 fixed seats. Parking only required for main sanctuary or largest meeting room whichever is greater.
(4) Community Residential Facility	1 space per live in employee plus spaces listed in special conditions		1 space for every 5 residents or any fraction thereof
(5) Duplex	4 spaces		If in a Development with $\geq 5$ Units, then 1 additional per 5 Units, marked guest Parking

(6) Hotel or Motel	1 per Unit	Accessory Uses 65% of requirement if calculated as a Main Permitted Use
(7) Life Care Facility or similar Use with beds	1 per 10 beds	Minimum of 2 for facility
(8) Marina or marine dockage	1 per 3 wet slips	Dry dock storage: 1 per 10 dry slips
(9) Nightclub and/or Bar	1 per 60 sq. ft. of Floor Area available for seating	
(10) Offices	1 per 300 sq. ft.	Medical offices 1 per 250 sq. ft.
(11) Personal Service Uses	1 per 250 sq. ft.	
(12) Places of assembly such as auditoriums, movie theater, convention halls, meeting rooms ext.	See special conditions	1 per 4 fixed seats or 1 per 60 sq. ft. of Floor Area available for seating, whichever is applicable. If there is fixed seating and areas available for seating, the Parking calculation is cumulative. Plus one for each theater and 1 per each movie booth.
(13) Private Clubs	See special conditions	1 per 60 sq. ft. of Floor Area available for seating and 1 per 4 fixed seats
(14) Restaurant	1 per 4 fixed seats or 1 per 60 sq. ft. of Floor Area available for seating	There shall be no Parking requirement for a sidewalk or Outdoor Cafe so long as such seating does not exceed 25% of the total seating
(15) Restaurant, take-out	1 per 150 sq. ft.	Only applies when take-out restaurant is primary Use
(16) Retail	1 per 250 sq. ft.	
(17) Service Station	1 per 250 sq. ft. of Retail or office area	1 space per repair bay 1 space marked "reserved"
(18) Schools, public or private	See Special conditions	As established by State agency, private to Use same standards
(19) Schools, business commercial, adult or trade	1 per 4 fixed seats and 1 space per 60 sq. ft. area available for seating	1 per classroom
(20) Shopping Center	1 per 220 sq. ft.	No differentiation by Use. If movie theater, see requirements for places of assembly.

(21) Single Family Residence	2 spaces	
(22) Townhome	2 per Unit	If a Development has more than 5 Units, then 1 additional space per 5 Units, marked guest.
(23) Village Civic Center	As required by the master plan and associated Parking study approved by the Village Council	
(24) Warehouse including self storage cubicles	1 per 2,000 sq. ft.	Storage space as Accessory Use - 1 space per 2,000 sq. ft.

(b) Off-Street loading spaces; general provisions.

(1) Off-Street loading spaces, when required, shall be provided on the same Lot as the Main Permitted Use. These spaces are not counted towards the required Parking spaces as established in subparagraph (a) above.

(2) For the purposes of this article, an off-street loading space shall be an area at least ten feet wide by 25 feet long with 14 feet vertical clearance. Each loading space shall be directly accessible from a Street or alley without crossing or entering any other required off-street loading space, and arranged for convenient and safe ingress and egress by motor truck and/or Trailer combination. Such loading space shall also be accessible from the interior of any Building it is intended to serve.

(3) Off-Street loading facilities that serve one Use shall not be considered as meeting off-street loading requirements of any other Use.

(4) Plans for Uses requiring off-street loading facilities under the provisions of this article shall clearly indicate the location, dimensions, clearance and Access of all such required off-street loading facilities.

(5) The location of loading spaces shall be illustrated on submitted plans within close proximity to the Building entrance in a manner that does not restrict the free movement of traffic during their utilization.

(c) Off-street loading spaces shall be provided as follows:

(1) Non-residential Uses:

a. No requirements for Buildings that contain less than 5,000 square feet.

- b. One space for Buildings that contain 5,000 < 10,000 square feet of Floor Area.
  - c. Buildings with a Floor Area between 10,000 square feet and < 50,000 square feet shall provide two spaces.
  - d. One space shall be provided for every additional 50,000 square feet above the first 50,000.
- (2) Multiple Family or Apt./Hotel Bldg: one space for every 50 Units; however, there shall be no loading space requirements for Developments that have less than ten Units.
  - (3) Places of assembly: 20,000 - 40,000 square feet - one space + one space for each 60,000 square feet over 40,000 square feet or major fraction.
  - (d) Uses in the C-I District shall provide one golf cart space per 50 vehicular spaces.

#### **ARTICLE VIII. SIGNS**

##### **Sec. 30-190. Purpose.**

The purpose of this article is to promote and protect the public health, safety and general welfare of the Village of Key Biscayne by regulating existing and proposed Signs and other Street graphics within the Village. In particular, these Regulations are intended to preserve the unique aesthetic character of the Village and ensure that Signs are compatible with their surroundings. It is further intended to protect property values, create a better business climate, enhance the physical appearance of the community, preserve the natural beauty of the Village and improve vehicular and pedestrian safety and reduce visual pollution.

##### **Sec. 30-191. Prohibited Signs.**

The following are prohibited in the Village:

- (1) Abandoned Signs.
- (2) Animated Signs.
- (3) Balloon Signs.
- (4) Box Wall Signs.
- (5) Buntings.
- (6) Bus Bench Signs.

- (7) Flags other than one United States flag and one other noncommercial flag together on a pole not to exceed 20 feet in height; one pole each permitted per Building.
- (8) Neon Signs (other than Reverse Channel and Wall Signs where permitted) and neon Building trim.
- (9) Off Premise Signs/Billboards.
- (10) Pole Signs.
- (11) Portable Signs.
- (12) Projecting Signs, except Canopy Signs.
- (13) Roof Signs.
- (14) Snipe Signs.
- (15) Swinging Signs.
- (16) All Signs except those placed by governmental agencies located on public property.
- (17) Any Sign on a utility pole except for the purpose of utility identification.
- (18) Any Sign that could be confused with a traffic Signal or traffic Sign.
- (19) Any Sign that in the opinion of the Village Manager constitutes a safety hazard.
- (20) Any private Sign extending over a public Right-of-Way.
- (21) Logos as the main permitted sign. A Logo as secondary signage per establishment shall have a sign area that does not exceed to 144 sq. in.
- (22) Monument Signs.
- (23) V-signs

**Sec. 30-192. Required Signs.**

The following Signs shall be placed where relevant by a property owner:

- (1) *Safety Signs.* Fire safety markings as may be prescribed by fire authorities.
- (2) *House numbers.*
  - a. Residential Building with four Dwelling Units or less -- address numerals at least four inches high but not greater than ten inches.

**Comment [JK255]:** Permits logos as secondary signage.

**Comment [JK256]:** Prohibits monument signs. ZORC felt these types of signs are not consistent with the image of the Village and wall mounted signs provide sufficient identification.

**Comment [JK257]:** Prohibits V signs. ZORC felt these types of signs are not consistent with the image of the Village and that the regulations provide for several ways to identify buildings and uses.

b. Residential Building with more than four Dwelling Units and nonresidential Buildings -- address numerals at least ten inches high.

(3) *Handicapped Parking and Access Signs.* In accordance with State handicapped Parking and Federal Disabilities Act Access requirements.

**Sec. 30-193. Signs not requiring a permit.**

The following Signs do not require a permit.

- (1) A Government Instructional Sign.
- (2) Temporary holiday decorations, provided they carry no advertising matter, and further provided that they are not in place more than seven days prior to a holiday and are removed within seven days after the holiday ends. The time limitations contained in this paragraph shall not apply during the period November 1 through January 15 each year.
- (3) Temporary Signs for special events by nonprofit entities, subject to approval by the Village Manager.
- (4) No-trespassing and no-dumping Signs not to exceed one and one-half square feet in area per Sign and not to exceed four per lot, except that special permission may be obtained from the Village Manager for additional Signs under proven special circumstances.
- (5) Certain Temporary Signs as specified in section 28-8 hereof.

**Sec. 30-194. Residential district permanent Signs.**

The following Signs are authorized in all residential districts and residential-office districts:

(1) *Development Identification Sign.* Permitted only for (a) multifamily Buildings with over five Units; (b) Single Family Developments with over five Units; (c) religious institutions, schools and public Uses. Where Multifamily Dwellings are part of a larger Development, there shall be only one such Sign on each public or Private Street frontage on which the Development faces. Prior to the issuance of a permit, the owner shall covenant that such Sign shall be continually and properly maintained.

TABLE INSET:

Number (maximum)	1 Monument <u>Wall Sign</u> ( <del>or Sign mounted on perimeter Wall</del> ) per Street frontage, except two are permitted where attached to Wall of symmetrical entrance feature. A parcel that has a minimum of 300 feet of Street/Building frontage and is served by two or more Access points may have one additional Sign.
Area (maximum)	24 square feet

**Comment [JK258]:** Removes "monument signs" and clarifies "wall signs".

Sign Height (maximum)	Four feet
Sign Width (maximum)	Eight feet
Setback (minimum)	5 feet from Right-of-Way, 15 feet from side property line
Illumination	Externally or internally Illuminated Signs only
Changeable Copy Sign	Signs for religious institutions only

(2) *Instructional Sign.* (1)

TABLE INSET:

Number	To be approved as part of Site Plan
Area (maximum)	Four square feet
Sign Height (maximum)	Two feet
Other restrictions	No advertising copy or logos

(1) Sign permit not required but number and location must be approved as part of Site Plan.

**Sec. 30-195. Nonresidential district Signs.**

The following Signs are authorized in all nonresidential districts in the Village:

(1) ~~Monument Sign or V-Sign (Village Council approval required).~~

TABLE INSET:

**Comment [JK259]:** Removes the regulations for 'monument signs'.

<del>Number (maximum)</del>	<del>1 per parcel; A parcel that has a minimum of 300 feet of Street frontage and is served by two or more Access points may have one additional Sign (1)</del>
<del>Area (maximum)</del>	<del>24 square feet, except for gasoline station parcels where a 32 square foot Sign shall be permitted.</del>
<del>Sign Height (maximum)</del>	<del>Four feet</del>
<del>Sign Width (maximum)</del>	<del>Eight feet</del>
<del>Setback (minimum):</del>	<del>—</del>
<del>From Right-of-Way line</del>	<del>Five feet</del>
<del>From side property line</del>	<del>20 feet</del>
<del>Illumination</del>	<del>Externally or internally</del>

	Illuminated Sign only—
Supplemental provisions:—	
Time and Temperature Sign authorized within total permitted Sign area—	—
Landscaping and visibility sight triangle on corner of lot—	See section 30-197(g)—

(12) *Wall Sign (permitted only on Buildings where the majority of the Floor Area is in Retail Use.)* (2)

TABLE INSET:

Type	Reverse Channel Wall Sign only
Number (maximum)	1 per ground or second floor establishment which has its own frontage and entrance facing a Public Street (3) or courtyard/Parking court
Area (maximum)	1.5 square feet for each one lineal foot of Building Frontage
Illumination	See definition of Reverse Channel Wall Sign
Supplemental provisions: See section 30-197(d) for gas station provisions	

(23) *Canopy Sign.*

TABLE INSET:

Number (maximum)	One per establishment
Area (maximum)	Four square feet
Minimum clearance above ground	Eight feet
Supplemental provisions: Must be attached in accordance with the provisions of the South Florida Building Code, as may be amended from time to time.	

(34) *Awning Sign.*

TABLE INSET:

Number	One per establishment
Lettering	One line; letters not to exceed nine inches in height
Logo	Maximum of six square feet

(45) *Directory Sign.*

TABLE INSET:

Number (maximum)	1 per entrance into a Multitenant Building, in addition to other permitted Signs
Area (maximum)	32 square feet
Location	On Building Wall (or freestanding within internal courtyard)
Illumination	Externally or internally Illuminated Signs

(56) *Window Sign (permanent).*

TABLE INSET:

Number (maximum)	Four per establishment
Area (maximum)	Eight square feet
Supplemental provisions:	
Instructional signage not exceeding two square feet in area affixed to or installed on windows or doors shall not be counted toward the overall Window signage square footage.	
Any graphic or attention getting device that is located three or more feet above the finish floor, that exceeds 16 square inches in area and is less than three feet from a window shall be considered a Window Sign.	

(67) *Instructional Sign.*

TABLE INSET:

Number	To be approved as part of Site Plan
Area (maximum)	Four square feet
Height (maximum)	Two feet
Other restrictions	No advertising copy

~~(1) Subdivision of an existing Building or planned Building group shall not entitle the new parcels to additional Monument Signs.~~

~~(2) In the case of a Multitenant Center, Wall Signs are permitted on Walls that face an Access drive or internal courtyard.~~

~~(3) If the Building Frontage requirement for a Monument Sign precludes an Office Building from having a Monument Sign, one Building identification Wall Sign that otherwise meets the Wall Sign standards is authorized.~~

~~(78) Permitted Signage in Office District.~~

TABLE INSET:

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**Comment [JK260]:** Removes monument signs from buildings that are being subdivided.

**Comment [JK261]:** This section is removed because monument signs will be prohibited.

Number	One per building mounted on a wall facing the street
Area (maximum)	20 sq. ft.
Letter Height (maximum)	12 inches except for lots facing Crandon Boulevard. Signs shall have a maximum letter height of 18 inches.
Illumination	Permitted only for reverse channel letters with back lighted letters
Monument Signs	Not permitted
Directory Sign	One per building located at the entrance to the building with a maximum area of 15 square feet. It may be externally or internally illuminated with the maximum watts to permit the letters to be read at a distance not to exceed three feet from the Directory Sign. This regulation only affects Directory Signs which can be viewed from a street.

**Sec. 30-196. Temporary Signs.**

The following Temporary Signs are authorized in the Village:

- (1) *Grand Opening or Seasonal Banner Sign (permit from Village Manager required).*

TABLE INSET:

	Residential District	Nonresidential District
Number (maximum)	One per project	One per establishment
Area (maximum)	20 square feet	20 square feet
Sign Ht. (maximum)	Four feet	Four feet
Length of display	14 days	14 days
Frequency	1 per year	1 per year

- (2) *Real Estate Signs.*

TABLE INSET:

	Residential District	Nonresidential District
Number (maximum)	Two per lot	One per lot
Area (maximum)	40 square inches each	Four square feet
Sign Ht. (maximum)	Four feet	Four feet
Setback (minimum)	Five feet	Five feet

- (3) *Construction Sign.*

TABLE INSET:

	Residential District	Nonresidential District

Number (maximum)	One per lot	One per lot
Area (maximum)	Four square feet	Four square feet
Sign Ht. (maximum)	Four feet	Four feet
Setback (minimum)	Five feet	Five feet
Length of display	During Remodeling or construction	During Remodeling or construction

(4) *Model Sign.*

TABLE INSET:

	Residential District	Nonresidential District
Number (maximum)	One per model Unit One per Apartment Building, and One per Office and/or Retail Building	(Not applicable)
Area (maximum)	Four square feet	
Sign Ht. (maximum)	Four feet	
Model arrow	Three per Development	
Location	Model Signs or arrows directing traffic to models are prohibited on the median and Rights-of-Way along Crandon Boulevard	
Signs	Not to exceed two square feet each	
Flags	Not permitted	
Time limit	Until certificate of completion/occupancy is issued for last house or Unit in Development	

(5) *Window Sign or Menu Board, Temporary.*

TABLE INSET:

	Residential District	Nonresidential District
Area (maximum)	Not permitted	35% of window area up to a maximum of 12 square feet
Time limit		30 days
Size		Menu boards shall not exceed 8 1/2

		inches × 11 inches
Supplemental provisions:		
Temporary Signs for special events by nonprofit entities that are in place no earlier than 14 days prior to the event and are removed no later than seven days after the event shall not be considered Window Signs for purposes of calculating maximum area.		

(6) *Garage Sale Sign.*

TABLE INSET:

	Residential District	Nonresidential District
Number (maximum)	One per Lot on site	Not permitted
Area (maximum)	Six square feet	
Height (maximum)	Four feet	
Length of display	Maximum of one weekend during six-month period	

(7) *Political Sign (see section 30-197(h) for supplemental provisions).*

TABLE INSET:

	Residential District	Nonresidential District
Area (maximum)	Four square feet	Four square feet
Sign Height (maximum)	Four feet	Four feet
Setback (minimum)	Five feet from edge of pavement	Five feet from edge of pavement

However, in no instance shall a Political Sign(s) be located on a public right-of-way which is adjacent to government owned property.

(8) *Real Estate Open House Sign (in conformance with design specifications as provided by the Village Manager).*

TABLE INSET:

	Residential District	Nonresidential District
Number (maximum)	One per property	Three per property
Area (maximum)	Six square feet	Six square feet
Sign Height (maximum)	1 1/2 × 2 feet	1 1/2 × 2 feet

Time limit	Shall only be permitted Wednesday, Saturdays and Sundays 10:00 a.m. to 4:00 p.m. Must be removed same day.	Shall only be permitted Wednesday, Saturdays and Sundays 10:00 a.m. to 4:00 p.m. Must be removed same day.
Supplemental Regulations:		
Location		
No real estate open house Signs shall be permitted to be placed in the median of or on property abutting and facing Crandon Boulevard nor within five feet of any Right-of-Way line.	Signs may be located in the public Right-of-Way provided said Sign must be Setback five feet from the edge of pavement.	Signs may be located in the public Right-of-Way provided said Sign must be Setback five feet from the edge of pavement.

**Sec. 30-197. Supplemental Regulations.**

*(a) Multitenant Center Sign graphics criteria.*

(1) The owner of a Multitenant Center shall submit to the Village Manager a Written statement of the uniform Sign graphics criteria of the Multitenant Center. The Village Manager shall review the criteria and make a recommendation to the Village Council, which shall have final approval. Once the criteria have been approved, it shall apply to the entire center, as well as to each individual occupant, and shall remain in effect for so long as the center exists, regardless of a change in ownership or management, unless and until the owner obtains a new uniform Sign graphics criteria approval from the Village Council. Uniform Sign graphics criteria shall include, but not be limited to, color(s), type of Sign, style of letters, size of letters (maximum or minimum) and size of Sign.

(2) A Sign application for any portion of a Multitenant Center shall contain a Written description of the uniform Sign graphics criteria established at the Multitenant Center and a sketch thereof. This shall apply to application for all types of Signs to be displayed at the location. Written consent of the owner of the Multitenant Center shall accompany all such applications.

*(b) Design review guidelines.* In reviewing Multitenant Signs, the Village Manager shall use the following design review criteria:

(1) *Number of items.* No more than five items shall be contained in any one Sign.

(2) *Entrance feature.* An entrance feature shall not be designed so as to effectively increase the size of a Sign.

(3) *Legibility.* All Signs shall be designed to be clearly legible.

(4) *Architectural features.* Signs shall not be placed on decorative architectural features.

(5) *Building compatibility.* The material and colors of all Signs shall be compatible with the materials and colors of the Building.

(6) *Illumination of Buildings by externally Illuminated Signs.* There shall be no such illumination of Buildings facing residential properties. The illumination of other Buildings by externally Illuminated Signs shall not be brighter than the standard for Parking Lot and grounds lighting.

(c) *Changeable Copy Signs.*

(1) *In general.* Changeable Copy Signs are permitted to be used only for theaters, other entertainment businesses, Hotels, religious institutions, drive-through establishments, and ~~gasoline~~ Service Stations, subject to the restrictions in subsection (2) below.

(2) *Drive-through.* Drive-through establishments shall be permitted to have a Changeable Copy Sign showing menu or featured items, provided it has a transparent protective locked cover. The Sign must be affixed to a Wall of the establishment adjacent to the drive-in service window or located freestanding within and parallel to the drive-in lane area. If freestanding, the top of the Sign shall not exceed six feet in height. (See section 30-113(h).)

(d) *Gasoline Service Station Canopies.* When calculating Building Frontage for purposes of determining Wall Sign size, ~~gasoline~~ Service Station Canopies shall not be included. A company logo not to exceed four square feet shall be permitted on each side of a Canopy but no Wall Sign shall be permitted thereon.

(e) *Rear of Signs.* Where the rear or side of any Sign is visible from any Street or from any adjoining residential district, such side or rear shall present a completely finished appearance.

(f) *Nuisance and safety.*

~~(1) *Illumination.* No externally or internally Illuminated Sign shall cause an unreasonably excessive glare intensity in an adjacent residential district.~~

~~(2) *Site triangle.* No Monument Sign shall be located within a 25-foot triangle at the intersection of two Public Streets (measured along the property or Right-of-Way line) unless it is 30 inches or less in height.~~

~~(g) *Landscaping of Detached Signs.* Unless otherwise provided in the Village of Key Biscayne Code of Ordinances, all Detached Signs shall be placed in a planting bed of at least two-foot width surrounding the Sign. This bed shall contain shrubs, flowers or other round cover, and shall be shown on the Site Plan.~~

(h) *Political Signs.*

**Comment [JK262]:** Removes the word "Gasoline" and replaces it with "Service" which is consistent the current definition.

**Comment [JK263]:** Monument signs are no longer permitted.

**Comment [JK264]:** Monument signs are no longer permitted.

(1) Although no permit is required for a Political Sign, each candidate successfully filing qualifying campaign papers and each Political Sign Sponsor shall be responsible for meeting all requirements of this chapter relative to Political Signs. The Village Clerk shall furnish a copy of this ordinance to all qualifying candidates and Political Sign sponsors and each shall sign and date an acknowledgment of receiving this document.

(2) The Village Manager may cause the removal of any Political Sign Erected on public property contrary to the provisions of this chapter. The candidate or Political Sign sponsor responsible for erecting such Political Sign shall be liable to the City for the costs incurred in the removal. The Village Manager may cause the removal of any Political Sign illegally Erected on private property in conformance with section 28-13 hereof.

(3) All Political Signs shall be removed within seven days after the election to which they relate. Upon a failure to remove a Political Sign in a timely fashion, the Village Manager may cause the removal of the Political Sign and charge the candidate or Political Sign Sponsor the actual cost of removal.

(i) *Signs on Golf Carts.*

(1) For purposes of this paragraph, a Golf Cart is defined as a motor vehicle designed and manufactured primarily for operation on a golf course for sporting or recreational purposes as defined in Chapter 316.003(68), Florida Statutes.

(2) Signs shall be attached to or painted on the vehicle and located below the roof. One sign per Golf Cart is permitted with a maximum size of two square feet. The sign shall not be illuminated.

(3) For a Golf Cart sign related to a commercial use, the business which is the subject of the sign shall have a Village of Key Biscayne Local Business Tax Receipt with an office located in a C-1 Light Intensity Commercial District, O-1 Low Intensity Office District, or at a Hotel or Motel.

**Sec. 30-198. Sign permits.**

(a) *Required.* Except as otherwise set forth herein, it shall be unlawful for any Person to display or install any Sign without first having obtained a permit.

(b) *Applications.*

(1) *Filing.* Applications for permits required by this chapter shall be filed with the Village Manager upon forms to be furnished by the Village Manager. Such applications shall also respond to the structural requirements for Signs as specified in the South Florida Building Code.

(2) *Signs requiring Village Council approval.* All Multitenant Center Sign graphics criteria, require prior review and approval by the Village Council based upon the recommendations of the Village Manager.

(c) *Issuance.* Provided the terms of this ordinance have been complied with, the Village Manager shall issue a permit for each Sign and retain a copy thereof and a copy of the plan. Permits shall be numbered in order of their issuance.

(d) *Time limitation of permits.* All Signs shall be Erected on or before 90 days from the date of the issuance of a Sign permit. If the Sign is not Erected within such time, the permit shall become null and void and a new permit shall be required.

(e) *Installation inspection.* The contractor or owner securing the permit for any Sign shall notify the Village Manager and request an inspection whenever such Sign is being installed, and before any concrete is poured; a final inspection shall be requested upon completion. At the time of the final inspection, a photograph of the completed Sign shall be taken by the inspector and placed with the plans or file records of the Sign permit.

(f) *Labels.* At the time of final inspection, the inspector shall attach a label to the Sign. The permit number of the Sign shall be shown on the label and the label shall be visible from ground level.

(g) *Revocations.* The Village Manager may revoke a permit or approval, issued under the provisions of this chapter, if it is found that there has been any false statement, concealment or misrepresentation as to any material fact in the application or plans upon which the permit or approval was based.

(h) *Variances and appeals.* Shall follow the procedures set forth in Article IV.

(i) *Fees.* Sign permit fees shall be established, from time to time, by Resolution of the Village Council.

#### **Sec. 30-199. Legal Nonconforming Signs.**

(a) *Amortization of 1993 Sign Code Nonconformities.* Any Sign that lawfully existed at the time this chapter [Ordinance No. 93-4] became effective may be continued, although it does not conform to all the provisions hereof, provided that no structural Alterations are made thereto and that all such Nonconforming Signs shall be completely removed from the Premises or made to conform by December 31, 1996. If the owner of a Sign can document the facts that (1) the Sign was installed or renovated after January 1, 1990, (2) the Sign is in sound condition, and (3) the cost of such Sign or renovation exceeded \$3,000.00, then the Council may extend the amortization period up to May 1, 1998.

(b) *Exception to amortization schedule.* Nonconforming Banner Signs, Buntings, Portable Signs and Snipe Signs, as well as prohibited Signs placed on public property and utility poles, shall be removed within three months of the effective date of this chapter.

(c) *Nonconformities created by amendments to this Sign ordinance.* Any Sign which may become nonconforming as a result of any subsequent amendments to this chapter shall be completely removed from the Premises, or altered to conform, not later than five years from the date such Sign becomes nonconforming.

(d) *Other termination of legal Nonconforming Signs.*

(1) By abandonment: Abandonment of a legal Nonconforming Sign shall terminate its nonconforming status.

(2) By damage or poor condition: The legal nonconforming status of a Sign shall cease whenever the Sign is damaged beyond 50 percent as determined by the Village Manager from any cause whatever, or to the extent the Sign becomes a hazard or danger.

(3) Abandoned and damaged Signs, as described in this section, shall be removed by owners in accordance with the requirements of section 28-13 hereof.

**Sec. 30-200. Sign maintenance.**

(a) *Maintenance.* All Signs shall be maintained in a safe, presentable and good structural condition, which shall include the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of said Sign. The area around the base of the Sign shall be kept free of weeds and debris. If a Sign does not comply with the above standards, the Village Manager shall require its removal in accordance with section 28-13 hereof.

(b) *Ineffective Signs.* Except as otherwise provided in this chapter, any Sign which is located on property that becomes vacant and unoccupied for a period of 90 days or more, or any Sign which pertains to a purpose that no longer applies, shall be deemed ineffective. An ineffective Sign is prohibited and shall be removed by the owner of the Premises in accordance with section 28-13 hereof.

(c) *Dangerous or defective Signs.* No Person shall permit to be maintained on any Premises owned or controlled by him, any Sign that is in a dangerous or defective condition. Any such Sign shall be removed or repaired by the owner of the Sign or the owner of the Premises.

(d) *Unlawful Signs.* No Person shall erect on any Premises owned or controlled by him any Sign that is prohibited under section 28-3 or any Sign that in any way does not comply with the provisions of this chapter or any Sign that has not received a valid permit (unless specifically exempted there from).

**Sec. 30-201. Removal of improper Signs.**

(a) *Removal.* The Village Manager shall cause the removal of any Sign in violation of this chapter in accordance with the procedures set forth in the Village of Key Biscayne Code Enforcement Ordinance.

(b) *Emergency.* Notwithstanding the above, the Village Manager may cause the immediate removal of any Sign that poses an immediate danger to the health, safety or welfare of the community. The Village Manager may cause the Sign to be made safe as an alternative to removal. In either event, Village personnel may enter onto Premises, with or without the property owner's consent, for emergency repair or removal.

(c) *Removal costs.* Costs incurred by the Village's removal of a Sign shall be charged to the real property owner on whose property the Sign is located. The Village shall assess the entire cost of such demolition, removal or repair, which assessment shall include, but not be limited to, all administrative costs, postal expenses and newspaper publication costs. Such charge shall constitute a lien upon such property. The Village Clerk shall file such lien in the County's official record book showing the nature of such lien, the amount thereof and an accurate legal description of the property. No certificate of use and occupancy shall be approved for such a property until the full amount associated with the lien, or the full amount in the event no lien has yet been filed, has been paid to the Village by the property owner.

## ARTICLE IX. LANDSCAPE REGULATIONS

### Sec. 30-230. Purpose and intent.

It is the intent of this article to establish and require enforcement of landscape standards that will enhance, improve, and maintain landscaping in the Village through the application of following principles as:

(a) Promote xeriscape by encouraging the use of drought-tolerant landscape materials, grouping of plant material by water requirements and the use of irrigation systems that conserve the use of potable water supplies.

(b) Use landscape materials to visually define the hierarchy of roadways, and to provide shade and visual edge along roadways.

(c) Prevent the destruction of the existing tree canopy and promote its expansion.

(d) Provide for the preservation of the existing natural forest communities, specimen sized trees, re-establish the native habitat along the beach, and encourage the use of native plant material.

(e) Promote the use of trees and shrubs for energy conservation by encouraging cooling through the provision of shade and the channeling of breezes, thereby helping to offset global warming and affects of added absorption of carbon dioxide.

**Comment [JK265]:** Adds "enforcement" to landscape regulations to the purpose and intent of this section.

**Comment [JK266]:** ZORC provided a definition for the word "specimen". Since the definitions are not being amended, the small case letter is required.

(f) Contribute to the processes of air movement, air purification, oxygenation regeneration, ground water recharge, stormwater runoff retention, while aiding in the abatement of noise, glare, heat, air pollution and dust generated by impervious areas.

(g) Improve the aesthetic appearance of the Village through the use of plant material, thereby protecting and increasing property values.

(h) Reduce the negative impacts of ~~exotic-pest~~ invasive plant species as identified by the Florida Exotic Pest Plan Council and prohibit the use of noxious exotic plants which invade native plant communities.

(i) Promote the concept of planting the appropriate tree in the correct location to avoid problems such as clogged sewers, cracked sidewalks, and power service interruptions.

**Comment [JK267]:** The word "exotic" was replaced with the correct word "invasive" and referenced to the proper agency.

#### **Sec. 30-231. Applicability.**

The provisions of this chapter shall be considered minimum standards for all Village zoning districts, and shall apply to new construction on vacant Lots and for construction projects that have a value of 50 percent or greater of the assessed value of the Building(s) on a site.

**Comment [JK268]:** ZORC included the "GU Government Use District" which staff removed as it is addressed by reference through the words "all Village zoning districts".

#### **Sec. 30-232. Required landscape plans.**

(a) *Landscape plan required.* All new construction of Main Permitted Uses and substantial rehabilitation work where the value of the improvements exceeds 50 percent of the assessed value of the Building, shall be required to submit a landscape plan. No building permit shall be issued until the Building, Zoning, and Planning Department has approved the landscape plan. A final certificate of occupancy shall not be issued until the landscaping shown on the landscape plan has been installed and approved by the Building, Zoning, and Planning Department. All landscape plans for new construction on vacant Lots shall be signed and sealed by a landscape architect licensed to practice in the State of Florida.

(b) *Components of a landscape plan.* A landscape plan must:

(1) Be drawn to scale, including and include dimensions, and property boundaries, north arrow, and street names.

**Comment [JK269]:** Requires a North Arrow, street names, and dimensions on Landscape Plans.

(2) Include a survey of the existing trees on the property with a diameter of three inches or greater measured at four feet above the base of trunk, with identification of non-exotic (see subsection 30-234(a)) trees. ~~All trees with a diameter of four inches or greater shall be shown on the survey.~~

**Comment [JK270]:** Requires trees with a diameter of 3 inches instead of 4 inches be included in the survey of trees

(3) Delineate existing and proposed Structures, Parking areas or other vehicular Use areas, Access aisles, sidewalks, driveways, the location of utilities and Easements, and similar features.

(4) Designate common and botanical name, location, size (in height, spread and trunk caliper at four feet about base of trunk), quantity, and grade of living plant material proposed to be installed or maintained on the site.

**Comment [JK271]:** Additional requirements for Landscape Plans.

(5) Provide planting specifications to current American Association of Nurserymen landscape standards including but not limited to staking, fertilization, top soil, mulching, and applicable drainage and any subsurface treatments.

**Comment [JK272]:** References the appropriate professional association.

(6) Identify and describe the location and characteristics of all non-living landscape materials to be used, such as fences, walls or pavements.

(7) Show all landscape features, areas of vegetation required to be preserved by law, (including but not limited to trees, plants, shrubs, native habitats, wetlands, and mangroves), in the context with the location and outline of existing and proposed Buildings, fences, and other structural improvements being contemplated on the site.

**Comment [JK273]:** Includes mangroves as a landscape feature. Requires existing and proposed buildings to be shown on Landscape Plans.

(8) Indicate method to protect trees and native plant communities during construction according to the Miami-Dade County Landscape Manual standards.

**Comment [JK274]:** Establishes a standard. To protect landscaping.

(9) Include a tabulation showing the statistical information necessary to evaluate compliance with the Article including net Lot area, quantity, size, and species of all plant material to be planted, preserved, or relocated; square footage of paved area; and such other information as may be required by the Building, Zoning, and Planning Director to make a determination that the landscape plan meets the requirements of this article.

**Sec. 30-233. Landscape plan review criteria.**

All landscape plans shall be reviewed in accordance with the following goals and objectives:

(1) Landscape design shall enhance architectural features, relate structural design to the site, visually screen dissimilar Uses and unsightly views, reduce noise impacts from roadways and incompatible Uses, strengthen vistas and reinforce neighborhood site design and architecture.

(2) Existing specimen trees and native vegetation shall ~~should~~ be preserved in place to the maximum extent possible or relocated within the site. ~~, but in no event shall less than 30 percent of all landscaping be done with native vegetation.~~

**Comment [JK275]:** Grammar correction. Requires specimen trees to be retained in their current location or re-located to another location on the same site.

(3) The Landscape plan shall include native plant species to the maximum extent possible and shall in no event contain less than 30% of native landscaping.

**Comment [JK276]:** Maintains the 30% native landscaping.

(34) Trees and shrubs shall be used to reduce energy consumption by shading Buildings and paved surfaces.

(5) Street trees shall be used to shade roadways, sidewalks, and provide visual order. All Street tree planting shall conform to the Village's Street Tree Planting System.

**Comment [JK277]:** Requires that street trees should be used to shade sidewalks.

(6) Trees and shrubs shall ~~shoud~~ be placed on the site in locations that take into consideration overhead utility lines, proximity to native plant communities, septic tanks, and sewer lines.

**Comment [JK278]:** Grammar correction.

**Sec. 30-234. Required irrigation plans.**

(a) *Applicability.* All Developments which are required to submit a landscape plan shall also provide an in-ground irrigation system with the exception of the following:

(1) Single Family homes where drought-tolerant, xeriscape landscaping has been utilized.

**Comment [JK279]:** Exempts irrigation plans as landscaping would not require an irrigation system. This encourages the conservation of water.

(2) Duplexes and Townhomes on Sites that are 7,000 square feet or less where drought-tolerant, xeriscape landscaping has been utilized. However, hose bibs shall be placed on the Building at 75-foot intervals.

**Comment [JK280]:** See comment above.

(b) *Components of an irrigation plan.* Required irrigation plans shall:

- (1) Be drawn at the same scale as the landscape plan.
- (2) Delineate the areas that are to be landscaped.
- (3) Delineate existing and proposed Structures, Parking areas or other vehicular Use areas, Access aisles, sidewalks, driveways, the location of utilities and Easements, and similar features.
- (4) Include water source, design operating pressure and flow rate per zone, total volume required for typical depths of application, and application rate.
- (5) Include locations of pipes, controllers, valves, sprinklers, backflow prevention devices and electrical supply.

**Sec. 30-235. Tree removal permit.**

(a) *Tree removal permit required.* No Person shall cut down, destroy, remove, relocate, destructively damage or cause to be cut down, destroyed, removed, relocated or destructively damaged any tree without first obtaining a permit from the Miami-Dade County Department of Resource Management (DERM) and the Village.—However nothing in this article shall prevent a Person from destroying the following trees without receiving a permit:

**Comment [JK281]:** ZORC required a permit from the County but removed a permit from the Village. Staff maintained the Village permit.

- (1) ~~Schinus terebinthifolius~~ terebinthifolius (Brazilian Pepper/Florida Holly)
- (2) Metopium toxiferum (Poison Wood)
- (3) Casurina equisetifolia (Australian Pine)

- (4) *Melaleuca Quinquenervia* (*Melaleuca*)
- (5) *Araucaria Heterophylla* (*Excelsa*, Northfolk Island Pine)
- (6) ~~*Brassala*~~ *Brassaia Actinophylla* (*Schefflera*)

(b) *Permit Fee.* The Village Council shall establish a fee for tree removal permits. However, no fee shall be charged for a permit to remove a tree listed in subsection (a) above.

(c) *Application.* The Tree Removal Permit Application shall contain the following information:

- (1) Location of the tree to be removed.
- (2) A survey of the property showing the Buildings, Easements, utility services.
- (3) The Building, Zoning and Planning Director may waive the above requirements where it can be determined that the information can be obtained in the Village records or through a site visit.

(d) *Tree removal evaluation criteria.* No tree may be removed unless one of the following conditions, as determined by the Building, Zoning, and Planning Director, exists:

- (1) A Site Plan is submitted by the applicant that demonstrates a proposed Structure can be situated on the property only if specific trees are removed or relocated.
- (2) The tree(s) is (are) located in such proximity to existing or proposed Structures that the utility or structural integrity of such Structures is materially impaired.
- (3) The tree materially interferes with the location, servicing, or functioning of Public Utility lines or service.
- (4) The tree obstructs views of oncoming traffic or otherwise creates a substantial traffic hazard.
- (5) Any law or Regulation that requires such removal.

(e) *Replacement tree.* Any tree that is removed must be replaced with:

- (1) A tree with the same number of inches of caliper diameter; or
- (2) Trees that cumulatively provide the same number of inches of caliper diameter. All replacement trees must be on the same Site that the tree was removed.

(f) *Removal of trees on public lands.* No trees shall be removed from any public land including, but not limited to Rights-of-Way and swale areas, without the approval of the Building, Zoning, and Planning Director.

**Sec. 30-236. Protection of trees during construction or land Development.**

(a) During any construction or land Development, protective barriers of specifications approved by the Building, Zoning, and Planning Director shall be placed and maintained around all trees to be retained on site to prevent their destruction or damage. The Developer shall use every precaution possible to avoid damaging such trees by preventing the use or storage of materials or equipment, compaction of soil over roots and/or the contamination of soil with such materials as paint, oil, solvents, asphalt, concrete, mortar, and the like, within the drip line.

**Comment [JK282]:** ZORC removed the words "the use or storage of materials and equipment" and staff restored those words. By including the above and the new regulation, trees are better protected during the construction phase.

(b) No attachments other than those of a protective or non-damaging nature shall be attached to any tree except those trees approved to be removed or relocated.

**Sec. 30-237. Tree trimming standards.**

All trees shall be trimmed in accordance with the National Arborist Association Standards except for the following tree species:

- (1) Australian Pine
- (2) Avocado
- (3) Brazilian Pepper
- (4) Citrus Species
- (5) Bischoefia
- (6) Mango
- (7) Melaleuca
- (8) Norfolk Island Pine
- (9) All palm species
- (10) Poison Wood

**Sec. 30-238. Minimum standards.**

The following standards shall be considered minimum requirements for all landscape plans:

(1) *Tree size.*

- a. Minimum height at time of planting: 14 feet.
- b. Minimum diameter of trees trunk at five four feet above crown of root structures height: 2.5 inches.
- c. Minimum tree canopy to be seven feet in diameter, centered on the trunk.

**Comment [JK283]:** This will result in a more mature tree at planting.

(2) *Minimum number of trees.*

TABLE INSET:

Zoning District	Number of Required Trees
Single Family and Two-Family	<del>three trees for Lots of 7,500 sq. ft. or less and one tree for each additional 2,500</del> <u>one tree per 1,875 sq. ft. or fraction thereof</u>
Office	one tree for each 1,500 sq. ft. or fraction thereof
Commercial	one tree for each 1,800 sq. ft. or fraction thereof
Government Use	meet requirement of zoning district with greatest contiguous area
Multiple Family, PUD and Hotel Resort	one tree for each 1,400 sq. ft. or fraction thereof
Institutional and Private Club	one tree for each 1,200 sq. ft. or fraction thereof

**Comment [JK284]:** Increases the requirement by one tree. The calculation is easier.

a. A maximum of 40 percent of the tree requirement may be satisfied with palm trees. If palm trees are provided, they every three palms shall be counted as three palms = one canopy tree.

**Comment [JK285]:** Provides options to meet the tree canopy requirement.

b. Minimum height of palms to be considered for shade tree substitutes shall be ten twelve feet for standard upright forms (e.g. Sabals, Coconuts), and four feet for dwarf forms (e.g. Pygmy Date Palms).

**Comment [JK286]:** Established minimum height requirement to meet canopy coverage.

c. Maximum percentage of palm trees: 30 percent.

**Comment [JK287]:** Is replaced by second comment above.

d. Prohibited trees and Street trees shall not be counted towards meeting this requirement.

(3) *Shrubs and hedges--Quantity, height and spacing at time of planting.*

TABLE INSET:

Shrub quantity	10 for each required tree
Shrub and hedge	<u>Minimum 24 inches.</u>

**Comment [JK288]:** Added the word "minimum"

height	
Hedge spacing	30 in. on center and maintained to form a continuous, unbroken, and solid screen

(4) *Uncovered, surface Parking Lot buffer and interior planting.* The perimeter of each Parking Lot adjacent to any property line Lot shall be planted with a five-foot wide strip of hedge and shade trees at a spacing of one per 30 linear feet.

The net interior area of all Parking Lots (the area exclusive of the Setbacks and buffer planting area), shall contain ten square feet of landscaped area per Parking space and shade trees shall be planted within this area at a rate of one tree per 80 square feet of resultant landscaped area.

(5) *Plant quality and Native Species Requirement.* All material shall meet or exceed the minimum standards for Florida Number One as provided in the most current edition of "Grades and Standards for Nursery Plants, Part I and II," prepared by the State of Florida Department of Agriculture and Consumer Services. At least 40% of all required plant materials must be native species.

(6) *Supplemental Single Family & Duplex Zoning District Landscaping Regulations.* These Regulations are in addition to those listed above. Single Family homes and Duplexes shall provide the following landscaping prior to the issuance of any type of occupancy or approval to occupy the Building. The landscaping shall be maintained and remain in place for the life of the Building. If the landscaping is replaced a permit is required and shall include materials that match the below specifications:

(a) In no instance shall the Front Yard have less than one shade tree and three palms, or two shade trees.

(b) In any Yard which faces a Street, shrubs shall be provided at the ratio of 20 per tree.

(c) When the Structure has a side Wall in excess of 35 feet in length, there shall be a dense hedge of minimum 30" height planted 24" on center along the property line adjacent to all portions of the Wall greater than 35 feet.

(d) On non-waterfront Residential lots, the area within five feet of a side Lot line that is also within 25 feet of the rear property line shall be planted with a dense, landscape screen at a height of at least four feet at time of planting, planted 36" on center, and attaining at least a 10 foot height. Within that same area on waterfront Residential lots, a hedge of minimum 24 inch height and 24 inches on center must be planted and cannot exceed a height of four feet.

(e) On non-waterfront Residential lots, for those portions of the Structure with a rear Setback of less than 25 feet, the area within five feet of the rear property line shall be planted with a dense, landscape screen at a height of at least four feet at time of planting, planted 36" on center, and attaining at least a ten foot height.

**Comment [JK289]:** Results in water conservation yet provides for other landscape materials to be used.

**Comment [JK290]:** These regulations were re-located to this section. There is no change in the regulations.

**Sec. 30-239. Hatracking prohibited.**

All tree pruning shall conform to current standards of the National Arborist Association. Hatracking or topping shall not be permitted; however, crown reduction in excess of one-third shall be permitted under the following conditions:

**Comment [JK291]:** Creates a standard for tree pruning.

- (1) If a tree interferes with utility lines or utility Structures.
- (2) If a tree has storm damage and in the opinion of the Building, Zoning, and Planning Director should be hatracked or topped in order to preserve the tree.

**Sec. 30-240. Landscape manual.**

The Village shall utilize the Miami-Dade County Landscape Manual until such time as one is developed by the Building, Zoning, and Planning Department and adopted by Council resolution. The purpose of the manual is to provide illustrative interpretations of the Regulations listed in this article, best landscape practices, and related guidelines to insure that landscaping is installed and maintained in a manner that is consistent with the objectives [of] these Regulations.

**Sec. 30-241. Certificate of occupancy and certificate of completion.**

No certificate of occupancy or certificate of completion shall be issued until such time as all of the required landscaping is installed and approved by the Building, Zoning, and Planning Department. However, nothing herein shall prevent the issuance of a temporary certificate of occupancy so long as at least the sod portion of the landscaping has been installed.