

**ARTICLE III-**  
**GENERAL PROVISIONS**

**Sec. 30-20. Scope of Regulations.**

These Regulations shall govern the Development and use of land and activities affecting the use of land within the Village. No Building or Structure or part thereof shall be ~~Erected~~erected, constructed, reconstructed or altered and maintained, and no existing Use, new Use, or change of Use of any Building, Structure or land or part thereof shall be made or continued, except in conformity with the provisions of these ~~Zoning and Land Development~~ Regulations.

**Comment [FHC62]:** Added affirmative statement of purpose.

**Sec. 30-21. Uncompleted Structures.**

No Building or Structure ~~which~~that has not been completed in substantial conformity with a Site Plan or ~~Building~~Development plans and specifications upon which the building permit for its construction was issued shall be ~~maintained or be~~ permitted to remain unfinished for more than six months after active construction operations have been suspended or abandoned.

**Comment [FHC63]:** "Development" rather than "Building"

**Sec. 30-22. Errors and violations.**

The issuance or granting of a permit or approval of plans and/or specifications shall not be deemed or construed to constitute a waiver or alteration of any provisions of these Regulations, nor shall any permit or approval be deemed or construed to be a permit for or ~~an~~ approval of, ~~a violation of any of the~~ any Development, use or activity that would violate any provisions of these ~~Zoning and Land Development~~ Regulations. No permit conferring authority or presuming or purporting to give the confer authority to violate or cancel the provisions of ~~these~~these Regulations shall be valid except insofar as the work or Use ~~that it authorizes~~authorized by the permit is lawful. ~~Not~~ and consistent with these Regulations. No permit shall ~~such permit~~ prevent the ~~enforcing Officer~~Director from ~~thereafter~~ requiring the correction of errors in ~~said~~ plans and specifications or ~~from preventing Building~~causing compliance with these Regulations. The Director may prevent Development operations from being carried on ~~thereunder~~ when pursuant to any permit in violation of these Regulations.

**Comment [FHC64]:** Reworded slightly. Permit wouldn't violate Regs. The violation would result from the permitted activity

**Sec. 30-23. Replatted Lots ~~and resubdivision~~; Re-subdivision or Change of Use of Hotels and Motels.**

(a) *Replatted Lots.* No ~~resubdivision~~re-subdivision of platted Lots shall be permitted except by an approved and recorded amended Plat. In such ~~resubdivision~~re-subdivision,

no Lot shall be created ~~which~~that does not conform to the Regulations of the zoning district within which such land is located.

~~(b) Resubdivision~~ Re-subdivision or altered Use of Hotels or Motels.

**Comment [FHC65]:** Added "altered Use" and re-worded.

~~(1) No resubdivision~~ (1) No re-subdivision or change of Use of Hotels or Motels into Multifamily~~Multifamily~~Multi-family Dwellings shall be permitted unless the Building Official issues Village Council and/or Director determine that the intended re-subdivision or change of Use would comply with these Regulations in all material respects, and issue approvals as required under the circumstances, including a new certificate of occupancy illustrating that the re-subdivision based on their determination and demonstrating that the re-subdivision or altered Use is in compliance with these Regulations and all codes, including the South Florida Building Code and the Life Safety Code, as may be amended from time to time.

~~(2) The installation of~~ Cooking Facilities may not exist or be introduced into a Hotel or Motel Unit will convert the prior Use into a Multifamily Dwelling, thus requiring compliance with multifamily Building, life safety, and Zoning Code requirements, except in compliance with these Regulations.

**Comment [FHC66]:** This whole section is worrisome. Substantial editing proposed here: I don't follow the logic of (b). Cooking Facilities can't be introduced except as permitted. If they're permitted, the result shouldn't be conversion to multi-family. The result should simply be a hotel/motel with compliant cooking facilities. We don't want a forced use change to multi-family under any circumstances, no?

~~(3) Prior to the issuance of a certificate of occupancy, upon resubdivision, the new Use of the Multifamily Dwelling must meet all of the requirements for Multifamily Dwellings, be consistent~~ (3) Any intended conversion of Hotel or Motel Units into multi-family Dwellings will be conditioned upon and made subject to the Village Council's determination that the proposed multi-family Use complies with the Regulations for Multi-family Dwellings, including consistency with Density, Parking, Lot Coverage, and Floor Area Ratio Regulations as set forth in requirements applicable within the district where the property is located. In addition, a new certificate of occupancy is required as a condition of and prior to conversion of Hotel or Motel Units into Multi-Family Dwellings.

**Comment [FHC67]:** As with (b) (2), substantial edits here

**Sec. 30-24. Street frontage required.**

No ~~Plot~~Lot may be built upon unless ~~said Plot~~the Lot is accessible by a dedicated public way, or by a Private Street or way which has been approved by the Village Council following a public hearing.

**Sec. 30-25. Use of Premises without Buildings.** a Building.

Where a ~~Plot~~Lot is to be Occupied for a Permitted Use without Buildings or Structures, the Side Yards and Front Yard required for such ~~Plot~~Lot shall be provided and

maintained unless otherwise stipulated within these ~~Zoning and Land Development~~ Regulations, except that Side and Rear Yards shall not be required on ~~Plots used~~ Lots that do not include Buildings and Structures and that are used only for private gardens or public park or recreational purposes ~~when such Uses do not include Use of Buildings or Structures.~~

**Comment [FHC68]:** I don't understand this. Why the exception for side and rear setbacks where there are no structures. In any case, I added "park"

**Sec. 30-26. Use of residentially zoned land for Access.**

No ~~land which is~~ residentially zoned land shall be used ~~for as a~~ driveway or for vehicular Access ~~purposes~~ to any other ~~Plot which is non-residentially zoned~~ Lot or used for any purpose not permitted in a residential zoning district unless specifically permitted by the Village Council following a public hearing.

**Comment [FHC69]:** Edited: why limit to use of residential lot for access to non-residential lot?

**Sec. 30-27. Reductions of Plots Lots below minimum requirements.**

No parcel of land, which has less than the minimum width and area requirements ~~of as applicable in~~ the zoning district within which it is located may be separated from a larger parcel of land ownership ~~for the purpose, whether immediate or future, of building or Development as a separately owned Plot. No such separation shall occur unless the~~ resulting parcel(s) meet the minimum requirements set forth in these Regulations.

**Comment [FHC70]:** This is qualified by intent to develop, immediately or in future. Present intent may not be manifest at time of separation, arguably defeating effect of this section. Why not just prohibit too-small separation?

**Sec. 30-28. Storage on residential property.**

No land shall be used for the open storage of building materials or construction equipment except in connection with construction on the same property for which a valid building permit is in effect.

**Comment [FHC71]:** ZORC discussion point – duration of PODS, size and location of trailers, etc.

**Sec. 30-29. Extension of Buildings with nonconforming Setbacks.**

A legally constructed single ~~Family~~ family home ~~which exists~~ with Setbacks less than those required by current ordinance may be extended along the ~~established~~ same line as the existing Building ~~Lines,~~ within the required Setback areas, provided that:

- (1) Such additional construction shall not encroach past the existing Building line further into the required Setback area ~~than the existing Building Line;~~ and
- (2) The property owner requesting such construction obtains ~~Written~~ written approval from the ~~immediately~~ owners of the Abutting ~~Property owner(s).~~ The Building, Zoning and Planning Properties. The Director is authorized to require improvements to the property to insure that the proposed construction is consistent with the intent and purposes of the zoning district; ~~however(3) The above applies only to the extension of One Story~~

**Comment [FHC72]:** Reference to extend along Building Line didn't work, b/c definition assumes Required Yards aren't encroached. Note suggested elimination of (3), based on important policy of encouraging improvements, renovation and retention of existing housing stock

Homes that are constructed below the Base Flood Elevation.

### Sec. 30-30. Nonconforming Structures and Uses.

~~It is the~~ Any Use that is lawfully existing as a Permitted Use shall automatically become a lawful Nonconforming Use upon adoption of an ordinance that renders such ~~formerly Permitted Use a Prohibited Use.~~ The purpose and intent of ~~the Regulations within this section~~ Section 30-30 is to ~~provide~~ impose procedures whereby lawful Nonconforming Structures and Uses as defined may be maintained where such maintenance will not have a detrimental effect upon other ~~and~~ qualifications so that possible detrimental effects from lawful Nonconforming Structures and Uses upon Persons or property within the vicinity, ~~and in so doing to bring~~ and district will be eliminated or reduced to the maximum possible extent, and that such Uses and Structures are brought up to present standards ~~to the maximum possible extent~~ under the circumstances described below.

**Comment [FHC73]:** This sentence is lifted from former 30-10 (m).

- (1) **Nonconforming Use of a conforming Building.** The lawful Nonconforming Use of [a] Building may be continued, ~~although such Use does not conform to the Regulations of the applicable zoning district, within which the Building is located. Any such Use shall only be changed to a permitted Use.~~ A Nonconforming Use shall not be expanded ~~and shall only be changed to a Permitted Use.~~ If such Nonconforming Use is discontinued for a period of six months, ~~it shall no longer be a lawful Nonconforming Use, and any further Use of said Building shall be in conformity with the Regulations of the applicable zoning district unless otherwise approved by the Village Council pursuant to the Conditional Use Procedures.~~ conditional Use procedures specified in these Regulations.
- (2) **Conforming Use of a ~~noneconforming~~ Nonconforming Building.** A lawful ~~noneconforming~~ Nonconforming Building may be utilized for any Use ~~which~~ that conforms to the Regulations of the applicable zoning district within which the Building is located, provided no structural Alterations; ~~except are made to the Building~~ except those required by law, ~~are made to the Building.~~
- (3) **Nonconforming Use of a ~~noneconforming~~ Nonconforming Building.** The lawful Nonconforming Use of a lawful ~~noneconforming~~ Nonconforming Building may be continued ~~although such Use and Building do not conform to.~~ Such Use shall not be expanded or altered except in compliance with the Regulations of ~~of~~ pertaining to conforming Uses within the applicable zoning district ~~within which the Building is located. Such Use shall not be expanded.~~ district.
- (4) **Nonconforming Use of Land.** The lawful Nonconforming Use of

**Comment [FHC74]:** My suggested edits change this in effect. I've thought about this section repeatedly. I thought to align this with 30-10 (m), in part because the current text seems to impose a qualification that's different than 30-10 (m) – that the "automatic" nonconforming use must not have a detrimental effect in order to be lawful, and that its brought into current compliance to the "maximum possible extent". That last clause is strange in context. Spending enough money could bring a nonconforming use into compliance. If there is an ambiguity here, it cuts against the owner of a non-conforming structure. This is for Chad, Jud, Frank follow up.

**Comment [FHC75]:** Building changed to Structure. The "although" clause seems redundant.

**Comment [FHC76]:** Clarification: a discontinued non-conforming use is no longer lawful as such

**Comment [FHC77]:** The last clause re: expansion and alterations is already covered

~~Land~~ land may be continued ~~although such Use does not conform to the Regulations of the applicable zoning district within which the land is located.~~ However, no such Use shall be enlarged, intensified or extended to occupy a greater area of land or reinstated following discontinuance for a period of six months.

**Comment [FHC78]:** Land is not defined term

- (5) **Nonconforming Structures.** Lawful Nonconforming Structures other than Buildings are likewise permitted to remain, provided no structural Alterations other than those required by law are made, and further provided that the discontinued Use of such Structure or the Use of the Building in which it is necessary for a period of six months or more shall require ~~its~~ the modification of the Nonconforming Structure, up to and including removal, so as to comply with the Regulations of the applicable zoning district.
- (6) **Maintenance and repairs.** Necessary maintenance and repairs may be made to any ~~noneonforming~~ Nonconforming Building or Structure, provided no structural Alterations are made, and further provided that such work in any 12-month period does not exceed 50 percent of the value of such Building or Structure as shown on the County tax assessment records or as established by an independent appraiser who is a designated member of any nationally recognized professional appraisers organization.
- (7) **Compliance with Regulations.** Nothing in this section shall diminish the responsibility of an owner to maintain his or her Use or Structure in full compliance with all other Village, County, State or federal Regulations or licensing procedures.
- (8) **Establishment of nonconformity.** For the purpose of this section, the mere possession of a valid approval ~~to Use land or Buildings or valid~~ or license to ~~do so~~ Use land or Structures without actual demonstrable Use of such land or Structure is an insufficient basis to establish lawful nonconformity.
- (9) **Approvals to run with land.** All approvals pursuant to the provisions of this section shall run with the land and are not personal to the owner of the land at the time of approval, unless limited by the Village Council.

**Comment [FHC79]:** So, difference between Structure and Building is forced removal if discontinued

**Sec. 30-31. Duplex Subdivision.**

In all zoning districts within which Duplexes are permitted, the property owner may file an application with the ~~Building, Zoning, and Planning~~ Director to subdivide an otherwise legally sited Duplex Structure into two separate ownerships. The Director shall review the application based upon the criteria set forth below:

- (1) The applicant has filed a parallel application for Subdivision of the Lot and Structures into two separate single Family residential properties; and
- (2) The Structure proposed for division is designed, sited and subdivided in a manner that will not have a detrimental impact on the adjoining property or character of the surrounding area.
- (3) Should the Director deny the request, the applicant may file an appeal of an administrative decision.

**Comment [FHC80]:** Should procedures / appeals be consolidated in one place? There are various procedures for various functions. See Art. IV. Chad/Jud/Frank follow up

**Sec. 30-32. Determination of Uses not listed.**

~~When~~ ~~If~~ a Use is not ~~specifically~~ listed as a Main Permitted Use, ~~or~~ Conditional Use or ~~prohibited~~ Accessory Use in a particular zoning district ~~within which such Use has been requested, such Use may be permitted as follows: By,~~ it is a Prohibited Use, unless the Director issues an administrative decision of the Building, Zoning, and Planning Director subject to a finding that such Use exhibits and must maintain a character and intensity similar to a Use allowed in the district, and otherwise would not have a detrimental effect on the vicinity or district. The Director shall not issue an administrative decision determining that a particular Prohibited Use is permitted if said determination has the effect of increasing the Density, Height, Floor Area or FAR of the affected property over and above the standards applicable to Permitted Uses in that district. Appeal of the ~~Building, Zoning, and Planning~~ Director's decision is to the Village Council and considered as an appeal of an administrative decision. ~~If a Use is not listed as a Main Permitted Use, Conditional Use or Accessory Use, said Use is automatically considered as a Prohibited Use.~~

**Comment [FHC81]:** I've qualified and limited Director discretion. Consolidate appeals and procedures?

**Sec. 30-33. Maximum allowed Density.**

Density is used to determine the maximum number of Units allowed on a site based upon the maximum allowed Density as set forth in the zoning district and as determined below:

- (1) Easement areas located within the site are calculated in the area used for determining Density;
- (2) Density from one site shall not be transferred to another site unless specifically allowed in a particular context for an expressed purpose in these Regulations; and
- (3) The maximum allowed Density on a site shall not exceed the limit as established in the zoning district Regulations, except as provided for in the ~~master plan~~ Comprehensive Plan (Future Land Use Plan, page 15). In such cases, where the maximum Density may be exceeded, the repair or

**Comment [FHC82]:** What is this FLUE exception?

reconstruction of a Building shall only occur within the same building envelope as was originally permitted and approved at the time the certificate of occupancy was issued. This exception only applies to multiple Family Buildings that are consistent with the land use element of the ~~master plan~~ Comprehensive Plan.

Comment [FHC83]: Define Building envelope?

Comment [FHC84]: Fixed typo

**Sec. 30-34. Building permits.**

All applications for building permits shall be accompanied by a Site Plan complying with Section 30-80, drawn to scale, showing the actual dimensions of the Lot to be built upon, the size of the Building to be ~~Erected~~ erected, the Setback lines observed, landscaping requirements, and such other information as may be requisite and necessary to provide for the compliance with and enforcement of ~~the Regulation contained in~~ these Regulations. A record of such application and copy of Site Plans shall be kept by the ~~Building, Zoning, and Planning~~ Director and be available for public inspection. The Director will provide Abutting property owners with notice of the receipt of such application and Site Plan.

Comment [FHC85]: Should this say "Development Permits; broader concept?"

Comment [FHC86]: Added Notice to Owners. Policy of full communication; transparency

**Sec. 30-35. Certificate of occupancy or certificate of completion.**

No land shall be Occupied or used and no Building ~~hereafter Erected~~ erected or altered shall be Occupied or used in whole or in part for any purposes whatsoever until a certificate of occupancy, a temporary certificate of occupancy or certificate of completion shall have been issued by the ~~Chief Building Official~~ Department, stating or evidencing that the ~~Premises or Building and site on which it is located~~ complies with all the provisions of these Regulations.

Comment [FHC87]: Added: site on which it is located. Correct?

**Sec. 30-36. Moving Buildings.**

No Building ~~or~~ part of a Building ~~or Buildings~~ shall be moved from the site of original construction.

**Sec. 30-37. Uses and activities to be conducted in enclosed Building.**

All business Uses and activities shall be conducted within a ~~Completely Enclosed~~ Building that is completely enclosed except as provided for in these Regulations.

Comment [FHC88]: Clear enough re sidewalk cafes etc ?

**Sec. 30-38. Enforcement and penalties.**

Failure to comply with these Regulations shall subject the violator to the penalties set forth in Article X of ~~the Zoning and Land Development~~ these Regulations.

**Sec. 30-39. Appearance of Structures and sites under construction.**

Sites where construction activity is occurring must be ~~made secure at the conclusion of construction activity each day~~ secured by a 42-inch plastic mesh fence or better placed neatly around the entire perimeter of the site. The fence must be made secure at the conclusion of construction activity each day. The fence must be maintained until all windows and exterior doors have been installed. The site shall be maintained in a neat and orderly appearance. As soon as practical, the exterior of Buildings shall have the final finishes applied and windows installed.

**Sec. 30-40. Fencing of vacant Waterfront Lots.**

All vacant Waterfront Lots shall have a six-foot black or green coated chain link fence along those portions of the site that face the water.

**Comment [FHC89]:** Black or green. Right?

**Sec. 30-41. Additional Regulations.**

When not addressed in these Regulations, the provisions of the Code of Metropolitan Miami-Dade County shall continue to be applicable until such time as the Village Council expressly repeals them.

**Comment [FHC90]:** Suggest delete this. What is left re: zoning from MD?

## [CHANGES MADE IN THIS SECTION WILL REQUIRE A REFERENDUM]

**Sec. 30-42. Floor Area and Floor Area Ratio Calculation.**

**(a) Certain Definitions:**

**(i) Floor Area.** The sum of the areas of the floors of a Structure, measured from the exterior faces of exterior Walls or from the exterior face of an architectural projection, or from the centerline of a party Wall between two attached Buildings, to the interior face of an exterior Wall. The calculation of Floor Area for Unit sizes is measured from the centerline of a party Wall to the interior face of an exterior Wall; subject to the exceptions identified in subsection (b), below.

**(ii) Floor Area (Base).** As specified in Sections 30-100, 30-101, 30-102, 30-103 and 30-104, for the various Uses identified in those Sections.

**Comment [FHC91]:** This section needs major editing. I've eliminated the definitions and replaced them here. The definitions were inconsistent with the new ZORC text. What have we done, compared to existing? We added the area that a generator occupies. Check especially (b) (5) re garage and (8) re below BFE.

**Comment [FHC92]:** Structure or Building?

**Comment [FHC93]:** Base FAR used but not defined. Not sure if this works. Also, Maximum Base FAR (which is less than Gross FAR)

(iii) Floor Area (Gross). The total Floor Area contained within a Structure, including the horizontal area of external Walls, plus the sum of the area of Balconies, porches, Garages, Carports and Attic Space, regardless of whether a floor is laid in the Attic Space.

**Comment [FHC94]:** Review with Chad, Frank, Jud & ZORC

(iv) Floor Area Ratio. The total Floor Area of a Structure divided by the Lot Area of the Lot on which the Structure is located.

(b) Exceptions in determining Floor Area. The Floor Area of a Structure shall include all areas within the Structure for purposes of calculating Floor Area Ratio, except for those areas listed below, unless otherwise provided for in these Regulations:

(1) Accessory water tanks or cooling Towers.

(2) Unenclosed exterior staircases or steps, and exterior open fire escapes.

**Comment [FHC95]:** Eliminated stairwells. Covered by open staircases, steps

(3) The portion of Attic Space, whether or not a floor actually has been laid, providing structural headroom within habitable space up to the maximum height for such space as set forth in the Florida Building Code and Fire Code, whichever is less.

**Comment [FHC96]:** Reworded.

(4) Unenclosed exterior Terraces, Balconies, Breezeways, Porches, Carports, Gazebos, sheds or hallways or unenclosed areas that provide Access to a Unit.

**Comment [FHC97]:** Unenclosed hallway? Carports? In any case, wording is off – carports are not unenclosed

(5) Any floor space utilized for parking within an off-street Parking garage [within the governmental, institutional, office, commercial, hotel resort, or multi-Family residential districts?]. For single Family and Two-Family Structures, 50% of the floor area of the Parking garage is included in the FAR calculation. The ceiling shall be no higher than the Base Flood Elevation. The garage floor elevation shall be set at grade and the ceiling shall be no higher than 9 ft. above the floor. If the Parking garage is the Main Permitted Use, then the entire Floor Area of all Parking levels shall be included in the calculation of Floor Area Ratio.

**Comment [FHC98]:** This section needs help. What does "off-street" add to this? Are we distinguishing b/w single family and duplex and everything else?

**Comment [FHC99]:** WSH: Definition inconsistent with FEMA. Staff recommendation in yellow. Needs additional discussion to resolve conflict.

(6) Mechanical equipment rooms located above the main roof deck.

**Comment [FHC100]:** This didn't come out right. Ceiling no higher than BFE makes no sense in context of single family and duplexes

(7) Exterior unenclosed private or public Balconies.

**Comment [FHC101]:** What does private or public add?

(8) Floor Area located below BFE is excluded from the calculation of Floor Area Ratio. However, if the ceiling of a Structure located below BFE protrudes above BFE and the space is enclosed on more than two sides, 10 percent of the horizontal Floor Area of the space below BFE is included in the Floor Area for purposes of calculating Floor Area Ratio.

**Comment [FHC102]:** This needs an explanation

**Comment [FHC103]:** Is this correct?

(9) Exterior elevators, landings and stairs; provided that the area encompassing the elevator, landing or stairs on one level is included for purposes of calculating FAR.

**Comment [FHC104]:** Grammar.

(10) Interior elevators, landings and stairs; provided that the area encompassing the elevator, landing or stairs on one level is included for purposes of calculating FAR.

Comment [FHC105]: Grammar.

(11) The area comprising chases.

Comment [FHC106]: Why not combine 9 and 10?

(12) Areas encompassed by a service station or automotive repair facility when located within a parking garage.

Comment [FHC107]: Clarification. Speak to area, not the installation itself.

(13) In Structures where there are no interior floors above a single finished floor, the Floor Area shall be calculated as if there were a floor every ten feet extending vertically. Volumetric space between ten and 13 feet above the finished floor is not counted in Floor Area. Volumetric space above 13 feet above the finished floor shall be calculated as follows: Floor Area = 10 percent for each one foot or fraction thereof in height x square feet of the space. Volumetric space is not counted in the following areas:

Comment [FHC108]: i/o/w a single story?

(a) In interior entranceways that contain 225 square feet or less.

Comment [FHC109]: Clarify: interior space

(b) In space between ten and 13 feet above the finished floor.

Comment [FHC110]: Already said above

(c) Space above stairs, except as provided in subsections (9) and (10).

The Floor Area occupied by a generator is included in the Floor Area Ratio calculation.

Comment [FHC111]: new

(c) Floor Area Ratio. Floor Area Ratio is the total Floor Area of a Structure on a Lot divided by the Lot Area of the Lot.

Comment [FHC112]: Said above

## [CHANGES MADE IN THIS SECTION WILL REQUIRE A REFERENDUM]

### Sec. 30-43. Lot Coverage Calculation.

(a) Lot Coverage Defined. Lot Coverage shall mean the lot area occupied by Structures and shall be calculated as follows:

Comment [FHC113]: Existing: Buildings, Structures and covered Terraces. All we've really done here is reorganize, and eliminate a few exclusions

(i) Lot Coverage shall include any non-roofed areas enclosed by Building Walls that exceed six (6) feet in height and that are attached to or otherwise form an integral part of a Building.

(ii) The Lot Coverage Calculation shall exclude the following:

(1) In Commercial, Office, or Multiple Family Districts: uncovered, open plazas located on the upper deck of a parking garage, so long as the upper

deck is no higher than two 2.0 feet above the Base Flood Elevation constructed with an elevation at or below 3.0 ft. below grade;

(2) Exterior steps and landings attached to and providing a means of ingress and egress from a Building;

(3) Pools, pool Decks, Terraces which are below Maximum Lot Elevation;

(4) Carports, Porte-Cocheres, Porches and landings which are at least 75% open on at least three sides, and which occupy less than 300 square feet in area;

(5) Gazebos or Sheds which occupy less than 2% of the lot area.

**Comment [FHC114]:** New. Patio?

**Comment [FHC115]:** 75% open is new. 300 foot limit in current code. How about at least 10 foot setback as in current code?

**Comment [FHC116]:** Sheds are excluded in current Code. Delete "utility". We exclude "carports and porches providing 10 ft. setback; planters with max. ht. 4 ft above grade and patios, decks and pools located below max. lot elevation

## [CHANGES MADE IN THIS SECTION WILL REQUIRE A REFERENDUM]

### Sec. 30-44. Structure Height Calculation.

The Height of a Structure shall be calculated as follows:

(a) Single Family and Two Family Residential Zoning Districts. The height of a Structure shall be its overall height measured from the Base Flood Elevation to the highest point of the roof for Elevated Homes and from the crown of a road to the highest point of a roof for Non-Elevated Homes.

(b) All other Zoning Districts. The height of a Structure shall be the vertical height from the crown of the road to the top of highest tie beam for Non-elevated Buildings and the vertical height from the BFE to the top of the highest tie beam for Elevated Buildings.

**Comment [FHC117]:** This is reworked, compared to existing. In RU, highest point of roof instead of highest tie-beam