



VILLAGE OF KEY BISCAIYNE

Office of the Village Manager

MEMORANDUM

Village Council
Robert L. Vernon, *Mayor*
Enrique Garcia, *Vice Mayor*
Michael W. Davey
Robert Gusman
Michael E. Kelly
Jorge E. Mendia
Thomas Thornton

Village Manager
Genaro "Chip" Iglesias

DATE: March 26, 2010
TO: Honorable Mayor and Members of the Village Council
FROM: Genaro "Chip" Iglesias, Village Manager
RE: ZORC Recommendations: Workshop 3

RECOMMENDATION

That the Council review the attached recommendations for Workshop 3. Following the completion of the workshop, it is suggested that at the next meeting the Council determine:

1. how to proceed with the regulations that require a referendum.
2. schedule a public hearing on the regulations that do not require a referendum.

BACKGROUND

The Council requested that the Administration set three (3) workshops to review the ZORC recommendations which were in the form of an ordinance. Comments in the right margin are from the ZORC Chair Frank Caplan. The Village Attorney has noted the regulations which require a referendum.

The Council has held two workshops which have addressed all of the articles in the Zoning and Land Development Regulations with the exception of the below which will be reviewed at Workshop 3:

- Article V Schedule of District, Use, and Setback Regulations (the meeting presentation will include drawings illustrating the Floor Area Ratio caps and bonuses)
- Article V, Hotel Resort District
Sec. 30-103

**ARTICLE V.
SCHEDULE OF DISTRICT, USE, AND SETBACK REGULATIONS**

Sec. 30-100. Single Family and Two-Family districts.

(a) *Purpose and Uses.*

~~TABLE INSET:~~

District Purpose	Main Permitted Uses	Conditional Uses	Accessory Uses	Prohibited Uses
These districts are designed to protect the character of Single Family and Two-Family homes: <u>and to regulate Development within the district as relates to neighboring properties, adjacent streets and the public realm generally</u>	VR, VE, and IR Districts: Single Family Dwelling PS District: Single Family and Two-Family attached Dwelling	None	Any Use that is 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).

(b) *Development Regulations.*

~~TABLE INSET:~~

Regulation	VR Village Residential	VE Village Estate	IR Island Residential	PS Parkside Residential
Lot Frontage	Minimum as platted * Maximum two platted Lots *	Minimum as platted * Maximum two platted Lots *	Minimum as platted * Maximum two platted Lots *	Minimum as platted * Maximum two platted Lots *
Lot Area	Minimum 7,500 sq. ft. or as platted * Maximum two platted Lots * <u>as of October 24, 2000</u>	Minimum 10,000 sq. ft. or as platted * Maximum two platted Lots * <u>as of October 24, 2000</u>	Minimum 10,000 sq. ft. or as platted * Maximum two platted Lots * <u>as of October 24, 2000</u>	Minimum 7,500 sq. ft. or as platted * Maximum two platted Lots * <u>as of October 24, 2000</u>
Minimum Pervious	30%	30%	30%	30%

Comment [FHC1]: The "as of 10/24/00 ought to go outside the table"

Comment [FHC2]: Increase pervious requirement for combined lots?

Area (% of Lot)				
Maximum Lot Coverage	One Story residences, 45% Multistory residences, 35% Porches and landings that are completely open on at least two sides, with the exception of railings and balustrades, shall not be included in the Lot Coverage calculation. (See Lot Coverage definition.)			
Maximum Floor Area Ratio (FAR)	.47 For new construction on vacant Lots and <u>additions to existing buildings</u> , Development that exceeds 50 percent of the assessed value of the Building the following shall apply:			
	Base FAR .30 for Developments on one platted Lot in the VR and PS districts. .36 for Developments in the VE and IR districts. .13 for Developments on more than one platted Lot.			
	Notwithstanding the above, the base FAR for a One Story Home is .36.			
	Maximum FAR (<u>See FAR Bonus Criteria</u>) .47 for Developments on one platted Lot.** .35 for Developments on two platted Lots.**			
<u>Gross Floor Area Ratio</u>	.65			

Comment [FHC3]: Clarify this: applies only if FAR bonuses enable max-out. The table below clarifies Max.

Comment [FHC4]: Define Base FAR?

* Platted as of the effective date of this section (October 24, 2000).

Comment [FHC5]: "Effective date of this section" is dated.

** Except where said platted lot was created by the resubdivision (through platting or otherwise) of two or more platted lots, from and after October 10, 2006. ~~Said~~ Any such newly created single lot shall be deemed to be two platted lots and limited to a maximum Base FAR of .35.

A ~~development~~ Development may exceed the ~~base FAR but contain no more than~~ Base FAR up to and limited by the maximum Base 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~~ FAR bonus criteria: identified below (FAR Bonus Criteria).

Comment [FHC6]: Base v. maximum Base. We might do better with the definitions to make this easier to grasp.

The FAR ~~bonus~~ bonuses, if any, must be listed on the Site Plan page and approved by the plans reviewer and the ~~Building, Zoning and Planning~~ Director. No certificate of occupancy or completion shall be issued unless the completed ~~development~~ Development includes each of the bonuses listed on the approved Site Plan.

VR and PS Districts: Designs that do not receive both bonuses 3 and 11 shall be assigned a minus .10.

VE and IR Districts: Designs that do not receive bonus 11 shall be assigned a minus .10.

FAR Bonus Criteria	Base FAR Increase
1. Porch facing a Street which meets the following minimum standards: depth 4 ft and length 8 ft., Floor Area 120 sq. ft., elevation shall not exceed the Base Flood Elevation, steps setback 5 ft. from any property line.	.00005 per sq. ft. of Floor Area to a maximum of .03 FAR increase
2. Open and unenclosed balconies located above the first finished floor	.00005 per sq. ft. of Floor Area to a maximum of .03 FAR increase
3. Building located 15-20 ft. from a front property line Front yard setback bonus located 15-20 ft. from a front property line from a front of property line	.001 per Linear Foot of Frontage of a Wall that is located 15-20 ft. from a front property line maximum .006 For every foot the Main Permitted Use is setback less than 20 ft. to a minimum of 15 ft. (.02)
4. Garage or Carport containing two or more vehicles parked parallel with an exterior column separating each of the spaces	.03 .02
5. Single Story Home	.03
6. Combination One and Two Story Home with the second floor occupying less than 50 percent of the Floor Area of the first floor under roof	.10
7. Entrances to Parking garages:	
Interior Lot: placed in a location that does not face the Street.	.02 .03
Corner Lot: entrance in a Side Yard	.02 .03
8. All windows above the first floor facing an adjacent Building which are five ft.	.01 per side

Comment [FHC7]: Porch dimensions are new. Better appearance and functionality – not merely a gimmick

Comment [FHC8]: change pushes building forward. Better streetscape; larger and more private realm in back. Possibly improved security. Higher bonus.

Comment [FHC9]: Suggest leave as is - at .03. Higher aspiration value of garage and carport not facing the street is mandated for wider lots.

Comment [FHC10]: What does "combination one and two story home" mean?

Comment [FHC11]: Higher bonus than existing. Policy of side-facing garage

	above the finished floor	
	or if all Building Walls along the interior side of a property do not have windows	.03 per home side
9.	Side Yard Setback which:	
	a. Exceeds the required Yard	.00005 per each sq. ft. to a maximum of .03
	b. Has a minimum 15 ft. Side Yard Setback	.03
10.	Building located within 15-20 ft. of the rear Lot line Rear yard setback bonus.	.001 per linear foot of a Wall located 15-20 ft. from the rear property line with a maximum of .003 For every foot the Main Permitted Use is setback less than 20 ft. to a minimum of 15 ft. .03
11.	VR and PS Districts: Structures that provide a front Setback of less than 25 20 ft. which have a roof at least three ft. lower than the roof of the main Structure	.03
	IR and VE Districts: A portion of the Building having a having a length of at least ten ft. with a Front Yard Setback that Setback that exceeds the required 25 ft. Setback	.0002 per sq. ft., maximum .03
12.	Reduction in Building Height-	.006 per foot or fraction thereof with a maximum of .03
13.	Reveals	.001 per sq. ft. with a .02 maximum
14.	Outside Moldings with a minimum width of 4 inches	.0001 per linear ft. with a .02 maximum

Comment [FHC12]: important design/privacy discussion- Open ZORC item

Comment [FHC13]: new. Pushes building forward. More private realm. Better streetscape. I changed 25 feet to 20 feet. 20 feet is in current code.

Comment [FHC14]: New. Value: roofline variety. ZORC open discussion re: architectural goals and solutions.

Comment [FHC15]: Reveals are new. ZORC open issues on architectural details and design bonuses

Comment [FHC16]: Moldings new. ZORC open issues on architectural details and design bonuses.

TABLE INSET:

(c) **Building and Wall height.**

- (1) Maximum Building Height is 35 feet. ~~The height of a Building shall be its overall height measured from the Base Flood Elevation to the highest point of the Building roof for Elevated Homes and from the crown of a road to the highest point of a roof for Non-Elevated Homes. There shall be no limitation on the Number of Stories.~~

Maximum number of stories shall not exceed two (2) above the Base Flood Elevation; provided that one (1) additional story is permitted

subject to the following:

~~a. The maximum Floor Area shall not exceed 15% of the Floor Area of the Main Permitted Use or 600 sq. ft., whichever is smaller.~~

~~b. The second story tie beam shall be no higher than 27 ft. above the Base Flood Elevation.~~

Comment [FHC17]: 2 stories max and exception in a and b, are new

(2) Maximum exterior Wall height, length, and elevation of the lowest floor:

Comment [FHC18]: (d), (e) and (f) are new: ZORC close-call discussion. Undulating Walls. Anti-McMansion concerns. ZORC proposition is to encourage less uninterrupted, uninteresting mass. This whole approach is part of ongoing ZORC discussion about architectural goals.

a. The maximum exterior Wall height for a one Story Structure is 15 feet; however, nothing herein shall prevent vaulted or clearstory Walls with a maximum height of 22.5 feet.

b. The maximum exterior Wall height is 22.5 feet above the Base Flood Elevation for Elevated Homes and the lowest floor for Non-Elevated Homes.

c. The maximum Wall height may be increased at a ratio 8:12 (up to ~~the Maximum Building Height~~ 27 ft. Wall height), as the Wall is Setback from the minimum Setback line.

~~d. 25% of each entire exterior Wall shall have a setback that is at least 3 ft. greater than the remaining portion of the Wall. Terraces, balconies and/or porches shall not be counted in determining the length of the Wall.~~

~~e. Walls above 22.5 ft. shall have a minimum of 60% of the surface open.~~

~~f. If a Wall facing a yard exceeds 22.5 ft in height, an architectural feature that projects at least 2 ft. but not more than 4 ft. from that Wall shall be placed at or below the 22.5 elevation. The architectural feature shall extend around the entire structure if the design permits this to occur.~~

~~g. The maximum elevation of the lowest finished floor is the Base Flood Elevation.~~

Comment [FHC19]: new. ZORC proposition is to manage height relative to grade; consistency and proportionality among neighbors

(3) ~~Maximum elevation of an entrance to the Main Permitted Use in the front or side yard facing a street is the Base Flood Elevation.~~

Comment [FHC20]: New. ZORC proposition is to make the front-entrance a conspicuous feature in the elevation, near grade. There was ZORC consensus on this

~~(3) -~~ (4) Exceptions to the maximum height requirements.

a. Chimneys; flag poles; ~~belfries and ornamental towers~~: Ten feet above the highest point of the roof. ~~The floor area of the~~

ornamental towers shall not exceed 25 sq. ft.

Comment [FHC21]: new re floor area of tower. Consider weathervane.

- b. Mechanical equipment, HVAC, and elevators: Ten feet above the highest point of the roof, and shall be completely screened from a view measured at the front property line on the opposite side of the Street from the Structure. ~~the~~, The Director may require a line-of-sight study.
- c. Each ~~architectural feature~~ parapet shall not exceed three feet in height nor occupy more than three square feet in area.

d. Railings and balustrades above the roof beam shall have a height of 42 inches and shall be open at least 50%.

Comment [FHC22]:

(d) Maximum Lot elevation.

~~(1) Generally. For the purpose of regulating Lot elevations there is hereby established three zones. The "Front Zone" being the area between the Building and any adjacent Street(s) but in no event being less than 15 feet from any Street(s). The "Rear Zone" being the area from the Building to the interior and rear property line(s) (or to the waterfront zone, if applicable) and to the back of the "Front Zone." The "Waterfront Zone" being the entire area within 25 feet from any body of water.~~

~~(2) Height.~~

(1) Zones.

- a. "Front Zone." When a Lot is filled for Development purposes the area delineated as the front zone may not be filled to an elevation greater than two feet above the average crown of road. However the driveway grade shall not exceed 20% above the crown of the road.
- b. "Rear Zone." When a Lot is filled for Development purposes the area delineated as the "Rear Zone" may not be filled to an elevation greater than 2 1/2 feet below the established B.F.E.
- c. "Waterfront Zone." When a Lot is filled for Development purposes the area delineated as the "Waterfront Zone" may not be filled to an elevation greater than six inches above the bulkhead; however in no instance shall the height of a bulkhead or Lot be raised to a height that exceeds the maximum elevation as established in the "Rear Zone".
- d. **Exclusions.**

Comment [FHC23]: New ZORC consensus, as with front entrance

(1) Where necessary for the implementation of septic systems

the aforementioned requirements may be waived by the Director for that portion of the Lot required for the septic system. Under no circumstances shall said exclusions exceed minimum requirements for area and elevation. This section shall sunset when the sewer project is completed and approved by the County.

~~e. Pools, pool Decks, Terraces. (2) Pools, pool Decks and Terraces which are located in compliance with the required Setbacks for all Structures and are above the height restrictions established in subsection (2) are included in the Lot Coverage calculation. shall not have an elevation higher than 2 1/2 feet below BFE.~~

~~f. Pools, pool Decks and Terraces which do not exceed height limitations as provided in subsection (2) and the required Setbacks for all Structures are not included in the Lot Coverage calculation.~~

(c) *Setback Regulations (minimum).*

TABLE INSET:

Yard	VR Village Residential	VE Village Estate	IR Island Residential (Interior)	IR Island Residential (Waterfront)	PS Parkside Residential
Front	20 ft. *	25 ft.	25 ft.	25 ft.	20 ft. *
Rear	25 ft. *	25 ft. **	25 ft.	25 ft.	25 ft. *
Side, interior	One Story new construction or one story addition: New construction addition: 7.5 ft. One Story with a second floor addition: sum of the sideyards at the second floor shall be 25% of Lot Width. 7.5 feet for an	Non-waterfront Lots: One Story new construction; 15 ft. or addition: 7.5 ft. 7.5 feet Two Story new construction; 15 ft. One story additions may follow the existing building wall	One Story new construction; 15 ft. or addition: 7.5 ft. Two Story new construction; 15 ft. One story additions may follow the existing building wall	All stories New construction or addition: 7.5 ft. or 7.5 ft. second or higher Story which contains less than 50% of the Floor Area of the first floor. Two stories or more: The sum of the Side Yard Setbacks shall not be less than	One Story New construction or addition: 7.5 ft. or 7.5 feet for an addition of a second or higher Story which contains less than 50% of the Floor Area of the first floor. Two stories or more: The sum of the Side Yard Setbacks shall not be less than

Comment [FHC24]: New. Eliminate distinction between waterfront and interior. Clean up the table.

<p>addition of a second or higher Story which contains less than 50% of the Floor Area of the first floor.</p> <p><u>New construction:</u> Two stories or more: The sum of the Side Yard Setbacks shall not be less than 25% of the width of the Lot with no Side Yard less than 7.5 feet.</p> <p><u>New construction or second floor additions; Lots with a lot width of 100 ft. or more shall have no Side Yard less than 15 ft.</u></p>	<p>setback. Second story additions shall have a 15 ft setback.</p> <p>7.5 ft for an addition of a second or higher Story which contains less than 50% of the Floor Area of the first floor.</p> <p>Two stories or more: The sum of the Side Yard Setbacks shall not be less than 25% of the width of the Lot with no Side Yard less than 7.5 feet.</p> <p>Waterfront Lots: 15 ft.</p>	<p>setback. Second story additions shall have a 15 ft setback.</p> <p>7.5 feet for an addition of a second or higher Story which contains less than 50% of the Floor Area of the first floor.</p> <p>Two stories or more: The sum of the Side Yard Setbacks shall not be less than 25% of the width of the Lot with no Side Yard less than 7.5 feet.</p>	<p>25% of the width of the Lot with no Side Yard less than 7.5 feet. One Story new construction or one story addition: New construction or addition: 7.5 ft.</p> <p>One Story with a second floor addition: sum of the side yards at the second floor shall be 25% of Lot Width.</p> <p>7.5 feet for an addition of a second or higher Story which contains less than 50% of the Floor Area of the first floor.</p> <p>New construction: Two stories or more: The sum of the Side Yard Setbacks shall not be less than 25% of the width of the Lot with no Side Yard less than 7.5 feet.</p> <p>New construction or second floor</p>
--	---	--	--

					additions: Lots with a lot width of 100 ft. or more shall have no Sideyard less than 15 ft.
Side facing Street	15 ft.				

* Allowable 15-foot Front and Rear Yard Setback subject to the requirements of the table below. The 15-foot rear Setback requires the installation of a dense landscape screen with a height of at least ten feet at time of planting.

TABLE INSET:

Number of Stories	Height of Wall	Wall Length
1	15 ft.	40% of the width of the Lot
2 or more	22.5 ft.	34% of the width of the Lot
Garages	Shall provide a 20 ft. Setback if the entrance faces a Street; The elevation facing the Street shall appear as an integral residential part of the Structure including windows and finishes.	

Comment [FHC25]: New changes include minimum 15 ft. side setback if lot is 100 ft. wide. One story additions may follow existing Wall setback. 2nd story additions must have 15 foot setback. Consider 15 foot setback requiring dense landscaping with at least 10 foot height. Double - check setbacks against table.

** Within the Village Estate District the following properties shall provide a ~~Waterway~~ rear Setback of 50 feet: 200--290 Harbor Drive.

*** However, nothing herein shall prevent vaulted or clearstory Walls with a maximum height of 22.5 feet.

**** For a tri-level home, the portion of the floor area associated with the half level shall not count as part of the second story floor area.

- (f) *Permitted encroachments in Required Yards.*
- (1) *Boat storage.*
 - a. The term "boat" as used herein includes vessels and other watercraft, as defined in F.S. § 327.02(36).
 - b. Boats less than 26 feet in length, not more than 96 inches in width and 13 feet six inches in height (bottom of hull to the highest point on the boat including Towers and T tops), may be stored in the VR, VE, IR, and PS zoning districts subject to all the following conditions:

1. No more than one boat may be stored on any one Lot unless stored in an enclosed garage; and
2. Boats and place of boat storage shall be kept in a clean, neat and presentable condition; and
3. No major repairs or overhaul Work on or for a boat shall be made or performed on the Lot; and
4. The boats shall not be used for living quarters, and shall be placed on and secured to a transporting Trailer, however, nothing herein shall authorize the Parking of a Trailer on any Lot without a boat. Personalized watercraft (jet ski, waverunner or similar watercraft) as defined in F.S. § 327.39 are required to be placed on a Trailer pursuant to this section (canoes as defined in F.S. § 327.02(3) are not required to be placed on a Trailer); and
5. Boats stored in a Yard that faces a Street shall comply with the following: The Trailer wheels shall be placed on a hard paved surface and the boat shall be perpendicular to the house and perpendicular to the Street.

Comment [FHC26]: Added perpendicular to house and street - ZORC discussion still open - balance owner convenience and curb appeal

(2) **Decks, pools, and screen enclosures.**

- a. Decks shall provide a five-foot Setback to any Lot line; 0 feet Rear Yard Setback for waterfront.
- b. Decks and swimming pools shall not exceed a height greater than that allowed for the Maximum Lot Elevation. If located outside of the required yard, the height shall not exceed finished floor elevation.
- c. Pools. Swimming pools, shall be subject to the following Setback limitations and shall not exceed a height greater than that allowed for the Maximum Lot Elevation (see subsection (21) for swimming pool equipment setbacks):

Comment [FHC27]: Question 0 foot rear yard.

Comment [FHC28]: Change from 2.5 feet below?

TABLE INSET:

Yard	VR Village Residential	VE Village Estate	IR Island Residential (interior)	IR Island Residential (waterfront)	PS Parkside Residential
Front	6.5 ft.	10 ft.	25 ft.	25 ft.	6.5 ft.

Rear	6.5 ft.	6.5 ft. *	6.5 ft.	6.5 ft. *	6.5 ft.
Side, interior	6.5 ft.	6.5 ft.	6.5 ft.	6.5 ft.	6.5 ft.
Side, Street	6.5 ft.	6.5 ft.	15 ft.	15 ft.	6.5 ft.

* Waterfront Lots shall provide a four-foot Setback.

The foregoing Setbacks shall be measured from the water's edge.

- d. Screen enclosures. Where a screen enclosure is used to enclose a pool or other area of a residence, it shall be limited in height to 22.5 feet and subject to the following Setback limitations:

TABLE INSET:

Yard	VR Village Residential	VE Village Estate	IR Island Residential (interior)	IR Island Residential (waterfront)	PS Parkside Residential
Front	Not permitted except for Porches	Not permitted except for Porches	Not permitted except for Porches	Not permitted except for Porches	Not permitted except for Porches
Rear	5 ft.	25 ft.	5 ft.	25 ft.	5 ft.
Side, interior	5 ft.	5 ft.	7.5 ft.	15 ft.	5 ft.
Side, Street	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.

Notwithstanding the forgoing, the height of a screen enclosure shall not exceed 8.5 feet above the Base Flood Elevation at the rear and side Setback, with a gradual transition (8:12 ratio) to any greater height (up to the maximum height allowed).

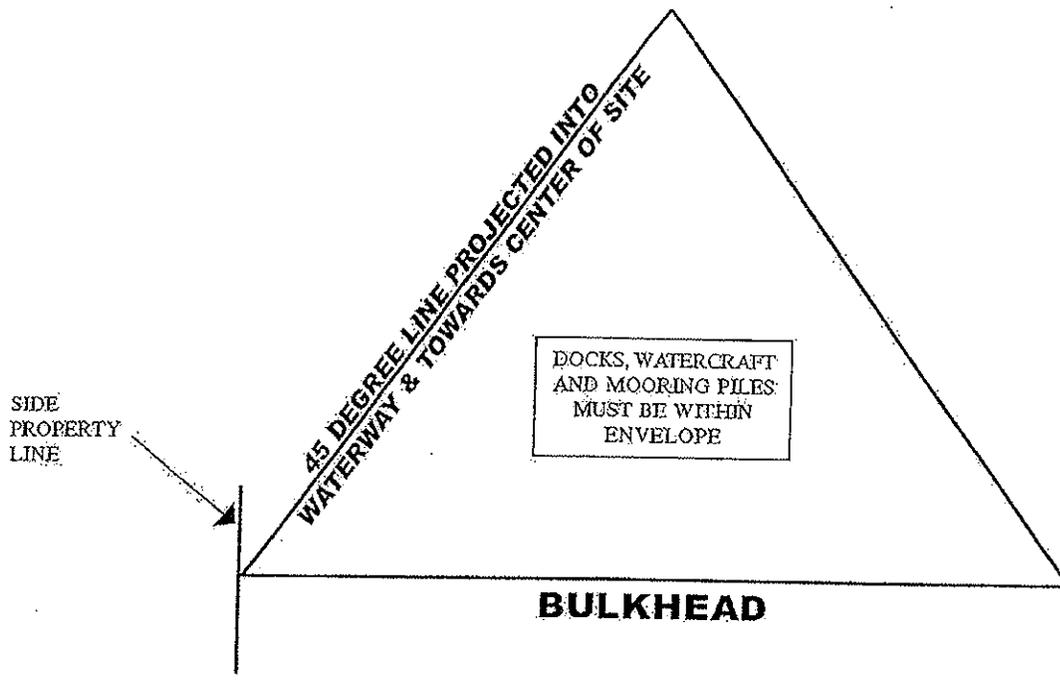
(3) **Docks and mooring piles.**

- a. *General Regulations.* No docking facility within the single family districts in the Village of Key Biscayne shall be constructed without prior written approval by the Village of Key Biscayne Building, Zoning and Planning Department. The Village reserves the right to deny such permit for any docking facility which is determined, under the criteria provided herein and by applicable law, to be detrimental to the equitable, safe, and adequate navigation of all Waterways in the Village.

1. All docks, davits, fenders, watercraft and mooring piles shall be set back a minimum

Comment [FHC29]: Delivered previously to Council

- of ten feet from each side property line extended.
2. No mooring pile shall have a height exceeding 13 feet above NGVD (National Geodetic Vertical Datum) nor extend into the waterway a distance more than 25 feet or 20 percent of the Waterway width at the point of extension, whichever is less.
 3. All docks and mooring piles shall be constructed in accordance with Section D-5.03(2)(a) of the Dade County Public Works Manual (see diagram below). All watercraft or any portion thereof shall be docked or moored inside an area as depicted in the triangle diagramed below, and must be docked parallel to the bulkhead.



2. No mooring pile shall extend more than 20 feet from a dock and may not extend more than 60 feet from the property line into Biscayne Bay. No more than two mooring piles and one watercraft are permitted outside of the 60 degree triangle.
3. If the property line is a concave or convex arc, the projection of one side of the dock may exceed the 40-foot maximum by no more than six feet.
4. No more than one slip shall be permitted per residence. A watercraft owned by a guest may be moored no longer than 24 hours within a slip.
5. No dock or mooring pile shall project within 60 feet of a breakwater.
6. A boat lift shall not encroach into the required ten-foot side yard setbacks. Lift arms may extend beyond the 60 degree triangle, but shall not extend beyond the mooring piles.
7. The maximum height for a watercraft on a boat lift is such that the bottom of the watercraft may be no more than six inches above the Mean High Water Level.
8. A watercraft shall not exceed a maximum of 50 feet in length overall (LOA).
9. The maximum distance between mooring piles shall be 50 feet, and the maximum length of a dock running parallel to the property shall not exceed 50 feet.

Except as modified by this subsection (f)(3)b. all other provisions in Section 30-100 shall apply.

~~(4)~~ (5) **Driveway and Parking criteria.** The following provisions shall apply to all single Family and Two-Family Developments:

- a. **Points of Access.** Except on a Corner Lot, all driveways shall be limited to two points of connection at the intersecting Right-of-Way. On a Corner Lot, a third point of connection shall be permitted so long as there are not more than two points of connection along one Street.
- b. **Driveway material.** All driveways shall be paved or covered with a hard surface such as but not limited to concrete, pavers, bricks, tile, pea rock, gravel and similar materials, but not asphalt. This paving requirement applies to the construction of new single Family and Two-Family Homes on vacant Lots or any Work on existing homes which costs 50 percent or more of the assessed value of the property. Driveways, which are paved with asphalt, are permitted to be retained unless the value of renovation Work exceeds 50 percent of the assessed value of the property. Aprons (edge of pavement to property line) shall have the same finish as the driveway or asphalt; however, pea rock is not permitted.
- c. **Setbacks.** All driveways shall be set back at least five feet from any side property line. All circular driveways shall be set back at least two feet from any front and/or property side Street property line. On Corner Lots, driveways shall be set back 15 feet from the extended Right-of-Way Intersection.

- d. **Width.** A maximum width of 24 feet is permitted for single Family and 36 feet for Two-Family Homes for a Lot with 75 feet or less of frontage at the property line. For all other Lots the width of a driveway or combination of driveways at the point of intersection with the Right-of-Way shall not exceed the lesser of 36 feet or 32 percent of the Lot's frontage, including side Street frontage on Corner Lots.

No Commercial Vehicle shall be parked or stored overnight except in a garage or Carport; however one vehicle that is used for commercial purposes may be placed on the property. A Sign measuring no more than three square feet may be placed on either side of such vehicle.

(56) Fences and Walls.

~~a. 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) but in no event less than 15 feet from the Street, and the "Rear Zone" being the area from the back of the Front Zone to the rear property line, or to the waterfront zone (if applicable), and the "Waterfront Zone" being the entire area within 25 feet from any Waterway. b. (a) Maximum height.~~

1. **Front Zone.** The height of a fence or Wall between any Building and ~~adjacent Street(s) or~~ side Lot line shall be six feet as measured from the crown of the road, except arches, columns, gates and other ornamental entry features may extend to eight feet in height.
2. **Rear Zone.** The maximum height of a fence or Wall is six feet measured from the average elevation of the Lot but in no instance shall the height exceed eight feet when measured from the Adjacent Property, except arches, columns, gates and other ornamental entry features may extend to eight feet in height.
3. **Waterfront Zone.** Four feet measured from the elevation of the lowest point of the Rear Yard.
4. **All Zones.** When a fence faces a Street in the Front or Side Zones, the following applies:

- a. Maximum height is 4 ft. above Grade.
- b. Minimum setback is 2 ft. if a sidewalk is present.

Comment [FHC30]: New. Added the qualifier re: front and side zones and fixed grammar. ZORC discussion favors fencing for curb appeal, private realm to streetscape articulation, with privacy but not complete visual barricade

otherwise 0 ft.

e. Shall be at least 75% open.

~~e.~~ b. Fence finish materials and restrictions.

1. All Walls shall be finished on all side(s). Masonry Walls shall be stuccoed and painted, except where adjacent and contiguous to an existing Wall, or fence. The owner shall provide documentation to the Director that a good faith effort was made to obtain the adjacent owner's approval to stucco or paint the fence on the adjacent property.
2. Wood fences shall have the structural side of the fence facing the interior of the property, unless the Abutting owner consents otherwise in writing and the Director approves the structural side facing the Abutting owner.

~~2.~~ 3. Chain link fences shall be coated with black or green finish materials. Chain link fences associated with court games are permitted in pursuant to ~~subsection (21). Where permitted, chain link fences shall be coated with black or green finish materials.~~ Section 30-100 (22).

4. Perimeter Walls and wood fences (including chain link) which face a Street shall be screened with a hedge ~~(which may be placed within the swale if in accordance with Chapter 21, "Public Rights of Way") except for Walls and wood fences which are painted on both sides with a maximum height of 42 inches. At time of planting, the hedge~~ that at time of planting shall have a minimum height of 24 inches and be planted on 24 inch centers. 24 inches on center.

Chain link fences facing a street shall have a hedge that at time of planting has a height equal to the height of the chain link fence and shall be planted on 30 inches on center.

~~5.~~ Walls shall be painted on both sides.

~~6.~~ Barbed wire and/or similar materials are not permitted.

~~(6)~~ Front Yard encroachments.

- a. **Fountains:** One with a maximum height of five feet occupying no more than 100 square feet with the following Setbacks: front, five

feet; interior side, five feet; and side facing a Street, ten feet.

- b. *Decorative in-ground reflecting pool*: One with a maximum depth of one foot with the following Setbacks: front, five feet; interior side, five feet; and side facing a Street, ten feet.
- c. *Streetlight*: Maximum height of ten feet and no limit on the Number.
- d. *Basketball pole or similar court games*: Five feet from a side Lot line.
- e. *Sculpture or other Structure*: one with a height of 5 ft. above Grade occupying no more than 10 sq. ft.

Comment [FHC31]: This subsection is new. Allow flexibility but with limits

(78) Gazebos and accessory Structures.

Comment [FHC32]: ZORC note re presentation: This subsection is presented differently, less prose, more bullet points. ZORC open item: style, formatting and presentation

- a. Maximum height: Ten feet Wall height above the Maximum Lot Elevation.
- b. Location: Not permitted in the Front Yard.
- c. Setbacks, Side Yard: Same as the Main Permitted Use. However, the required Rear Yard Setback is ten feet.
- d. Size: 200 square feet.
- e. Construction materials: Limited to concrete, block, stucco, wood, and brick or similar materials. Aluminum, sheet metal, fiberglass are prohibited.
- f. Roof top Access: Prohibited.
- g. Number: One.
- h. 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.

(89) Hedges. No height or Setback limitations, except for the line-of-sight requirements contained in Chapter 21 of this Code.

Comment [FHC33]: Check setback inconsistency where there's an adjacent sidewalk.

(910) Heating, ventilation, and air conditioning equipment Setback Regulations. The use and location of heating, ventilation, and air conditioning compressors and equipment (HVAC) and swimming pool equipment shall be limited as follows: HVAC compressors are subject to the following Setback limitations:

Comment [FHC34]: swimming pool equipment is treated in Subsection (21)

TABLE INSET

Yard	VR Village Residential	VE Village Estate	IR Island Residential (interior)	IR Island Residential (waterfront)	PS Parkside Residential
Front	10 ft. Not <u>permitted</u>	20 ft. Not <u>permitted</u>	20 ft. Not <u>permitted</u>	20 ft. Not <u>permitted</u>	15 ft. Not <u>permitted</u>
Rear	10 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Side, interior	4 ft.	4 ft.	4 ft.	10 ft.	4 ft.
Side, Street	10 ft. Not <u>permitted</u>	10 ft. Not <u>permitted</u>	10 ft. Not <u>permitted</u>	10 ft. Not <u>permitted</u>	10 ft. Not <u>permitted</u>

Additionally, HVAC compressors shall be installed on an acoustically soundproofed base or ledge with a structural visual screen from the Right of Way at the front of the Lot and a solid acoustical screen from the Adjacent Property. The acoustical screen shall extend around all open vertical sides of the unit(s). The screen shall extend at least one foot above the top of the compressor and shall be painted the color of the house or duplex.

(11.11) **Motor Homes and Trailers.** No vehicle that has accommodations that permits it to be inhabited overnight shall be permitted unless it is stored in a garage or Carport.

(11.12) **Pavers and walkways in Side and Rear Yards.** ~~Pavers or other walkway material may be placed within the Side or Rear Yard so long as they do not materially affect the drainage characteristics of the area. The maximum width of the walkway is five feet but in no instance shall the Setback be less than four feet.~~ The maximum width shall be 3.5 ft with a minimum setback of 2 1/2 feet.

(12.13) **Porches, Porte-Cocheres, and Carports/Carport Canopies Setback Regulations.** The following uses are permitted to encroach into Required Yards subject to the following Setbacks:

TABLE INSET:

Use	VR Village Residential	VE Village Estate	IR Island Residential	PS Parkside Residential
Porches	10 ft. *	10 ft.	15 ft.	10 ft. *
Porte-Cocheres	10 ft.	10 ft.	15 ft.	10 ft.
Carports/Carport Canopies	10 ft. *	10 ft.	15 ft.	10 ft. *

* If a development has a Porch and a Carport, then one of these shall

provide a 15-foot Setback.

The placement of the above uses in Required Yards are subject to the following height, area, and design requirements:

- a. Porches. The maximum width of any Porch or combination of Porches may not exceed 60 percent of the Average Lot Width. The maximum Wall height of Porches shall not exceed 14 feet above the maximum permitted Base Flood Elevation.
- b. Carports and Porte-Cocheres which encroach into the principal Building Setback are limited to 500 square feet in area and only one such encroachment is permitted per Street frontage. The maximum height (to top of Structure) of Carport and Porte-Cochere encroachments shall not exceed 14 feet above the maximum permitted Lot elevation.
- c. Carports, Porches and Porte-Cocheres shall not form an integral part of the principal roof Structure.

- (13) **Projections.** The following Structures are permitted to project into a Required Yard for a distance not to exceed 25 percent of said Yard with a maximum projection of six feet: Awnings, balconies, bay windows (maximum width of ten feet), canopies, chimneys, cornices, sills, walkways and other architectural features that the ~~Building, Zoning, and Planning~~ Director has determined are consistent with this subsection. ~~If steps and landings are located in a required 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.~~ If a perimeter Wall or landscaping is not located along that portion of a Side Yard ~~which~~ that faces the steps, then the side of the steps shall be enclosed with a solid Wall or landscaping.

Comment [FHC35]: This seems wrong. Consider modern "Malibu style". ZORC open issue - architecture. Road Not Taken

- (14) **Room additions to residential Structures and conversions of garages or Carports to living space.** Are permitted subject to the following:

- a. 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 and the following standards.
- b. 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.
- c. If the ~~Building, Zoning, and Planning~~ Director determines that the plans indicate that future conversion may result in additional

Comment [FHC36]: ZORC - look at projection consistency - roofs as compared to awnings, balconies etc

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.

- 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) Retaining Wall, required.~~ (16) Steps and landings.

(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) Retaining Wall, required. A retaining Wall shall be provided ~~in the following instances:~~ a. Anywhere 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.

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

(17)18) 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.
- 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 line Lot Line.
- 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~~ Lot Line.

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

Comment [FHC37]: What happened to (g), shown here as deleted? It should remain

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

~~(18) Satellite dish~~ (19) Telecommunication antennas. These antennas shall comply with the following Regulations:

- a. Shall not have a diameter or height that exceeds one ~~meter~~ yard.
- b. Shall be placed in a location to minimize its view from any public Street. A line of site study shall be submitted for Director approval.
- 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 [FHC38]: Policy of flexibility; convenience

- 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)~~ Right-of-way Way, or set into the roof so that the upper roof surface abuts the side or back of the solar panel.

Comment [FHC39]: Supervisory variance for height excess?

(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 lot line or water's edge:

Comment [FHC40]: Capitalize Lot Line

Comment [FHC41]: Study: acoustical screening or noise standard for pool pumps?

TABLE INSET:

Yard	VR Village Residential	VE Village Estate	IR Island Residential (interior)	IR Island Residential (waterfront)	PS Parkside Residential
Front	Not permitted **				
Rear	2 ft.	2 ft. 0 15 ft. if waterfront	2 ft.	2 ft. 0 15 ft. if waterfront	2 ft.
Side, interior *	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

⁴ 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:

- a. ~~Front Yard or Side Yard facing a street:~~ Not permitted.
- 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 ~~at least 15 feet from the property line~~ to the side Building Line.
- 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, 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 30 inch height planted 30 inches on center.

(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.

Comment [FHC42]: Is this happening?

(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) Pipes soffit enclosure: Pipes located below a ceiling that can be seen from the street shall be enclosed in soffit.

(26) Garages facing a Street:

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.

(28) Balcony Regulations.

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.

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 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.

Comment [FHC43]: 25-30 all new

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

(1) ~~Bed and Breakfast Inns. 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)~~ 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 ~~Available~~available;

- f. The entire Building shall be substantially rehabilitated and conform to the ~~Florida~~Building Code, ~~the Code of the Village of Key-Hiscayne~~these Regulations, 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; Comment [FHC44]: Why?
- 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 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.
- 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:~~ Residential Homes.

- 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

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.
- g. 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 served in the home.
- 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).

(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

Comment [FHC45]: ZORC discussion not settled. This relates already built condition. What about re-development? ZORC goal of no surprises. Same point with Key Colony and Ocean Club. Consider Comp Plan treatment re: the PUDs upon casualty or natural disaster – density and intensity equivalence.

(2) *Development Regulations.*

TABLE-INSET:

Regulation	Requirement	Regulation	Requirement
Minimum Lot Frontage	45 ft.	Maximum Lot Coverage	40%
Minimum Lot Area	6,000 sq. ft.	Maximum Floor Area Ratio	.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 Lot Frontage	50 ft.	Maximum Lot Coverage	50%
Minimum Lot Area	5,000 sq. ft.	Maximum Floor Area Ratio	.80 Main .07 Porch
Minimum Pervious Area	20%		

~~(1) *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:~~

- ~~—— (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 Duplex²

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

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 ²² .30
		VE and IR Districts One-platted lot ²² .36
		Any district More than one-platted lot ²² .13
		One-Story-Home-regardless-of-zoning-district-or-Number-of-platted-Lots .36
	Max. FAR	Developments on one-platted Lot ²² .47
		Developments on two-platted Lots ²² .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 separating each of the spaces	Formula not required to determine this bonus		.03
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 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	.03

			roof at least 3 ft. lower than the roof of the main Building	
		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.)	
12	Reduction in Building heights	in .006 per ft. below the maximum height permitted	.03	

¹³ This schedule summarizes the FAR Bonuses which are listed in section 30-100(b).

¹⁴ 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</p> <p>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</p>	<p>Service Station where the primary use on the site;</p> <p>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>

Comment [FHC46]: Add as purpose - regulate Development and Use within the district

	off the premises.			
	<p>3. Antique furniture that is at least 50 years old and the resale of jewelry, art, and furs.*</p> <p>4. Personal Service Uses</p> <p>5. Restaurant (except on parcels that immediately abut a single Family district) [THIS NEEDS A REFERENDUM]</p> <p>6. If a site is adjacent to a GU Government Use District a hotel is permitted with the following restrictions:</p> <p>1. the ground floor is limited to retail, hotel and related accessory uses</p> <p>2. maximum height is 50 ft.</p> <p>3. maximum Floor Area Ratio is 1.0</p>			

Comment [FHC47]: Entryway discussion. Add traffic mitigation and architectural review

Comment [FHC48]: Discussion – religious uses oriented to C/O

* 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	35%

		garage receives the bonus and/or b. .025 if a parking garage is sited at least 50 ft. from a public street.	
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 parkinggarage 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 parkinggarage 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 sited atleast 50 ft. from a public street.	35%

*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
<p>1. Elevation facing a street</p> <p>a. First floor: zoning Code requires 50% of elevation to be in windows. Bonus for additional windows.</p> <p>b. Steps in front of the storefront leading to the street</p> <p>c. Variation in vertical roof lines</p> <p>d. Variation in building wall plane</p> <p>e. Mansard or pitched roof facing a street</p> <p>f. Ornamental reveals, designs, or trellis</p> <p>g. Open balconies with 75% of each side having railings</p> <p>h. Porch or covered terrace (not a balcony)</p>	<p>a. 0.0005 per sq. ft. of window</p> <p>b. 0.0005 per linear ft. of stair width</p> <p>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</p> <p>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</p> <p>e. 0.0003 per linear ft.</p> <p>f. 0.002 per sq. ft. of decorative element or trellis area</p> <p>g. 0.0001 per sq. ft. of balcony floor area</p> <p>h. 0.00003 per sq. ft. of porch or terrace floor area</p>	<p>a. 0.05</p> <p>b. 0.05</p> <p>c. 0.08</p> <p>d. 0.08</p> <p>e. 0.08</p> <p>f. 0.02</p> <p>g. 0.02</p> <p>h. 0.08</p>
<p>2. Courtyards and passageways to interior public spaces</p> <p>a. Interior courtyards</p> <p>b. Pedestrian Passageways to interior courtyards. No pedestrian passageway can be an interior courtyard.</p>	<p>.000007 per sq. ft. of courtyard floor area</p> <p>.000007 per sq. ft. of passageway floor area</p>	<p>a. 0.07</p> <p>b. 0.07</p>
<p>3. Clustering of Building(s): this bonus is limited to projects that occur on 60,000 sq. ft. or more of land.</p>	<p>.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.</p>	<p>.15</p>
<p>4. Sites adjacent to a park that provide an alternate route to Crandon Boulevard.</p>	<p>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.</p>	<p>.10</p>
<p>5. Use</p> <p>a. Automobile repair*</p> <p>*All new auto repair uses shall agree</p>	<p>a. .03 per auto repair bay; and/or</p> <p>b. .02 per gasoline dispenser.</p>	<p>a. 0.09</p> <p>b. 0.08</p>

to a recorded development restriction limiting the use of the property for auto repair for a minimum period of 10 years. b. Service Station		
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 kneewall 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 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 therefor 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 Beach Club	Upland Multi-Family Residential
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:

SEE ATTACHED ORDINANCE

Comment [c49]: The changes discussed in this section will be discussed at a separate workshop.

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.*

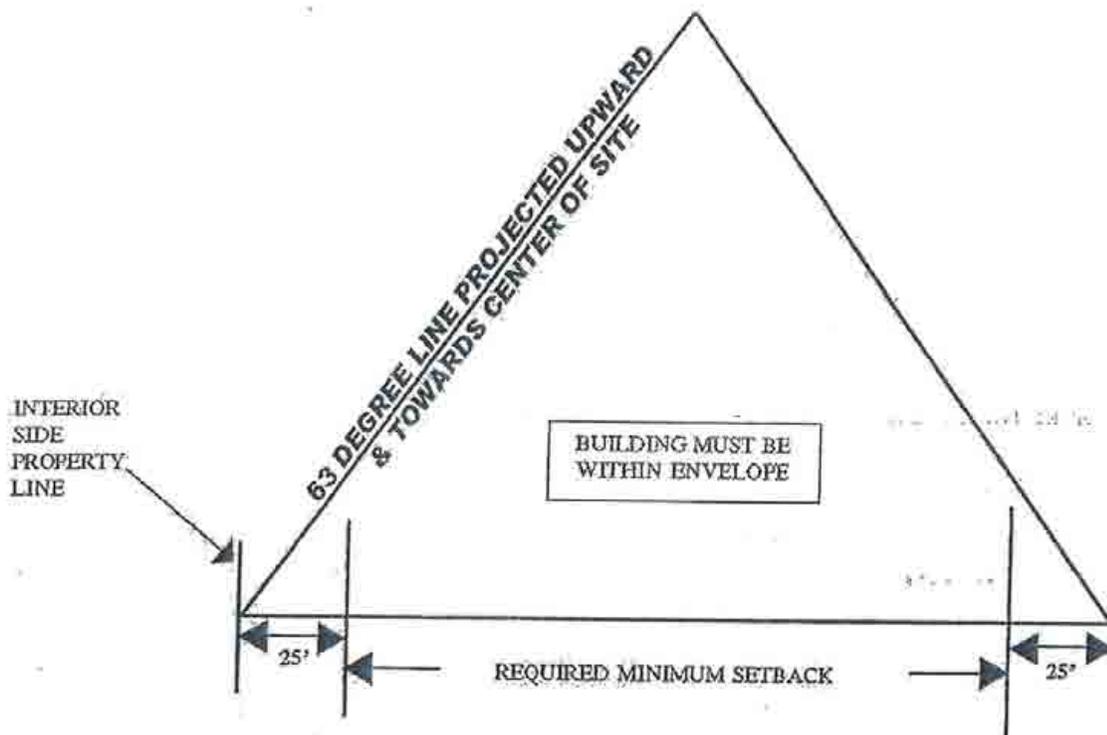
TABLE INSET:

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	150 ft.	.40	The site shall be subdivided as of the date of this ordinance.

counted towards one Use, cannot be counted towards another Use.			
---	--	--	--

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:	<p>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).</p> <p>Side Setbacks shall be measured from the dedicated Easement as required in the Floor Area Ratio calculation.</p>	<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</p> <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>
Rear:	25 ft. + 5 ft. per floor above the first floor but not to exceed 50 ft.	



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 and regulate Uses that provide a public or semi-public service.	Places of worship. [THIS NEEDS A REFERENDUM] Places dedicated to historical or cultural functions Village Recreational Facilities	Community Residential residences Homes	Any Use that is customarily associated with the Main Permitted Use Day Care Facilities Meeting rooms Schools (See sec. 30-111)	Any Use not listed as a Main Permitted Use, Conditional Use, or Accessory Use. (See sec. 30-113 for other prohibited Uses)

Comment [FHC50]: Add "Development"

(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	30	150 ft.	.40		.40

High Density				
			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	*	*	*	*

* 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).

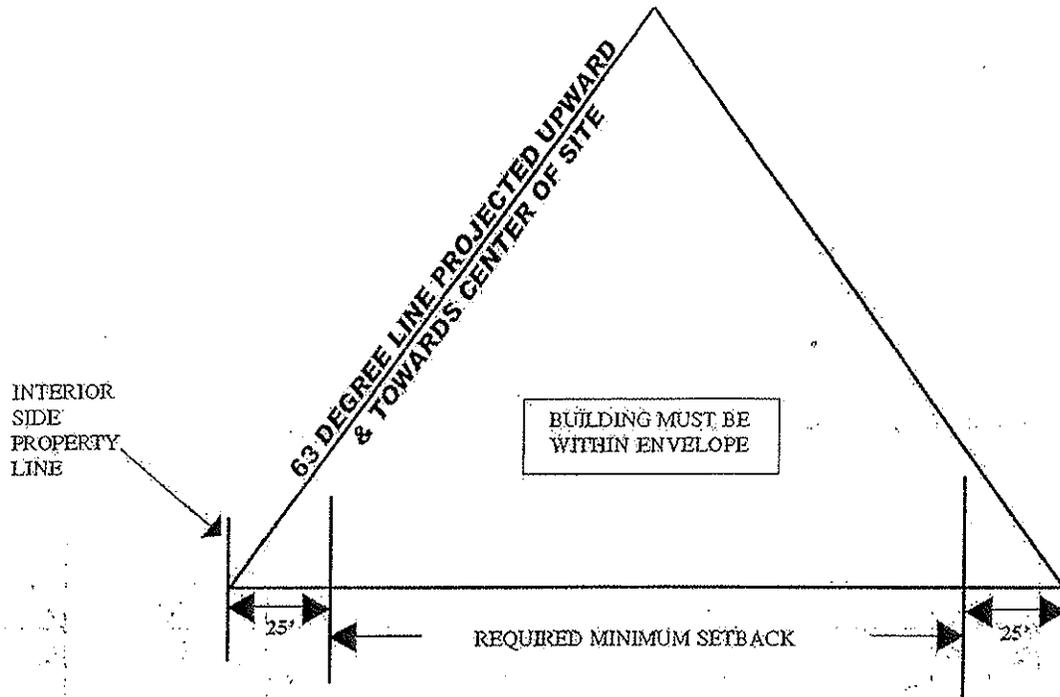
(c) Setback Regulations.

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. 50 ft. maximum the sum of the Side Yards must be \geq 25% of Lot width	25 ft.
RM-16 Medium	30 ft.	25 ft.	20 ft.	20 ft.	25 ft.

Density					
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	*	*	*	*	*

* 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).



(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	Main Permitted	None	Any Use that is customarily	Any Use not listed as a Main

non-commercial, private facilities that provide recreational and social activities for their members and guests.	Uses: Private Club		associated with the Main Permitted Uses or Conditional Uses (See sec. 30-111)	Permitted Use, Conditional Use, or Accessory Use (See sec. 30-113)
--	-----------------------	--	---	--

(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 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

(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).

Comment [FHC51]: misplaced

(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.

(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.*

a. *Front Zone.* All Walls ~~between any Building and the adjacent Street(s) must~~ be finished on all side(s). Masonry Walls ~~must shall~~ be stuccoed and painted ~~except where adjacent and contiguous to an existing Wall or fence. The owner shall provide documentation to the Director that a good faith effort was made to obtain the adjacent owner's approval to stucco or paint the fence on the adjacent property, and w~~ Wood fences must have no exposed nail points. ~~and wood fences must have no exposed nail points.~~

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).

b. Wood fences shall have the structural side of the fence facing the interior of the property.

c. Chain link fences shall be coated with black or green finish materials

d. Perimeter Walls and wood fences which face a Street shall be screened with a hedge that at time of planting shall have a minimum height of 24 inches and planted 24 inches on center.

e. Chain link fences which face a street shall have a hedge that at time of planting has a height equal to the height of the chain link fence and shall be planted on 30 inches on center.

f. Walls shall be painted on both sides.

g. Barbed wire and/or similar materials are not permitted.

(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 (not the width of the lot)	Side or Rear Yard Setback	Front Setback
50 ft. or less	5 ft.	5 ft.
More than 50 ft. but \leq 200 ft.	5 ft.	7.5 ft.

More than 200 ft.	10 ft.	10 ft.
-------------------	--------	--------

b. Landscaping shall be provided for as set forth in Article IX.

c. At-grade Parking Lots, when an Accessory Use and located under a Building, shall comply with the Setbacks as set forth for the Main Permitted Use. At-grade Lots which are not under a Building shall comply with the Setbacks listed in subparagraph (1)a. above.

(2) At-grade Parking Lots with fewer than six spaces. These Lots shall provide a five-foot Setback to any property line and include a car stop per Parking space. The Setback area shall be landscaped. Terminal islands are not required.

(3) Parking Garage, attached or detached to a Building, shall have the same Setbacks as the Main Permitted Use.

(1) *Projections.* Every part of a Required Yard shall be open to the sky, except as provided for in these Regulations. The following may project into a Required Yard for a distance not to exceed 25 percent of the Required Yard up to a maximum projection of six feet, unless provided for below:

TABLE INSET:

(1) Air conditioning Units, window and Wall	(6) Cornices
(2) Belt courses	(7) Porches, platforms, steps, Terraces, Decks, and similar Uses
(3) Balconies: the PUD, HR, and RM-30 districts where they may project 10 ft. from a Wall but not closer than 20 ft. to a side or rear Lot line and 25 ft. to a front Lot line.	(8) Window sills
(4) Bay windows	(9) Walkways
(5) Chimneys	(10) Any other similar work as determined by the Building, Zoning, and Planning Director

(m) *Shed Regulations.*

TABLE INSET:

(1) Not permitted in any Yard that faces a Street.	(4) Maximum size: 150 sq. ft.
(2) Rear and Side Yard Setback: 5 ft.	(5) Maximum height: 7.5 ft.
(3) Maximum of one allowed per property.	

(n) *Solar heating panels.* Shall be visually screened from the adjacent Rights-of-Way, or set into the roof so that the solar panel is flush with the upper roof surface.

(o) *Swimming pool, hot tubs, spas or similar Use.* Setbacks measured to water's edge. (see subsection (d) above for Setbacks for Decks and Screen Enclosures):

TABLE INSET:

(1) Not permitted in the Front Yard (except in the PC District, where the Setback shall be 35 feet).	(4) Rear Yard: 15 ft.
(2) Side Yard facing a Street: 15 ft. except in the PUD, HR, and RM-30 districts where the Setback shall be 20 ft.	(5) Equipment Setback: 5 ft.
(3) Side Yard, interior: 10 ft. except in the PUD, HR, and RM-30 districts where the Setback shall be 15 ft.	(6) Swimming pool (depth of at least 2 ft.) shall be surrounded by a fence with a self-closing/locking gate - fence and gate minimum 48 inches high with no more than four inches between fence posts. *

* Modifications to the fence, gate or latch: The Building Official may make modifications in individual cases upon a showing of good cause with respect to the height, nature or location of the fence, Wall, gate or latch or the necessity thereof, provided the protection as shown hereunder is not reduced thereby. The Division may permit other protective devices or Structures so long as the degree of protection afforded by the substitute device or Structure is not less than the protection afforded by the Wall, fence, gate and latch described in division (o)(6) above.

(p) *Tennis courts and similar court games.* The following Regulations shall apply for fences, lightpoles or other Accessory Structures associated with court games in all districts.

TABLE INSET:

(1) Front Yard - Not permitted (except in the PC District, where the Setback shall be ten feet).	(4) All chain link fences shall be coated with green or black materials.
(2) Required side and required Rear Yard - maximum height of fences shall be ten feet and the fences shall be set back at least 7.5 ft. from the interior side or rear property line. When the fence faces a Street, the maximum height shall be ten feet and the fence shall be set back at least 15 ft. from the property line.	(5) When fences are located within 7.5 ft. of a Lot line, they shall be substantially screened from view from Adjacent Properties, public Rights-of-Way, and Waterways by landscape materials.
(3) Accessory lighting fixtures, when customarily associated with the Use of court games, shall be Erected so as to direct light only on 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 ft. Light is permitted to be cast on any public Right-of-Way.	(6) Any play surface, whether paved or unpaved, when associated with said court games, shall have the following minimum Required Yards: front - not permitted, interior side - 7.5 ft., any side facing on a Street - 15 ft., rear - 7.5 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 occupiable 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:

- (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 30-180(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.

(d) *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.

(e) *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 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-homes.* These facilities shall be considered subject to the Conditional Use procedures set forth in 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 Occupational License shall be required. No such certificates shall be issued unless the Fire Department approves the issuance of said certificates; and

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 section 30-80; and

(3) Density shall not exceed 16 Units per acre. If the Community Residential Home 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 Occupational License shall be required. No such certificates shall be issued unless the Fire Department approves the issuance of said certificates.

(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.

(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) Steeple 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 served in the home;
- (3) Employees in the business are limited to full time residents of the Dwelling Unit; and
- (4) The business requires a Village Occupational License.

(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:

- (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.

Sec. 30-113. Prohibited Uses.

TABLE INSET:

<i>Prohibited Uses</i>	<p><u>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.</u> 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:</p>
(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 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.	

Comment [FHC53]: Moved from 30-10

HOTEL RESORT ZONING DISTRICT

Village Attorney has determined the entire ordinance is subject to a referendum.

ORDINANCE NO. 2010 -

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-103 “HOTEL RESORT DISTRICT;” PROVIDING FOR AMENDMENTS TO THE PURPOSE AND USES; PROVIDING FOR AMENDMENTS TO THE LIST OF PERMITTED, CONDITIONAL, AND PROHIBITED USES; PROVIDING FOR AMENDMENTS TO THE DEVELOPMENT REGULATIONS; PROVIDING FOR SUPPLEMENTARY REGULATIONS; PROVIDING FOR AMENDMENTS TO SECTION 30-184 “AMOUNT OF REQUIRED OFF-STREET PARKING” RELATING TO THE REQUIRED OFF-STREET PARKING FOR HOTELS OR MOTELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council requested that the Zoning Ordinance Review Committee review and analyze the existing Hotel Resort District regulations; and

WHEREAS, the Zoning Ordinance Review Committee held several meetings to discuss the existing Hotel Resort District regulations and developed significant revisions to the District regulations; and

WHEREAS, the Zoning Ordinance Review Committee has recommended that the proposed modifications to the Village’s land development regulations be approved; and

WHEREAS, the Village staff recommends approval of the proposed modifications to the Village’s regulations and finds that these regulations are consistent with the Village’s Comprehensive Plan; and

WHEREAS, the Village Council, sitting as the Local Planning Agency, has reviewed this Ordinance and has recommended approval; and

WHEREAS, the Village Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS¹:

Section 1. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Amendment to Section 30-103 of the Village Code. Section 30-103 “Hotel Resort District” of the Village Code of Ordinances is hereby amended to read as follows:

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 Single Family Townhome, <u>or</u>	<ol style="list-style-type: none"> 1. <u>Single Family</u> 2. <u>Townhome</u> 3. <u>Hotel</u> 4. <u>Apartment Building</u> 5. <u>Public Park</u> 6. <u>Any Combination of</u> 	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)

¹ Coding: underlined words are additions to existing text, struck through words are deletions from existing text, shaded text reflects changes made from First Reading.

<p>multiple Family residences- in a manner that is consistent with the mass and scale of adjacent properties.</p>	<p>the above referenced uses <u>7. Uses seaward of the of the Coastal Control Line shall be limited to bath houses, cabanas, outdoor recreational facilities, and restaurants so long as: (1) they are approved by a Coastal Construction Line permit granted by the State of Florida Department of Natural Resources; (2) at least 50% of the permitted area is free of any such structures; and (3) no such individual structure shall exceed 15% of the permitted area.</u></p>			<p><u>Hotel and Apartment Buildings are prohibited within 120 ft. of the Holiday Colony subdivision.</u></p>
---	---	--	--	--

(b) *Development Regulations.*

TABLE INSET:

<u>Use</u>	<u>Density</u>	<u>Setback</u>	<u>Height And Floor Area Ratio</u>	<u>Lot Coverage</u>	<u>Minimum Lot Area</u>
<u>Single Family</u>	<u>Within 120 ft. of Holiday Colony Subdivision density shall be limited to 1 single family home per 100 ft. of lot width and minimum lot depth of 120 ft. When not located within 120 ft. of the Holiday Colony Subdivision, then as set forth on the approved Site Plan.</u>	<u>See Section 30-100 (e)</u>	<u>See "Floor Ratio and Height Zone Sketch."</u>	<u>See Section 30-100(b)</u>	<u>12,000 sq. ft.</u>
<u>Townhome</u>	<u>16 Units per acre. Lot dimensions shall be as shown on the approved Site Plan.</u>	<u>See Section 30-100 (b)</u>	<u>See "Floor Ratio and Height Zone Sketch."</u>	<u>See Section 30-11(b)</u>	<u>As set forth on the approved site plan</u>

<u>Hotel Only</u>	<u>30 Units per acre. No Hotel shall exceed 350 units</u>	<u>Front:</u> <u>25 ft. + 5 ft. per floor above the first floor but not to exceed 50 ft.</u> <u>Side:</u> <u>25 ft. minimum.</u> <u>No portion of the Building may extend beyond a "building envelop" 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 "Building Envelope Sketch").</u> <u>Rear:</u> <u>25 ft. + 5 ft. per floor above the first floor but not to exceed 50 ft.</u>	<u>See "Floor Ratio and Height Zone Sketch."</u>	<u>.40</u>	<u>The site shall be subdivided as of the date of this ordinance</u>
<u>Apartment Building Only</u>	<u>16 Units per acre.</u>	<u>Same as Hotel above</u>	<u>See "Floor Ratio and Height Zone Sketch."</u>	<u>.40</u>	<u>The site shall be subdivided as of the date of this ordinance</u>

<u>Hotel and Apartment Building (either combined in one building or separate buildings on the same site)</u>	<u>12 Apartment Building Units per acre and 30 Hotel Units per acre. There shall be a minimum of 60 Apartment Building Units and a maximum of 100 Apartment Building Units. In addition, there shall be a minimum of 100 Hotel Units and a maximum of 250 Hotel Units.</u>	<u>Same as Hotel above</u>	<u>See "Floor Ratio and Height Zone Sketch." In addition, for every additional Apartment Building Unit and Hotel Unit above the minimum amount of Units required, the maximum amount of total Floor Area permitted shall be decreased by the square footage of the additional Unit(s).</u>	<u>.40.</u>	<u>The site shall be subdivided as of the date of this ordinance</u>
--	--	----------------------------	--	-------------	--

c. Hotel and Apartment Building Bonus Schedule

If a Hotel and Apartment Building (either combined in one building or separate buildings on the same site) is constructed, the development may exceed 12 Units per acre for an Apartment Building(s) and 30 Units for a Hotel Building(s) as provided below:

1. Dedication of a public park

A. An additional one (1) Apartment Building Unit or 2.5 Hotel Units shall be permitted for each 10,000 square feet of public park dedicated to the Village within the Zone 1 on the "Floor Ratio and Height Zone Sketch."

B. If land off site is dedicated to the Village for a public park the following bonuses shall apply:

i. For every dedicated platted lot an additional two (2) Apartment Building Units or five (5) Hotel Units shall be permitted. This bonus shall be increased to an additional eight (8) Apartment Building Units or 20 Hotel Units if an adjacent platted lot is also dedicated.

ii. For every dedicated platted lot adjacent to the Government Use (GU) zoning district an additional 16 Apartment Building Units or 40 Hotel Units shall be permitted.

iii. For every dedicated platted lot on a canal an additional 20 Apartment

Building Units or 75 Hotel Units shall be permitted.

- iv. If a bayfront platted lot is dedicated, 100 Apartment Building Units and 250 Hotel Units shall be permitted. If this bonus is utilized, the development will not be eligible for any other bonuses under this section.

2. Separation buildings. For every ten (10) linear feet greater than 50 linear feet between buildings in Zones 2-4 on the "Floor Ratio and Height Zone Sketch" an additional one (1) Apartment Building Unit or 2.5 Hotel Units shall be permitted.

3. Leadership Energy and Environmental Design (LEED)

A. An additional three (3) Apartment Building Units or 7.5 Hotel Units shall be permitted if a LEED Certified Silver Building is constructed.

B. An additional six (6) Apartment Building Units or 15 Hotel Units shall be permitted if a LEED Certified Gold Building is constructed.

C. An additional 12 Apartment Building Units or 30 Hotel Units shall be permitted if a LEED Certified Platinum Building is constructed.

4. Streetscape Improvements.

A. Sonesta Drive. If the following streetscape improvements are made to Sonesta Drive an additional two (2) Apartment Building units or five (5) Hotel Units shall be permitted:

1. New curb and gutter.
2. Sidewalk
3. Street lighting
4. Drainage
5. Underground utilities
6. Pavers
7. Traffic Calming Devices
8. Street furniture
9. Bicycle path

B. East Heather Drive. If the following streetscape improvements are made to East Heather Drive an additional two (2) Apartment Building units or five (5) Hotel Units shall be permitted:

1. New curb and gutter.
2. Sidewalk
3. Street lighting
4. Drainage

5. Underground utilities
6. Pavers
7. Traffic Calming Devices
8. Street furniture
9. Bicycle path

5. Unified site plan. 100 Apartment Building Units and 250 Hotel Units shall be permitted if a unified site plan for 301 and 350 Ocean Drive is approved by the Village Council and: (1) the Silver Sands principal buildings shall be retained; (2) Additional square footage on the Silver Sands property shall be solely limited to a restaurant, bar, or storage facilities; and (3) All of the Silver Sands Units shall be operated as Hotel Units. If this bonus is utilized, the development will not be eligible for any other bonuses under this section.
6. Affordable housing. For every apartment unit sold or leased on an income restricted basis to persons or families who have resided in the Village for more than 10 years and are 65 or older with incomes below 140% of Area Median Income 1/10 of a credit will be given to a maximum of ½ credit for up to 5 units of this type. This income and age restriction will be for 20 years.
7. Height. If a development contains a Hotel that has been granted additional Hotel Units pursuant to this section, the building(s) (either Hotel or Apartment) within this development may have a maximum height of 205 feet based upon the following schedule:
 - A. If the development contains 101-150 Hotel Units height shall not exceed 172 feet.
 - B. If the development contains 151-250 Hotel Units height shall not exceed 205 feet.

d. *Supplementary Regulations*

1. Hotel
 - a. Unit Size- Average Hotel unit size shall be based on the Site Plan Review Criteria as set forth in Sec 30-80 and by documentation submitted to justify said determination.
 - b. Cooking facilities - Cooking Facilities in Hotel Buildings shall be limited to the following: (i.) One Microwave Oven with a maximum size of 2.0 cubic ft.; (ii.) One refrigerator with a maximum size of 5 cubic ft.; and (iii.) Toasters, coffeemakers, and an ice maker.
 - c. Common Area Kitchen in Hotel Buildings- The common area kitchen in Hotel Buildings shall be limited to one room per floor with access directly from a hallway or lobby. No kitchen shall have access to a hotel unit. The use of this kitchen is solely limited to the warming and refrigeration of foodstuffs that are prepared in the hotel or brought from an off site location to the hotel. Kitchen equipment, cooking facilities,

silverware, supplies, and appliances that are directly related to this purpose are permitted.

d. Any Unit with a door to a hallway or lobby is determined to be a Unit.

2. Floor Area Ratio

a. The Floor Area Ratio shall be as provided on the “Floor Area Ratio and Height Zone Sketch.” Floor Area that is not used in the Floor Area Ratio calculation in Zones 1, 2, or 5 within the “Floor Area Ratio and Height Zone Sketch” may be applied to Zones 3 or 4; however, the maximum Floor Area Ratio across the entire development site shall not exceed a Floor Area Ratio of 1.88.

b. Parking garages located below the Base Flood Elevation shall not be included in the Floor Area Ratio calculation. When the parking garage is located above the Base Flood Elevation, it shall be included in the Floor Area Ratio calculation.

c. If a development contains Hotel and Apartment Units, then the lot area which is counted towards one Use cannot be counted towards another use.

d. The maximum FAR for a Development is 1.88.

e. The FAR assigned to Zone 5 shall only be distributed to Zones 3 and 4.

3. Determination of Yards. The determination of yards shall be as shown in the “Yard Determination Sketch”.

4. Dedicated Easement. The Site Plan shall show a dedicated easement from the Erosion Control Line along the two longest side lot lines of the property. The minimum required width of the easement shall be 7.5 ft. The Site Plan Review criteria (Sec. 30-80) shall be used to determine the maximum required width of the easement.

5. Service Areas and Loading Docks. All service areas shall be adequately screened or buffered from adjacent properties. In addition, loading docks shall be internal to the building.

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. —	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 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.
Rear: -	25 ft. + 5 ft. per floor above the first floor but not to exceed 50 ft. -	

Section 3. Amendment to Section 30-184 of the Village Code. Section 30-184

“Amount of required off-street Parking” of the Village Code of Ordinances is hereby amended to read as follows:

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 Conditions Additional Required Spaces
(1) Apartment Building	1.75 per Unit	Developments with more than 10 Units, then 1 additional per 5 Units, marked as guest Parking
***	***	***
(6) Hotel or Motel	<u>± .75 per Unit. If the parking garage or parking lot is operated as a valet service, then the parking spaces may be shown on the site plan in tandem. The site plan application shall include a valet parking plan.</u>	Accessory Uses 65% of requirement if calculated as a Main Permitted Use
***	***	***

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

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

PASSED AND ADOPTED on first reading this ____ day of _____, 200_.

PASSED AND ADOPTED on second reading this ____ day of _____, 200_.

MAYOR ROBERT L. VERNON

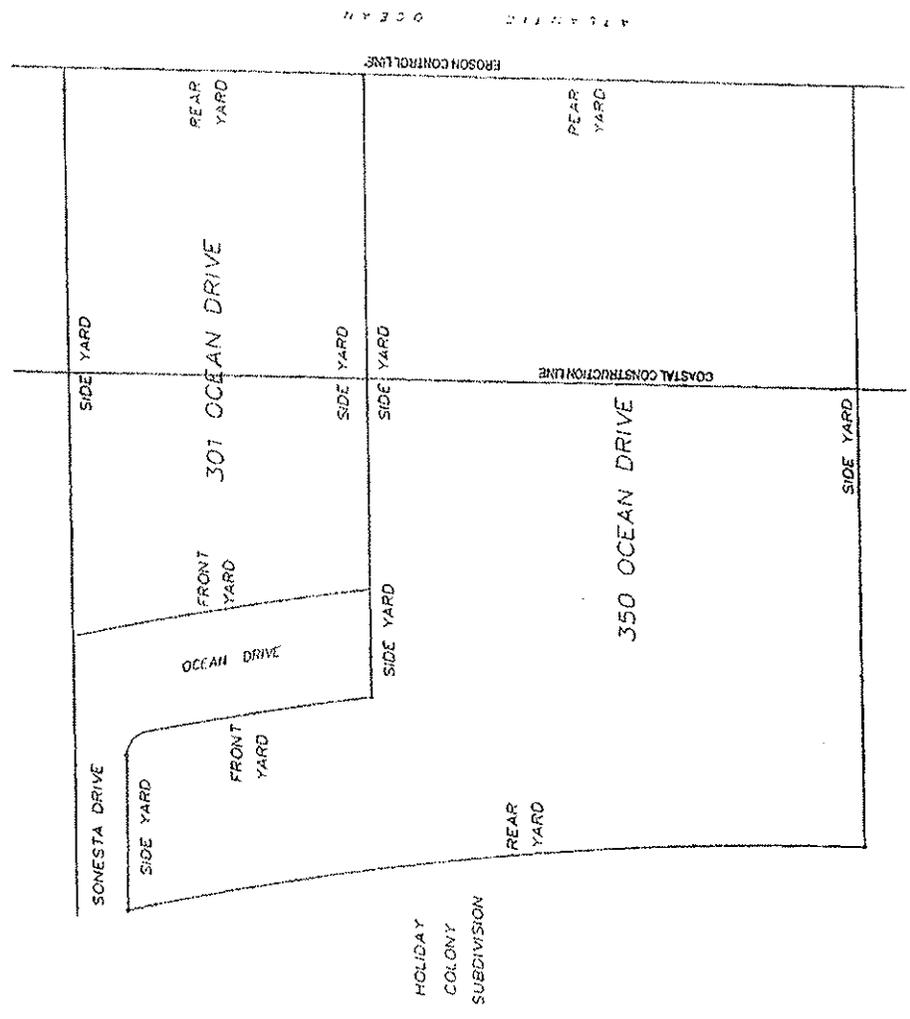
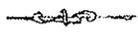
ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE
ATTORNEY

YARD DETERMINATION SKETCH



BUILDING ENVELOPE SKETCH

