When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please turn off or mute your cell phone or pager at the start of the meeting. Please be advised that if you don=t turn off your cell phone or pager and it rings, you will be asked to leave the chambers.

TOWN OF BAY HARBOR ISLANDS
PLANNING AND ZONING BOARD

February 20, 2018

FINAL AGENDA

CALL TO ORDER: Set for 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Discussion** and **recommendation** requested by the Town Council regarding the outdoor lighting requirements. Enclosed is a copy of the proposed ordinance and staff report.

2. **Discussion** and **recommendation** requested by the Town Council regarding the design standards for single family homes on the West Island. Enclosed is a copy of the staff report and Powerpoint presentation provided by Town Planner, Michael Miller.

ADJOURNMENT

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Planning and Zoning Board with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purposes he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AGENDA ITEM REPORT
February 20, 2018

ITEM NUMBER: 1.

ITEM: Discussion and **recommendation** requested by the Town Council regarding the outdoor lighting requirements. Enclosed is a copy of the proposed ordinance and staff report.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Ayanidys Martinez

ATTACHMENTS

1.	LightingAgendaLetter	LightingAgendaLetter.pdf
2.	LightingOrdinance	LightingOrdinance.pdf
3.	LightingStaffReport	LightingStaffReport.pdf

AGENDA ITEM REPORT
February 12, 2018

ITEM NUMBER: 10.

ITEM: Consideration and **Approval** of an ordinance on **first** reading to amend Chapter 10 of the Town Code to enhanced outdoor lighting requirements. Enclosed is a copy of the proposed ordinance and staff report.

DESCRIPTION:
At the January 8th, Regular Council Meeting, the Town Council discussed the need for a possible amendment to enhanced the outdoor lighting requirements. As instructed by Council, the Town Planner has submitted the proposed code modifications.

Enclosed is a copy of the staff report and proposed ordinance for first reading.

RECOMMENDED ACTION:
Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Alba Chang, Deputy Town Clerk

ATTACHMENTS

1.	Proposed Ordinance	Ordinance -Lighting Draft Ord Jan 26 2018.pdf
2.	Staff Report - MM	Staff Report Outdoor Lighting Jan 26 2018.pdf

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN'S CODE OF ORDINANCES ENTITLED HOUSING BY MODIFYING SECTIONS 10-1 AND 10-2; AMENDING CHAPTER 23 ENTITLED ZONING AND PLANNING BY MODIFYING SECTION 23-19 TO PROVIDE ENHANCED OUTDOOR LIGHTING REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands adopted the first Zoning and Planning Code for the community in June 1957; and

WHEREAS, the Town Council periodically studies various land development trends and issues and amends the Zoning and Planning Code accordingly; and

WHEREAS, the Town has retained the services of urban planning professionals to periodically study land development activities and land development regulations, and to recommend strategies and/or Code modifications to address identified problems; and

WHEREAS, the Town recently became aware that the application of the existing Code provisions for the lighting of outside areas may produce undesirable effects, has studied the matter and desires to modify the existing Code provisions to rectify the issue; and

WHEREAS, the Town's Comprehensive Plan includes Objectives and Policies that identify the need to periodically study and modify the Town's Land Development Regulations to reflect current trends and community desires; and

WHEREAS, the Town Council desires to amend the Town's Code of Ordinances to implement said Comprehensive Plan provisions; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) for the Town to review the proposed modifications to the Town's Code of Ordinances; and

WHEREAS, the Town Council held duly advertised public meetings to consider the proposed modifications to the Town's Zoning and Planning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: That the Town of Bay Harbor Islands Code of Ordinances is hereby amended to modify Chapter 10, Sections 10-1 and Section 10-2, and Chapter 23 Zoning and Planning Section 23-19 to modify provisions related to the lighting of outside areas of the Town; as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 2: That is any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 3: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 4: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this ___ day of _____, 2018.

PASSED on Second Reading this ___ day of _____, 2018.

_____
JORDAN W. LEONARD
Mayor

ATTEST:

_____
MARLENE M. SIEGEL, CMC
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
CRAIG SHERMAN, ESQ.
Town Attorney

Exhibit "A"

Amendments to the Town of Bay Harbor Islands Code of Ordinances

Chapter 10 Housing

Sections 10-1 and 10-2 is hereby amended to read as follows:

Sec. 10-1. - ~~Lighting of outside areas of multiple dwelling buildings on East Island—Required.~~ Reserved.

~~All entrances, exits, hallways, balconies, stairways, outside walkways between street property lines and stairways, and patio areas that are contiguous to such walkways or are a part of such walkways of all multiple dwelling buildings on the East Island of the Town of Bay Harbor Islands shall be provided by the owner and manager of such buildings with electric lights so situated and arranged as to produce an approximately uniform light of proper intensity for safe seeing. Such lights shall be caused by the owner and manager of such building to burn continuously during such times as the building is in use or occupied and natural light sufficient for safe seeing is unavailable. Lights installed for outside entrances and exits of individual apartments may at the option of the owner and manager be controlled by a light switch within that particular individual apartment. If the lights installed for outside entrances and exits of individual apartments are controlled by a light switch within that particular individual apartment, the owner and manager of that building are exempt from the requirement of this section that the lights for outside entrances and exits of individual apartments be caused to burn continuously, but in all other respects such lights are subject to the provisions of this section. Owners and managers of the buildings referred to in this section are jointly and severally subject to the provisions of this chapter.~~

~~Sec. 10-2. - Same—Test of sufficiency.~~ Reserved.

~~The test of light sufficient for safe seeing shall be a minimum value of 15 footcandles in service values measured at the floor level.~~

Chapter 23 Zoning and Planning

Section 23-19 is hereby amended to read as follows:

Sec. 23-19. - ~~Reserved.~~ Outdoor Site Lighting Requirements.

(a) *Purpose and intent.* Nonresidential and multiple-family buildings and projects shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or should be designed to blend into the surrounding landscape. Lighting design and installation shall ensure that lighting accomplishes on-site lighting needs without intrusion on adjacent properties.

(b) *Applicability.*

(1) *New development.* These regulations shall apply to all new nonresidential or multiple-family development. A site lighting plan shall be required to demonstrate compliance with these regulations.

(2) *Expansion and remodeling.* These regulations shall apply to any expansion or remodeling of existing nonresidential or multiple family development that exceeds 50 percent of the structure's assessed valuation. A site lighting photometric plan shall be required to demonstrate compliance with these regulations. Assessed valuation shall be determined by reference to the official property tax assessment rolls of the year the structure(s) is to be remodeled.

(3) *Repair and maintenance.* These regulations shall apply to replacement of individual lighting fixtures in any nonresidential or multiple-family development.

(c) *Site lighting design requirements.*

(1) *Fixtures (luminaires).* The light source shall be completely concealed within an opaque housing and shall not be visible from any street right-of-way or adjacent properties.

(2) *Fixture height.* Lighting fixtures shall be a maximum of 20 feet in height within the parking lot and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas.

(3) *Light source (lamp).* Only incandescent, fluorescent, metal halide, single-color light emitting diode (LED), or color-corrected high-pressure sodium may be used. The same light source type must be used for the same or similar types of lighting on any one site throughout any development.

(4) *Mounting.* Fixtures shall be mounted in such a manner that the cone of light primarily directed towards the earth's surface or otherwise shielded, such that lighting is contained on-site and does not cross any property line of the site.

(5) *Limit lighting to periods of activity.*

a. The use of sensor technologies, timers or other means to activate lighting during times shall be provided by business uses with exterior or garage parking facilities to illuminate the facility from 30 minutes prior to sunset until at least 30 minutes after the closing of any establishment served by the parking facility.

b. Any parking facility that serves a residential use must maintain the minimum levels of illumination established by this section through the use of natural or artificial light 24 hours per day.

c. No outdoor recreational facility shall be illuminated after 11:00 p.m. except to conclude a scheduled and sanctioned recreational or sporting event by the Town or other authorized agency in progress prior to 11:00 p.m. The luminaries shall be extinguished after outdoor recreational events are completed and the site has been vacated. Public recreational facilities that operate or are open to the public on a 24-hour basis are exempt.

(6) *Illumination levels.*

a. All site lighting shall be designed so that the level of illumination as measured in foot-candles at any one point meets the standards in the table below. Lighting levels up to 25 percent higher may be allowed by the Town Manager subject to the applicant demonstrating that higher lighting levels are necessary to meet objectives for environmental programs such as Crime Prevention Through Environmental Design (CPTED) and Leadership in Energy and Environmental Design (LEED) and will not conflict with subsection (d) concerning excessive illumination below:

Exterior Lighting and Parking Lots

	Lighting Level (foot-candles)		
Type of Lighting	Minimum	Average	Maximum
Architectural lighting	0.0	1.0	5.0
Canopy area lighting	2.0	10.0	15.0
Entrances to buildings	0.3	0.75	3
Multiple family parking lots	0.2	1.0	8.0
Nonresidential parking lots and garages	0.2	1.5	10.0
Public Streets and sidewalks	1	12:1 uniformity ratio	4:1 uniformity ratio
Storage areas (security lighting)	0.2	1.0	10.0
Walkways, landscape or decorative lighting	0.2	0.8	5.0

Nonresidential and Multifamily Residential Parking Garages

	Lighting Level (foot-candles)		
Type of Lighting	Minimum	Average	Maximum
Garage entrance	No daytime minimum 1.0 nighttime	10:1 uniformity ratio	No daytime maximum 15.0 nighttime
Garages with openings to outside	0.2	10:1 uniformity ratio	10.0
Enclosed garages	0.2	10:1 uniformity ratio	None

b. Minimum and maximum levels are measured on the pavement within the lighted area. Average level is the overall, generalized ambient light level, and is measured as a none-to-exceed value calculated using only the area of the site intended to receive illumination.

c. Lighting for automated teller machines shall be required to meet the standards of F.S. § 655.962.

d. Roadway lighting provided by the Florida Department of Transportation is exempt from these regulations.

(d) *Excessive illumination.*

(1) Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other lot, or which unnecessarily illuminates the night sky is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the requirements of this section. Lighting unnecessarily illuminates the night sky if it directly projects into the night sky or if it clearly exceeds average lighting levels when measured at a height above the lighting fixture or its shield.

(2) All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line does not exceed one (1) adjacent residential sites, adjacent commercial sites and public rights-of-way.

(3) Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

(4) Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky.

(5) Illumination using illuminated tubing or strings of lights that completely outline or define property lines, sales areas, roofs, doors, windows or similar areas in a manner that is not primarily for safety purposes, as determined by the Town Manager, is prohibited. However, this shall not be construed to preclude holiday/seasonal light displays.

(6) Rooftop deck or rooftop patio lighting shall be shielded to prevent light from spilling over the side of the building or any glare projecting upward; and all light sources shall be installed so as not be visible from the right-of-way. Low-scale / low intensity type lights are required such as bollards or building mounted fixtures.

(7) All wiring for lighting fixtures and conduits shall be hidden from view, preferably enclosed in building components. No loose wiring shall be permitted.

(g) *Lighting plans.* Plans for illumination of buildings and lighting zones shall be submitted at the time a building permit is submitted or with an application for site plan approval. Lighting plans shall comply with the standards listed below:

(1) *Design.* Plans shall be prepared and sealed by an engineer registered in the State of Florida.

(2) *Plans.* Lighting plan or plans, including photometric plans, shall include the following information:

a. Overall site plan.

b. Vehicular and pedestrian access and circulation.

c. Location of parking stalls.

d. Adjacent property lines, including existing uses and future land use map and zoning district designations.

e. Plan view of all fixtures, including pole and wall-mounted.

f. Height of all fixtures.

g. Photometric data and statistical analysis, including foot-candle values, the maximum to minimum uniformity ratio, the average initial or average maintained foot-candles, the minimum foot-candles, the maximum foot-candles, points of calculation for foot-candles, and similar information required by the Town Engineer.

h. The location and description, including the mature height of all existing and proposed trees, and the location of light fixtures on both adjacent properties and the street rights-of-way within ten feet of the subject property.

i. Light fixture data, including height, manufacturer, wattage, and lighting type.

j. All plans shall be certified by a registered architect or engineer as providing illumination in accordance with the applicable minimum standards set forth in this section and that subsequent construction will comply with the approved lighting plan.

k. Lighting installation shall not be placed in permanent use until a letter of compliance from a registered professional architect or engineer has been provided stating that the installation has been field checked and meets the specification set forth on the approved photometric plan.

(h) *Method of measurement.* The light meter sensor shall be read at ground level or the established grade in a horizontal position. Readings shall be taken only after the light source has been exposed long enough to provide a constant reading. Measurements shall be taken after dark with the light sources to be measured on and subsequently off. The difference of the two readings shall be compared to the permitted illumination level for each lighting zone.

MICHAEL MILLER PLANNING ASSOCIATES, INC.
Land Design Municipal Planning Services Transportation Planning

TOWN OF BAY HARBOR ISLANDS COMMUNITY DEVELOPMENT MEMORANDUM

To: Mayor and Town Councilmembers
Town of Bay Harbor Islands

From: Michael J. Miller, AICP
Consultant Town Planner

Date: January 26th, 2018

Subject: Town of Bay Harbor Islands
Outdoor Lighting Regulations
Analysis of Existing Regulations / Proposed Modifications
MMPA Acct. No. 01-0702-0500

ISSUE

Recently the Town received several complaints about several new multi-family residential building complexes exterior lighting. One such complex (Sereno East) has open pedestrian corridors facing East Bay Harbor Drive. This brought attention to the inadequacies of the Town's existing regulations for outdoor lighting. At the January 8th, 2018 Town Council meeting, the need for enhanced outdoor lighting regulations was discussed and MMPA was requested to research this issue and provide new regulations for consideration.

BACKGROUND/ANALYSIS

As previously discussed, the existing Code provisions regulating outdoor lighting in Chapter 10 entitle "Housing" are outdated and were written at a time when the initial development of the Town occurred (1969). Modern development designs and lighting technology (LED) has changed significantly. MMPA has prepared the accompanying Code modification which:

- Creates broader / separate land development regulations for exterior lighting;
- Sets more specific / modern foot-candle minimums / maximums for multifamily development and commercial development (SFR areas not included unless requested);
- Sets foot-candle minimums / maximums for the Town's public lands (Town Hall / Community Center / Parks / Roadways) so safe lighting levels exist;
- Addresses rooftop activity areas that could be a distraction to neighbors;

- Addresses parking lot areas (minimum safe lighting level);

- Addresses decorative "up lighting" for buildings / landscaping that showcase the item;

- Provides a mechanism to address older existing developments by requiring compliance with any expansion or remodeling of existing non-residential or multiple-family development that exceeds 50 percent of the structures' assessed valuation; and with the replacement of individual lighting fixtures in any nonresidential or multiple-family development;

- Requires plans be prepared for applications subject to review by the Planning and Zoning Board.

SUMMARY / RECOMMENDATION

In response to recent concerns about excessing lighting on recently constructed developments and an observation that the existing regulations in the Town's Code are felt to be inadequate, the proposed Ordinance to enhance the regulations has been prepared. After researching the issue (numerous other municipal Codes / professional publications), MMPA feels that amending the Code as proposed will adequately address outdoor lighting concerns in future in the Town. MMPA recommends the Town Council review and discuss the proposed Ordinance and, if found to be acceptable, move forward with the adoption of the Ordinance on first reading.

AGENDA ITEM REPORT
February 20, 2018

ITEM NUMBER: 2.

ITEM: Discussion and **recommendation** requested by the Town Council regarding the design standards for single family homes on the West Island. Enclosed is a copy of the staff report and Powerpoint presentation provided by Town Planner, Michael Miller.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Ayanidys Martinez

ATTACHMENTS

1.	DesignSFWestAgenda	DesignSFWestAgenda.pdf
2.	DesignSFWestStudy	DesignSFWestStudy.pdf
3.	DesignSFWestStaffReport	DesignSFWestStaffReport.pdf

AGENDA ITEM REPORT
February 12, 2018

ITEM NUMBER: 15.

ITEM:

Discussion requested by Council Member Salver regarding the design standards for single family homes on the West Island. Enclosed is a Powerpoint presentation and staff report prepared by Town Planner, Michael Miller.

DESCRIPTION:
At the January 8th, Regular Council the Town Council request for staff to study other cities land developments regulations for single family homes on the East Island. Enclosed is a PowerPoint and staff report from Town Planner Michael Miller.

RECOMMENDED ACTION:
Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Alba Chang, Deputy Town Clerk
Isaac Salver, Council Member

ATTACHMENTS

1.	Staff Report - MM	BHI TC Staff Report - Lot Coverage.pdf
2.	Presentation Single Family Home	REV- Presentation Single Family Home.pdf

Town of Bay Harbor Islands, Florida

SINGLE FAMILY HOME DESIGN STUDY

February 2018

THE ISSUE

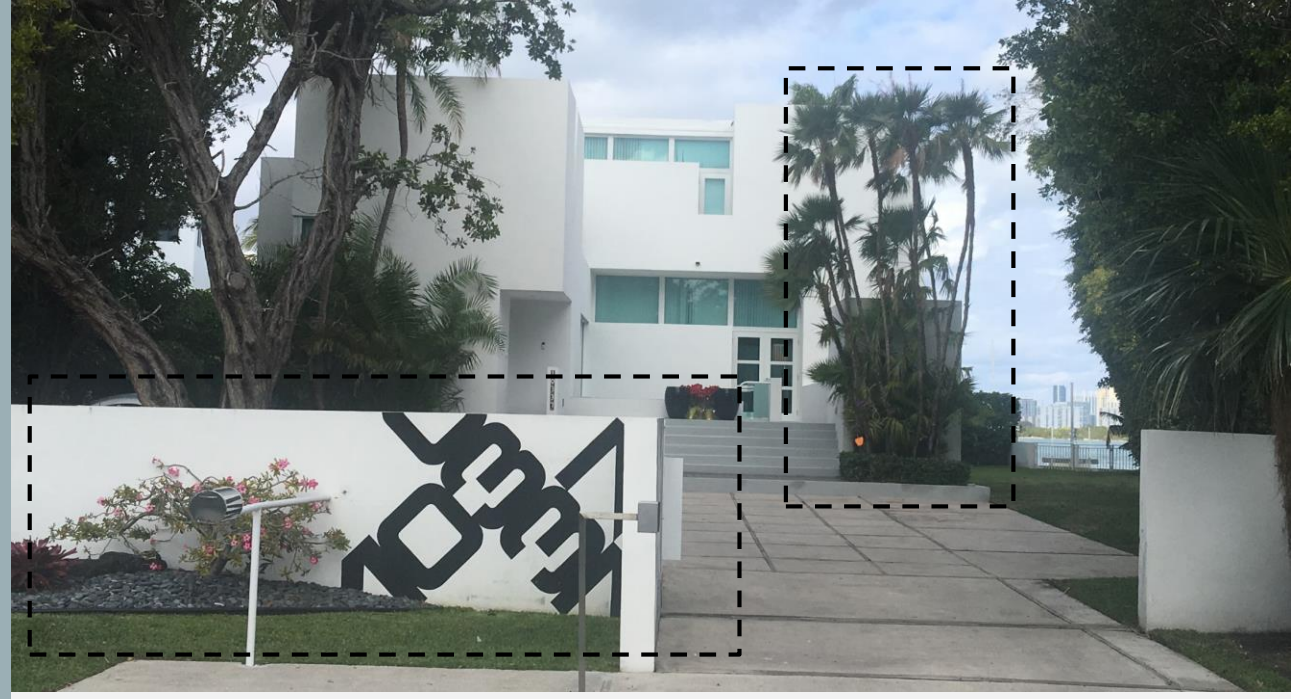
- The Town has commented that some newer homes, particularly those with Contemporary Architectural Design, appear too “boxy”, have unattractive large unbroken concrete facades, and in some cases appear too voluminous.
- MMPA was requested to study this and provide suggestions.

THE VISION

- What to avoid?
  - Large areas of plain walls
  - Single use of materials
  - Poor landscape
  - Overbuilding of house size
- What to look for?
  - Lush landscape design
  - Variety of forms and materials
  - Windows on the façade
  - Reasonable house size/ other impervious footprint

CONTEMPORARY ARCHITECTURAL STYLE IN BAY HARBOR ISLANDS

Analysis of Existing Contemporary Style Single Family Homes



Rich landscape and architectural design make this modern house a good example of contemporary architecture in the City.

Large areas
of plain wall

- Doesn't give the feeling of a residential property
- Even though the front yard landscaping is according to the landscape requirements of the Town the large grass area in front of the house is not ideal. The front yard trees (minimum of 2 trees required / 5 trees planted) are on the side property line and do not screen the house. No shrubs added to stark appearance.
- Lack of a relation with the street

- Different materials, angles and landscaping provide these modern houses with a less harsh sensation.
- Shrubs by the front façade provide a softer appearance to the wall, furthermore, even though this is a “blank” it is in an angle and it has the number of the house. MMPA believes the shrubs could be even taller.

- This house has a variety of volumes and all the levels of the façade have windows or some type of opening.

- Large spaces with plain finish
- Windows facing the street allow some connection with the Town, providing safety for pedestrians.

- Different Building Volumes Interface with the Street
- Various materials breakup flat surfaces

Attention to height of walls on the property line

- Various Materials breakup facade
- Windows face the Street
- Varied volumes

- Different Levels of Interface with the Street
- Various Materials
- Embellishments to the facades add an extra layer of beauty

WHAT CAN BE DONE TO IMPROVE REGULATION?

- Require the second floor to have a smaller percentage of built space than the first floor – Limit 2nd Floor to a certain % of the 1st floor.
- Require that part of the side of the building on the second floor be further from the side lot line then the minimum required setback.
- Specific guidelines of required openings or different textures
- Limit the Lot Coverage per house/ other impervious surfaces. As an example Bal Harbor Village Limits homes footprint to 40% of the Lot area and 50% for all impervious surfaces.
- Require a minimum percentage of open space – currently none exists. As an example Golden Beach requires at least 35% open space for single family homes. The Town requires at least 20% open space for the multifamily projects.

- Older home with smaller 2nd floor area

- Too stark in front yard
- More landscape would soften appearance

- Better Examples of massing, materials and landscaping

- Architectural features, such as these enrich the building façade and provide shade to the interior of the house
- The Volume protrusion in the façade combined with glass panels/ windows provide a variety of volumetric plans and materials

- Good Examples of Landscape Design and Façade Volume and Materiality

THE END

Presentation Prepared by Consultant Town Planner

Michael Miller Planning Associates, Inc.

mmiller@michaelmillerplanning.com

MICHAEL MILLER PLANNING ASSOCIATES, INC.
Land Design Municipal Planning Services Transportation Planning

TOWN OF BAY HARBOR ISLANDS COMMUNITY DEVELOPMENT MEMORANDUM

To: Mayor and Town Council Members
Town of Bay Harbor Islands

From: Michael J. Miller, AICP
Consultant Town Planner

Date: January 26th, 2018

Subject: Town of Bay Harbor Islands
Land Development Code Analysis
Single-Family Home Design Standards
MMPA Acct. No. 01-0702-0800

ISSUE:

At a recent Town Council meeting negative comments were made about some of the new "contemporary / modern" home designs being built in the community. The comments included "over-building / too massive / too plain / too much plain exposed concrete / too much lot coverage" and other comments. The Town has spent a lot of time over the last 13+/- years studying its land development regulations and updating tis Codes. In general, we find the Town's regulations similar to many other communities, comprehensive and fairly detailed, but are flexible enough to allow architects / builders some freedom to propose a wide variety of single-family house designs. The Town does not have any Architectural Design Guidelines. The Planning and Zoning Board has review criteria in Chapter 5 but is generally free to consider / approve what they feel is acceptable to the community.

MMPA was requested to study this issue and prepare suggested ideas to address the concerns. In previous years MMPA prepared a number of land development regulation analysis documents – some of which are attached hereto. MMPA has prepared a PowerPoint presentation with photographs / comments to highlight the issues. Based on the Town Council feedback possible Code amendments / administrative guidelines could be prepared.

TOWN OF BAY HARBOR ISLANDS
EXISTING SINGLE FAMILYBUILDING REGULATIONS

Chapter 23 - Zoning and Planning Regulations

Sec. 23-11. - Land development regulations.

In all area districts hereinabove set forth and designated, there shall be front, rear and side yard setbacks provided for of not less than the dimensions specified, and other land development standards, as follows, to wit:

(A) *RD-Single Family Area:*

(1) Front yard setback (any street frontage including corner lots).

All lots except Kane Concourse frontage: 25 feet.

All lots fronting Kane Concourse: 40 feet.

(2) Rear yard setbacks (waterfront).

Block 23, Lots 29-95: 40 feet measured from the outside bulkhead wall.

Block 23, Lots 1-28 and Lots 96-104: 25 feet measured from the outside bulkhead wall.

(3) Rear yard setbacks (non-waterfront).

Lots fronting Kane Concourse: Ten feet.

All other lots: 15 feet.

(4) Side yard setbacks (all lots).

All lots: Ten feet.

(5) Notwithstanding the above, as to triangular or otherwise odd-shaped lots, the town shall have the power to adjust the street or front yard setback restrictions in the interest of proper, useful and equitable planning.

(6) Height limits.

a. No building in RD-Single Family area, shall exceed two and one-half stories or 25 feet in height above the base flood elevation (BFE) prescribed by United States, state or county flood control laws or regulations.

b. Notwithstanding the above, roofs with a slope exceeding two and one-half inches per foot may exceed the above height restriction to a maximum height of 35 feet on waterfront properties and a maximum height of 30 feet on non-waterfront properties, provided that the point on the roof at which the slope begins such excess height is no closer to the property lines than as described below:

i. On all lots in the RD-Single Family district: 15 feet from each side property line.

ii. Block 23, Lots 29-95: 45 feet from the outside bulkhead wall, 60 feet from any street.

iii. Block 23, Lots 1-28: 30 feet from the outside bulkhead wall, 55 feet from any street.

iv. Lots facing Kane Concourse: 15 feet from the rear property line, 30 feet from any street.

v. Corner lots in Blocks 30, 31, 33 and 34: 35 feet from any street.

vi. On all other lots in the RD-Single Family district: 40 feet from any street (front) property line, 20 feet from any rear property line.

COMMENTS: Most of the existing regulations are reasonable and are similar to many other cities. However, the existing regulations doesn't address the volumetric intricacies like some other cities do in their Codes. This can lead houses building to the minimum required side yard setback and get a "boxy" look from certain angles. If the Town wishes to avoid this type of situation to occur there are common methods that may be taken:

1- **Require the second floor to have a smaller percentage of built space then the first floor. For example, some cities allow only 66% - 75% of the first-floor area on a second floor.**
2- **Require that part of the side of the building on the second floor be further from the side lot line than the minimum required setback (step back like MFR).**
3- **Establish a maximum lot coverage for the house and other impervious surfaces. For example, Bal Harbour Village allows up to 40% of the lot to be covered by buildings and no more than 50% for all impervious surfaces. Golden Beach requires at least 35% of the site to be landscape open space.**

MMPA recommends that the Town Council consider adopting similar criteria if it is felt that single-family homes need further bulk type regulations.

Chapter 5 – Building and Construction

Sec. 5-23.1. - Architectural and aesthetic review of plans; failure to comply with plans as agreed.

(a) The planning and zoning board shall examine, approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction after consideration of whether the following criteria are complied with:

(1) The plan for the proposed structure or project is in conformity with good taste, good design and in general, contributes to the image of the town as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

(2) The proposed structure or project is not, in its exterior design and appearance, of inferior qualities such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

(3) The proposed structure is in conformity with standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

(4) The proposed structure or project is in harmony with other actual and proposed developments in the general area, considering the following additional criteria:

a. Site layout, orientation, location of structures and relationship to one another and to open spaces in topography.

b. Harmonious relationship with existing and proposed adjoining developments, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted.

c. Maximum height, area, setbacks and overall masks as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment.

d. Building design, materials, and colors to be sympathetic with surroundings.

e. Harmony of materials, colors, and composition of low sides of a structure which are visible simultaneously.

f. Consistency of composition and treatment.

g. Location and type of planting with due regard for climatic conditions, preservation of specimen and landmark plantings upon a site, and proper irrigation to insure maintenance of all plant materials.

h. Design and appropriateness of signs, as well as interior and exterior lighting.

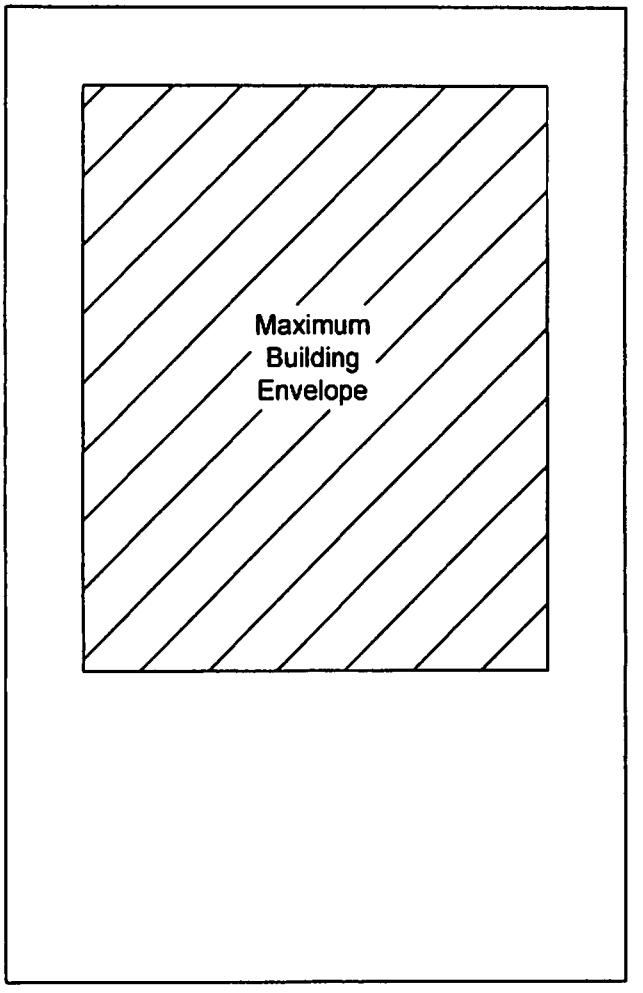
i. Graphics, as understood in architectural design.

COMMENTS: While these "global" criteria are somewhat helpful in ensuring quality compatible development is approved in the Town, there is a lack of specifics to guide the PZB as to what is considered "acceptable" design. There are no specific guidelines for traditional architecture or modern / contemporary architecture. Most modern / contemporary homes are very "boxy" in appearance and unless articulation / materials are added they can look institutional (large blank walls). To guide the PZB and design community enforceable standards should to be considered. MMPA's role in the plan review process is technical sufficiency – does it meet minimum Code requirements – we do not officially comment on architecture design, even though we may not like it. The PZB already discusses and reviews details of such nature, but no specific guidelines for required openings or different textures are in place. This would make it easier for them to suggest changes to designs. Staff notices that the PZB occasionally applies different design principles for contemporary homes – example - sides of homes too plain in one instance but not others.

Town of Bay Harbor Islands

Maximum Building Coverage Determined by Setbacks

RD - Single Family District / West Island

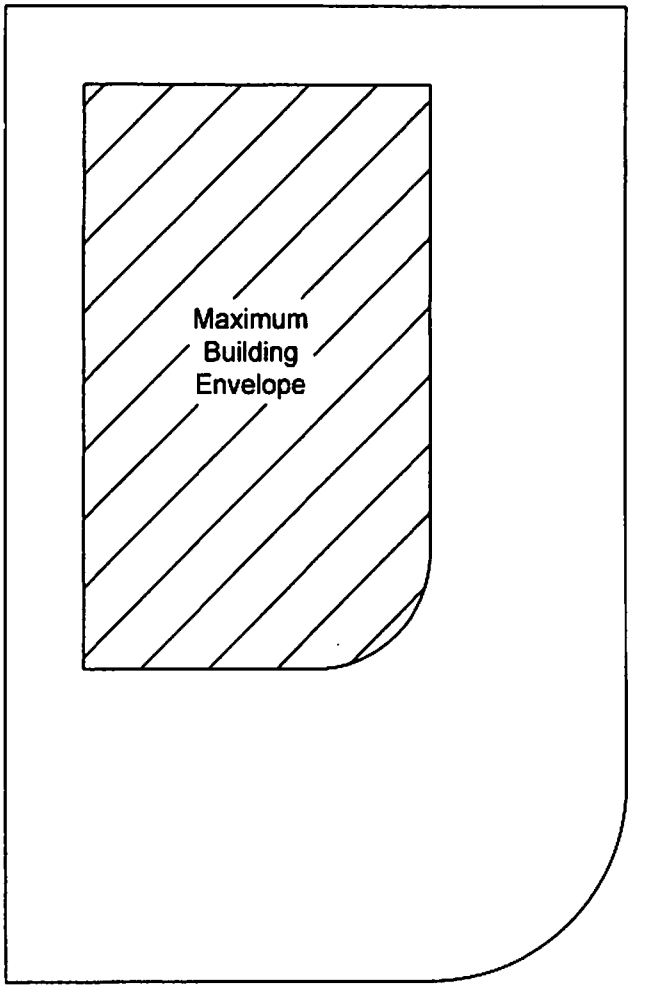


Average Interior Lot on Kane Concourse (80' x 125')
Maximum Building Coverage: 45% (60' x 75')
(Determined by Setbacks)

Town of Bay Harbor Islands

Maximum Building Coverage Determined by Setbacks

RD - Single Family District / West Island

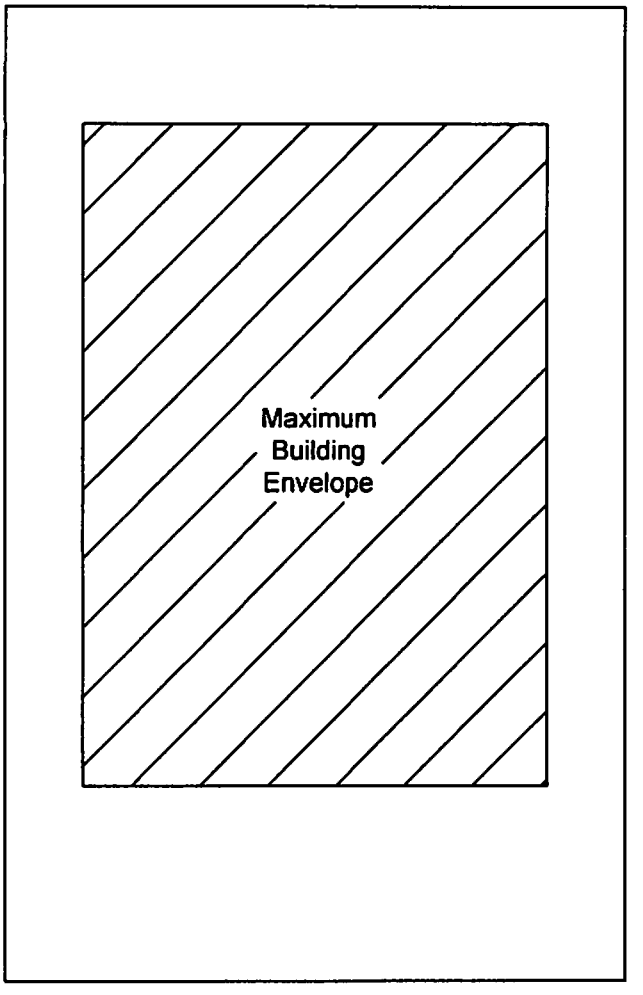


Average Corner Lot on Kane Concourse (80' x 125')
Maximum Building Coverage: 33.8% (45' x 75')
(Determined by Setbacks)

Town of Bay Harbor Islands

Maximum Building Coverage Determined by Setbacks

RD - Single Family District / West Island



Average Interior Lot (80' x 125')

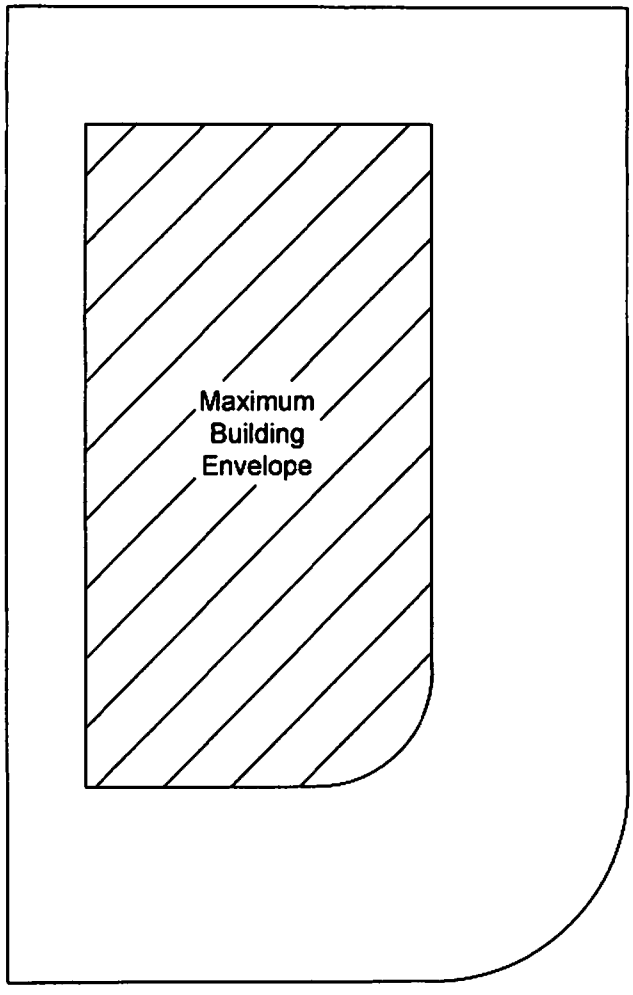
Maximum Building Coverage: 51% (60' x 85')

(Determined by Setbacks)

Town of Bay Harbor Islands

Maximum Building Coverage Determined by Setbacks

RD - Single Family District / West Island



Average Interior Corner Lot (80' x 125')

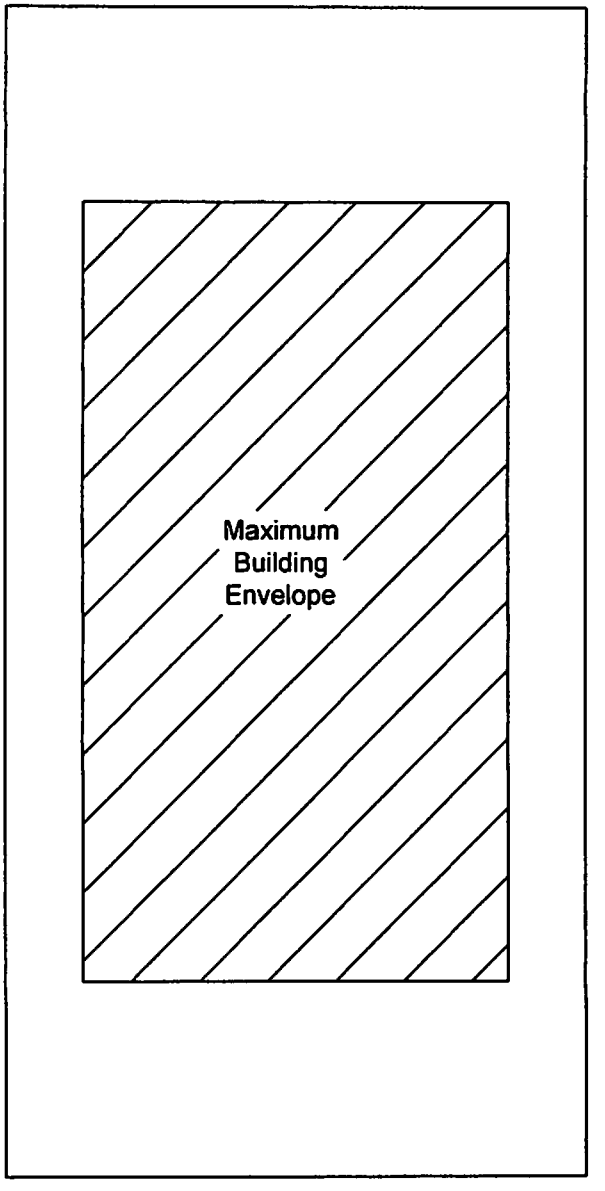
Maximum Building Coverage: 38.3% (45' x 85')

(Determined by Setbacks)

Town of Bay Harbor Islands

Maximum Building Coverage Determined by Setbacks

RD - Single Family District / West Island

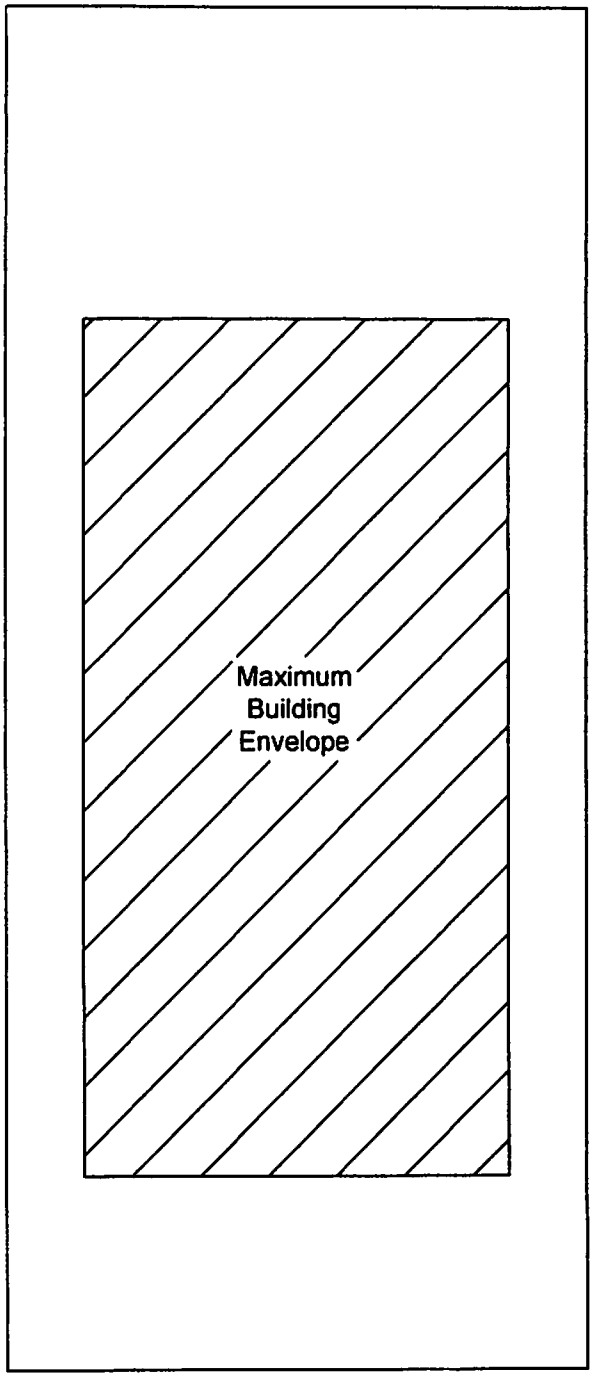


Average Waterfront Lot on Bay Harbor Waterway (75' x 150')
Maximum Building Coverage: 48.9% (55' x 100')
(Determined by Setbacks)

Town of Bay Harbor Islands

Maximum Building Coverage Determined by Setbacks

RD - Single Family District / West Island



Average Waterfront Lot on Biscayne Bay (75' x 175')
Maximum Building Coverage: 53.8% (55' x 110')
(Determined by Setbacks)

TOWN OF BAY HARBOR ISLANDS

ANALYSIS OF SINGLE-FAMILY RESIDENTIAL LAND DEVELOPMENT REGULATIONS

MUNICIPALITY	DISTRICT	LOT SIZE	LOT WIDTH	BLDG HEIGHT	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	MINIMUM FLOOR AREA	MAXIMUM FLOOR AREA	LOT COVERAGE MAXIMUM	LANDSCAPING GREEN %
Bal Harbour Village	R-1	15,350 - 28,500	95'-100'	35' / 2 stories	15'	10'-27'	40'	2,500	None	50% Total 40% Bldg	None
	R-2	10,340 - 21,400	80'-100'	30' / 2 stories	30'	10'-22'	15'-27'	1,800	None	50% Total 40% Bldg	None
Bay Harbor Islands	RD (waterfront)	13,000 - 14,000	75'-80'	25'-35' / 2.5 stories	25'	10'	25'-40'	2,000	None	None	None
	RD (interior)	10,000 - 11,250	80'-90'	25'-30' / 2.5 stories	25'	10'	15'	1,500	None	None	None
	RD (96th St)	10,000	80'	25'-30' / 2.5 stories	40'	10'	10'	1,500	None	None	None
Miami Beach	RS-1	30,000 min	100' min	28'-31' / 2 stories	20'	10% lot width per side 25% lot width total	20'-50'	1,800	45% lot area	25%	50% front yard 70% rear yard
	RS-2	18,000 min	75' min	28'-31' / 2 stories	20'	10% lot width per side 25% lot width total	20'-50'	1,800	45% lot area	25%	50% front yard 70% rear yard
	RS-3	10,000 min	50'-60' min	24'-31' / 2 stories	20'	10% lot width per side 25% lot width total	20'-50'	1,800	45% lot area	25%	50% front yard 70% rear yard
	RS-4	6,000 min	50' min	24'-27' / 2 stories	20'	10% lot width per side 25% lot width total	20'-50'	1,800	45% lot area	25%	50% front yard 70% rear yard
North Miami	R-1	9,200 min	80' min	35'	25'	7.5' or 10%	25'	1,500	None	None	None
	R-2	6,000 min	60' min	35'	25'	7.5' or 10%	25'	1,000	None	None	None
North Miami Beach	RS-1	8,000 min	80' min	30' / 2 stories	25'	8'	25'	2,500	None	40%	35% total 25% of front yard
	RS-2	7,000 min	70' min	30' / 2 stories	25'	7.5'	15'-25'	1,400	None	40%	35% total 25% of front yard
	RS-3	6,000 min	60' min	30' / 2 stories	25'	7.5'	15'-25'	1,200	None	40%	30% total 25% of front yard
	RS-4	5,000 min	50' min	30' / 2 stories	25'	5'	15'-25'	1,100	None	40%	30% total 25% of front yard
	RS-5	1,200 min	30' min	15' / 1 story 24' / 2 stories if 2 combined lots	3'	3'-7.5'	3'	500 / 1 lot through 2,000 / 4 lots	None	None	None
Surfside	H30A	8,000 min	50' min	30'	20'-30'	5' / 10%	20'	None	None	40%	35%
	H30B	5,600 min	50' min	30'	20'-30'	5' / 10%	20'	None	None	40%	35%
	H30C	No minimum	50' min	30'	20'	5'	10'	None	None	None	20%
	H40	No minimum	50' min	40'	20'	5'-7'	10'	None	None	None	20%
	H120	No minimum	50' min	120'	40'	10' / 10%	30'	None	None	None	20%

Updated: 2/16/16