



## North Bay Village

Administrative Offices

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### *Addendum 3*

**Issued on November 5, 2015**

**RFP No. NBV 2015-002**

**ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR:  
NEW VILLAGE MUNICIPAL CENTER/VILLAGE HALL**

**Issued by:** North Bay Village

### **Notice to all proposers**

All addenda must be acknowledged and be submitted with the RFP Package.

1. **Question**

The scores in Item 6B in the RFP adds up to 45 points, instead of 40 points.

Answer

An addendum with a correction will be issued.

2. **Question**

Is there a budget for the project?

Yes, there is a budget. It was addressed in Addendum #2.

3. **Question**

Regarding Section 4, Prequalification Documentation, can additional qualifications from the counties or municipalities be shared?

Answer

Please see Section iv, Page 13.

4. **Question**

Can you provide more than three references?

Answer

The RFP asks for three, but additional references can be provided.

Mayor  
Connie Leon-Kreps

Vice Mayor  
Jorge Gonzalez

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Eddie Lim

5. **Question**  
Do you have a selected delivery method for construction?

Answer

The construction delivery method for this project has not yet been finalized.

6. **Question**  
References to page limitation are made in certain sections. Is there general page limitation or only in these sections.

Answer

Page limitations apply as indicated in the RFP.

7. **Question**  
The RFP mentions that all options will include a parking garage. How does this fit into the scope?

Answer

The parking garage is an integral part of the design. Its size and configuration will be greatly influenced by Code requirements and the overall final use of the building.

8. **Question**  
Is there a reason why you are looking for firms with experience in Miami-Dade County, Palm Beach, and Monroe County?

Answer

We want to have people who are familiar with the Miami-Dade County area. This factor will be considered, but it's not limited to these areas.

9. **Question**  
Is it your preference for the firm to be located in Miami-Dade County?

Answer

No.

10. **Question**  
Are there any goals of sustainability that you will consider later, anything such as LEED certification for the project?

Answer

No level of LEED Certification is being considered for the building and no LEED certifications are required of potential proposers at this time.

11. **Question**  
Clarification of the Staffing/Plan Organizational Chart and Qualification Matrix.

Answer

A Qualification Matrix form will be provided through addendum.

12. **Question**  
On Page 11 of the RFP, regarding the formation, the Section goes from Section 5 to Section 7.

Answer

Section 6 is omitted.

13. **Question**  
What are the zoning regulations for the Gas Station to the west and the Multi-Family Building to the east of the project site?

Answer

Please see Sections 152.029 and 152.030 of the Village Code (attached) with the zoning designations and the uses permitted.

14. **Question**  
It is our assumption that the Surveyor and Geotechnical engineer will be contracted by North Bay Village directly, rather than as a consultant to the architect. Please confirm.

Answer

No, the Geotechnical Engineering firm and surveyor will be sub-consultants to the prime.

15. **Question**  
It is our understanding that by 2/9/2016, (at the time of approval of recommended proposer per RFP), North Bay Village will have a CM on board, whom will provide Construction Cost at Schematic Design, per A2.02-1 (2), at Design Development per A2.03 (4), and at Construction Documents per A2.04 (3). Please confirm.

Answer

No, this is the responsibility of the Prime.

16. **Question**  
It is also our understanding that by 2/9/2016, (at the time of approval of recommended proposer per RFP), North Bay Village will have a CM on board, who will provide Constructability Reports as well identification of long lead procurement items that will need to be purchased prior to the completion of Construction Documents as per A2.03 (3). Please confirm.

Answer

No, this is the responsibility of the Prime.

17. **Question**  
What are the requirements if submitting as a JV?

Answer

Joint Ventures (JV) are contracts between entities and governed by the F.A.C. Documentation of the JV must be submitted with the RSOQ documents.

18. **Question**  
If submitting as a JV should both firms submit all of the information individually as primes?

Answer

Proposer/Prime Consultant may be any legal entity, whether a corporation, limited liability company, or a partnership including a Joint Venture. At least 40% of the Services shall be performed by the employees of the Prime Consultant/Proposer whether the Prime Consultant is the Proposer, or whether the Prime Consultant is a member of an entity acting as the Proposer, such as a Joint Venture.

19. **Question**  
Regarding the Pre-Qualification Section, it mentions that Broward County may also be included however as a firm that does a large amount of business with and within Broward County we contacted the County to request Pre-Qualification Documentation and they stated they do not have anything to provide to us as they do not have the same type of system in place but rather you register as a vendor by registering with BidSync. What do you suggest we provide you with to fulfill this section?

Answer

Provide confirmation from BidSync showing that your firm is a registered vendor with Broward County.

20. **Question**  
Can you clarify what you want us to provide for the Resume Clarification? Are we to have a statement at the bottom of each resume signed by the person whose resume it is?

Answer

Please review P. 13, Section v.2.

21. **Question**  
Regarding the Staffing Plan/Organizational Chart and Qualification Matrix section, it states this is limited to one foldout single-sided 11" x 17" page. Are we to include the org chart and the matrix on this one 11 x 17 page? One 11"x17" page?

Answer

One 11"x17" page EACH for the Staffing Plan/Organizational Chart and Qualification Matrix.

22. **Question**  
Regarding the Staffing Plan/Organizational Chart and Qualification Matrix, at the Pre SOQ meeting it was mentioned that a template for the Qualification Matrix would be provided. When can we expect this to be issued?

Answer

Please see the Qualification Matrix attached.

23. **Question**  
Can you please clarify if any of the firms who provided the environmental or geotech reports are precluded from being on a team for this submittal?

Answer

No firms who provided environmental or geotech reports are precluded from being on a team for this submittal.

24. **Question**  
Is the December 11, 2015 pre oral presentation meeting with shortlisted firms intended to be a presentation by shortlisted firms, or is this meeting primarily a meeting run by the Village in which shortlisted firms are provided additional information/instructions? We're trying to assess which A/E team members need to be present on 12/11/2015.

Answer

The meeting for December 11, 2015 with shortlisted firms is NOT for oral presentations. This meeting is to clarify the requirements for the presentation of the shortlisted firms.

25. **Question**

My question is with regard to the format/layout of the proposal sections. As it stands there are a mixture of figures and roman numerals that are not continual; Would the city please give a definitive answer as to how they would like the different sections to be tabulated.

Answer

Follow Sections 7 a. and b. and all subsections contained within.

26. **Question**

For the reference section of this proposal, if work was performed as a subconsultant to a prime for a government project can the prime who worked was performed under be given as the reference or do references have to actually work for the government agency?

Answer

Client references are acceptable. Be clear on the reference that the work was performed for another private entity ON A CONTRACT with a Governmental or quasi-governmental Agency per section 7.a.iii.

27. **Question**

Is it required that all submitting firms be Pre-Qualified with Miami-Dade County to be eligible for this proposal?

Answer

Please review Section 7.a.iv.7.

**PROOF OF RECEIPT**

**Recipient**

**Signature:**

**Print Name:**

**Company:**

**Date:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SUBMIT WITH RFP RESPONSE**



- (4) Minimum floor area:
    - One story—1,500 square feet
    - Two story—2,000 square feet
- (Ord., passed 4-1-83; Ord. No. 94-01, § 3, 5-10-94; Ord. No. 02-20, § 2, 7-9-02; Ord. No. 03-01, § 2, 3-11-03)
- Cross reference—Penalty, § 152.999.

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

**§ 152.028 RM-40 Medium Density Multiple-Family Residential District.**

(A) *Purpose and intent.* The purpose of this District is to provide for medium density multifamily residential development, together with such accessory uses as may be necessary and compatible. This district is intended to be utilized as a transitional buffer between single-family residences and high density apartments or commercial uses.

(B) *Uses permitted.*

- (1) Multifamily residential dwellings.
- (2) Management offices within structures containing eight or more dwelling units.
- (3) Duly licensed home occupation.

(C) *Site development standards.*

- (1) Minimum lot size:
  - Area—10,000 square feet
  - Frontage—100 feet
- (2) Minimum yard setbacks:

Setback	Distance (Feet)
Front	25
Side (corner)	25
Side (interior)	20
Rear	15
Waterfront	25
Adjacent single-family structure	100

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

- (4) Maximum building height: 45 feet or four stories, whichever is less. However, a grade level of parking, not exceeding ten feet in height, shall not be included in this height limitation. The grade level parking floor may include other nonresidential uses, including laundry rooms, recreational rooms, storage rooms, and an office for building management.

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

- (6) Minimum floor area:

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

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

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

(Ord., passed 4-1-83; Ord. No. 94-01, § 4, 5-10-94; Ord. No. 00-08, § 1, 8-8-00)

Cross reference—Penalty, § 152.999.

**§ 152.029 RM-70 High Density Multiple-Family Residential District.**

(A) *Purpose and intent.* The purpose of this district is to provide for high-density multifamily residential structures.

(B) *Use permitted.*

- (1) Multifamily residential dwellings.
- (2) Management offices within structures containing eight or more dwellings units or guest rooms.
- (3) Office retail and service commercial facilities of an ancillary nature within structures containing 100 or more dwelling units or guest rooms. Access to such non-residential facilities shall be only inside the building and there shall be no external advertising signs, display windows or entrances, provided, however, that within a building containing 400 or more dwelling units, entrances, external signs and display windows which do not abut or face a public right-of-way and cannot be read from the public right-of-way shall be permitted, provided further that such external signs shall be affixed flat against the facade or awning canopy of the commercial facility; not exceed in area ten percent of the area of the facade of the facility; be compatible as to materials, background and style with all adjacent and contiguous commercial facilities, and not self-illuminated, "activated," "animated," "flashing," or "beacon light" signs as defined in § 152.076 of the Code.

<i>Location</i>	<i>Distance (Feet)</i>
Second side (interior)	20% of the lot width

The total side setback area free of structures at the ground level shall be at least 60 feet.

- (3) Maximum density: 70 efficiency or one bedroom dwelling units per net acre. The following required amount of lot area per unit shall determine the number of other dwelling unit types permitted.

<i>Unit Type</i>	<i>Required Lot Area (Sq. Ft./ Unit)</i>	<i>Density Units/ Acre</i>
Efficiency	620	70.3
One-bedroom	620	70.3
Two-bedroom	685	63.6
Three-bedroom or larger	750	58.1

- (4) Maximum building height: 150 feet [or] 15 stories, whichever is less, a maximum of four stories may be utilized for a parking structure. (See subsection (7) below.)
- (5) Minimum previous [pervious] area: 20 percent of the total parcel. The lot area at grade level shall be retained as previous [pervious] area and shall be landscaped.
- (6) Minimum floor area:

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

(C) *Site development standards.*

- (1) Minimum lot size:  
Area B—27,000 square feet  
Frontage—75 feet
- (2) Minimum yard setbacks:

<i>Location</i>	<i>Distance (Feet)</i>
Kennedy Causeway (north side)	40
Kennedy Causeway (south side)	60
Other street frontages	25
Rear	25
Adjacent single-family district	100
One side (interior)	15

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

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

- (8) Bonus. The following maximum building height bonuses are permitted in the RM-70 District when any of the design bonus alternatives listed in 8(A) through 8(H) are incorporated into proposed project and the incorporated alternatives are subsequently approved by the Village Commission upon recommendation of the Planning & Zoning Board. Bonus approval shall be done at the time of Site Plan Review as required by 152.105(C)(9). Each bonus alternative may be claimed once for a development and multiple awards for the same bonus feature shall not be permitted.

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

- (A) *Twenty-foot height bonus.* An additional impact fee of \$1,500.00 per unit in the building shall be paid to North Bay Village for beautification of the John F. Kennedy Causeway (State Road 934). {This fee shall be set towards a Causeway Beautification Fund} and/or
- (B) *Twenty-foot height bonus.* A developer shall pay a fee of \$1,500.00 per unit in the building, which shall be utilized for the construction of a Village-wide boardwalk. {This fee shall be set towards a Boardwalk Fund} and/or
- (C) *Twenty-foot height bonus.* A developer shall pay a fee of \$1,500.00 per unit in the building, which shall be

utilized for the remodeling of the entrances to the islands. {This fee shall be set towards an island entrance Remodeling Fund} and/or

- (D) *Ten-foot height bonus.* A developer shall pay a fee of \$750.00 per unit in the building, which shall be utilized for providing art in public places. This bonus is applicable only in conjunction with one of the above three-mentioned bonuses. {This fee shall be set towards an Art in Public Places Fund} and/or
- (E) *Ten-foot height bonus.* A developer shall pay a fee of \$750.00 per unit in the building, which shall be utilized for the planting of trees for the interior island streets. {This fee shall be set towards a tree fund for the interior island streets} and/or
- (F) *Ten-foot height bonus.* A developer shall be required to pay a fee of \$750.00 per unit in the building, which shall be utilized for sidewalk enhancement, as well as the replacement of walkway areas from plain concrete to brick pavers. {This fee shall be set towards a sidewalk enhancement fund}
- (G) *Reserved.*
- (H) *Density bonus.* Each parcel shall have the ability to purchase additional buildable units from North Bay Village for a price of \$40,000.00 per unit. These units shall be derived from land currently owned by the Village, which will not be developed into residential buildings in the future. The money from these units shall be utilized for future Village parks and for the purchase of land for additional open green space. These units are to come from the development rights of Village Hall as well as the public works property on Treasure Island. The total buildable units are: 129 Efficiencies; 129 1-Bedroom Units; 117 2-Bedroom Units; 106

3-Bedroom Units. Monies due from development under the bonus participation program shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission. Thereafter, the appropriate number of units will be deemed to the property. (This fee shall be set towards a Village Park Fund).

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

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

Funds paid to North Bay Village as a result of the bonus participation program shall be transferred between all accounts created for the purposes listed herein.

(Ord., passed 4-1-83; Ord. No. 93-06, § 1, 5-11-93; Ord. No. 94-01, § 5, 5-10-94; Ord. No. 97-14, § 1, 12-9-97; Ord. No. 00-12, § 1, 12-12-00; Ord. No.

01-05, § 1, 6-26-01; Ord. No. 01-07, § 1, 11-27-01; Ord. No. 02-03, § 1, 1-22-02; Ord. No. 02-30, § 1, 1-28-03; Ord. No. 03-18, § 2, 11-25-03)

Cross reference—Penalty, § 152.999.

**§ 152.0295 Special exceptions in high density multiple family residential district.**

(A) *Purpose and intent.* This section recognizes that certain parcels exist in the RM-70 District which do not meet the minimum lot size requirements set forth in § 152.029 to permit a building to be erected, converted, enlarged, reconstructed, moved or structurally altered (undersized parcels). Some of said parcels are improved and some unimproved. The purpose of this section is to establish criteria whereby undersized parcels may be put to reasonable use, consistent with the Village's Comprehensive Master Plan for development and in furtherance of a policy which discourages overdevelopment and urban congestion.

(B) *Uses permitted.* Uses permitted shall be the same as permitted in § 152.029(B)(1).

(C) *Site development standards:*

- (1) Minimum lot size shall be 40 percent of the area prescribed and 40 percent of the front footage requirement of § 152.029(C)(1) (minimum undersized parcels).
- (2) Minimum yard setbacks shall be the same as specified in § 152.029(C)(2) provided that existing buildings, which were completed prior to April 1, 1983, (existing structures) and were lawfully constructed so that any existing setback encroaches into the setback area prescribed by current law but not in excess of 33 1/3 percent of the current setback requirements (non-conforming setback) shall be subject to the provisions of subsection (C)(4) hereafter.
- (3) Maximum density shall be as prescribed in § 152.029(C)(3) except that (a) on minimum undersized parcels there shall be a maximum of six residential units; (b) in case of undersized parcels which exceed the minimum area and frontage prescribed in subsection (C)(1) above, in ad-

dition to six units there shall be allowed one unit for each whole 750 square feet of land area in excess of the minimum area prescribed in subsection (C)(1).

- (4) The maximum building height on minimum undersized parcels shall be three stories or 36 feet above code-approved grade, whichever is less. However, in the event an existing structure is the subject of a nonconforming setback, the new covered or roofed area of the third floor (if there is one) shall be reduced in area on the basis of one and five-tenths percent of the area of the second floor for each foot of nonconforming encroachment into the setback area.

The maximum building height on undersized parcels which exceed the minimum areas and frontage provided in § 152.029(C)(1) shall be one floor for each whole 1,750 square feet of land area in excess of the minimum area prescribed in subsection (C)(1), not to exceed six stories or 72 feet above code approved grade, whichever is less.

Provided further, as to buildings newly constructed under the provisions of this Code, grade level beneath the building parking not exceeding ten feet in height shall not be included in the height limitation herein imposed.

- (5) Minimum pervious area: The provisions of § 152.028(C)(5) are adopted and shall apply to buildings under this section.
- (6) Minimum floor area: The provisions of § 152.029(C)(6) are adopted and shall apply to buildings under this section.
- (7) Offstreet parking: The offstreet parking requirements as set forth in §§ 152.040 through 152.044 shall apply to buildings under this section except that every dwelling unit, regardless of size, shall require two parking spaces.
- (8) All requirements of landscaping of the Village and county code shall be fully applicable to buildings under this section.

(Ord. No. 93-07, § 1, 7-13-93)

### § 152.0296 Planned Residential Development (PRD) Zoning Overlay.

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

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

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

(D) Development parameters. All applications for PRD shall comply with the following applicable development parameters:

- (1) The subject property shall be zoned for RM-70 multi-family use;
- (2) The subject property shall contain a minimum of one legally platted lot for the

construction of no less than ten residential units and 20 parking spaces (off-street), or two, but not more than three, platted lots contiguous, as of the effective date of this section [Jan. 22, 2002];

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

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

(a) *Floor area ratio (FAR).* Total gross area of a building or buildings, excluding parking garage structure, on any lot divided by the area of the lots. No structure shall contain a FAR of greater than 3.0 for one lot; 3.75 for two lots; and 4.00 for three lots.

(b) *Gross floor area.* Total area of all floors of a building that are enclosed including common areas such as elevators (area of shafts at ground floor only), stairs (except open stairways and enclosed stairways which are means of egress required by the fire department), corridors, interior recreation areas, storage, cabana, lobby, restrooms, etc. All these items are excluded: The garage structure with any required means of egress, and any open but covered walkways, exterior balconies, open decks, and terraces at the recreational area.

(c) *Restricted use of floor area.* No more than one-half of a floor area used for amenities can be allocated for dwelling units.

(d) *Building height.* No structure shall exceed 170 feet in overall height above base flood elevation (BFE) including all structures for stairways, storage, mechanical, elevator, recreational uses, et cetera. The total area of these uses shall not exceed 30 percent of the footprint of the last

residential floor. Moreover, an elevator shaft may exceed 160 feet in height based on evidence of necessity as a result of requirements for elevator construction. The roof of any residential dwelling unit shall not be higher than 150 feet from BFE.

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

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

(E) The following uses are permitted in the PRD: Multifamily residential and recreational facilities ancillary thereof.

(F) *Site.*

(1) *Setbacks.* Setbacks for a new building without pedestal and tower design shall follow setback requirements outlined in the RM-70 Multi-family High Density Residential Zoning District:

- (a) Front pedestal—20 feet
- (b) Front tower—25 feet
- (c) Rear pedestal/tower—25 feet
- (d) Sides pedestal—Ten feet
  - 1. Tower—One side—15 feet
  - 2. Tower—Other side—20 percent of frontage

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

The total floor area of encroachment (which shall exclude a maximum of 25 percent of the total square footage of all the balconies on the plan), into the setbacks must be adjusted by deducting it from the buildable "box" allowed under the standard setback regulations provided below and in

no instance is the designer allowed to build more area per floor than what is permitted under this buildable box, and in no instance may any wall length which encroaches into any side yard setback be longer than one-third of the length of a wall (which shall not include balconies with railings or other physical containment which do not exceed 42 inches in height) which is permitted under the buildable box and the standard setback regulations provided below. The length of wall measurement shall be made at the point of maximum encroachment into the flex setback area.

- (3) *Building height.* No structure shall exceed 150 feet from base flood elevation to the roof of the last residential floor and 160 feet for the overall height of the structure, as defined in section (4)d. further provided, no pedestal shall exceed 30 feet in height.
- (4) *Off-street parking.*
  - (a) Off-street parking shall be required on a basis of two spaces per residential unit, and such other requirements as defined in section 152.042 except as defined herein.
  - (b) All parking spaces must be screened from ground level view.
- (5) *Design.* A standard space shall be a minimum of nine feet by 18 feet zero inches long, except for parallel parking in which the space shall be nine feet six inches wide by 21 feet zero inches long. The driveway required in 90-degree parking shall be a minimum of 22 feet zero inches wide. Not less than two percent of required parking spaces shall be allocated for handicapped usage. The parking design for handicapped spaces shall be consistent with applicable state standards.
- (6) *Entrance feature / porte cochere.* A covered/sheltered entrance feature shall be permitted to the front property line. Fourteen feet of vertical clearance shall be provided. If loading spaces are provided

at this location, 14½ feet of vertical clearance shall be provided. Columns may be provided to support porte cochere.

- (7) *Balconies.* Exterior balconies/terraces and covered walkways excluding rooftops and other non-covered areas may extend into setbacks a maximum of 25 percent of the allowable setback measurement but may not extend beyond the pedestal setback. Balconies projecting into setbacks shall be deemed as encroachments herein, but shall not be calculated as part of the floor area ratio. Notwithstanding anything herein to the contrary, in no event shall the total square footage of balconies exceed more than 25 percent of the total square footage of the buildable box.
- (8) *Landscape requirements.* A minimum of 30 percent of the exposed roof deck of the pedestal and any open areas with amenities shall be landscaped, and in addition "hardscape" (pavers, fountains, awnings, etc.) may be permitted if approved by the Village. An applicant shall be required to submit a detailed landscape plan to the Village. The landscape plan shall be sensitive to surrounding properties and shall be utilized to enhance the subject property.
- (9) *Unit size.* All units shall comply with the minimum size requirements as follows:

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

(G) Application procedure. The applicant shall submit an application to the Village Manager, or his/her designee, on a form(s) prescribed by the Village Manager. The Village Manager shall require at least the following information which shall be considered the PRD application:

- (1) Letter of intent;

- (2) Payment of \$5,000.00 development review application fee for each application submitted. Fees incurred by the Village for special planning and/or legal consultant services during the development plan approval process shall be reimbursed to the Village by the applicant;
- (3) A detailed site plan showing dimensions of building(s), structure(s), setback(s), open space(s), landscaping and off-street parking. The landscaping plan shall provide buffering and/or masking of all parking facilities;
- (4) Proposed floor plans and elevations (including signage) for all buildings and structures encompassing the size, placement and number of units;
- (5) A complete list of uses and the square footage for each use;
- (6) A certified copy of a land survey;
- (7) Detailed calculations of water consumption increase and calculation of wastewater;
- (8) Any other documentation as the Village Manager, or his/her designee, reasonably determines is necessary to properly review the proposed project; and
- (9) Within ten days prior to the Planning and Zoning Board public hearing, the applicant shall furnish to the Village Manager, or his/her designee to make available for viewing an architectural model built to scale and photographs depicting same. Said model shall be retrieved by the developer within 30 calendar days following the final public hearing before the Village Commission, and the photographs depicting the model shall become a part of the public records. Said model shall demonstrate the proposed structure as well as existing structures on either side. The applicant shall affirmatively demonstrate that all setbacks for the new structure shall not conflict with the existing or approved structure on either side of the proposed structure.

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

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

(I) Legal effect of PRD. Notwithstanding anything in the Code to the contrary, the approval of a PRD application shall be deemed an Overlay Zoning District to the existing zoning of the property. The approved PRD application shall encompass the approved development and the development regulations applicable to the property, and shall not be subject to any variances as may be required by other sections of this Code. However, the Village Commission shall be prohibited from approving a PRD application that would increase the intensity, density or height above that which is permitted in these PRD regulations.

In the event that the owner wishes to modify an approved PRD application in any fashion which would increase the amount of square footage of the building(s) or lessen landscaping or open space, or create an undue burden on any public facilities, a new PRD application shall be filed and shall be subject to the terms and conditions of this section. In the further event that the owner shall not begin development pursuant to the approved PRD application for a period exceeding 12 months, the PRD designation shall lapse and the Overlay Zoning District for the subject property shall terminate.

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

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

application will cause the density to exceed any density restrictions imposed by the Village's Comprehensive Plan.

(Ord. No. 01-09, § 1, 11-27-01; Ord. No. 02-02, § 1, 1-22-02; Ord. No. 02-28, § 1, 11-12-02; Ord. No. 03-07, §§ 1—4, 4-8-03; Ord. No. 2008-06, § 1, 6-10-08)

#### § 152.030 CG General Commercial District.

(A) *Purpose and intent.* The purpose of this district is to encourage the development of general office, retail, and service commercial uses.

(B) *Uses permitted:*

- (1) Bank or financial institution.
- (2) Clinic or hospital.
- (3) Dry cleaning substation.
- (4) Lounge or nightclub (subject to the provisions of Chapter 111 of the Village Code).
- (5) Medical or dental laboratory.
- (6) Personal services establishments, including but not limited to shoe repair, barber and beauty shop, stock brokerage, employment agency, travel bureau, and messenger service.
- (7) Post office.
- (8) Professional offices, including but not limited to architecture, accounting, engineering, investigative, investment and tax counseling law, medicine, and real estate.
- (9) Restaurants, coffee shops, or delicatessens; but not to include a fast order food establishment (See subsection (C)(1) below). Outdoor dining shall be permitted as follows:

A. Outdoor seating/dining.

- (1) An application must be filed with the Village Manager, or his/her designee, for administrative review and approval, which shall include layout of all tables, chairs, benches, and other furniture; pedestrian ingress and egress; location of refuse containers; and other elements necessary to illustrate

- the proposed outdoor seating/dining use and area (all drawings must be titled, indicate orientation, and be at an acceptable scale).
- (2) Outdoor seating/dining areas and uses of the public right-of-way and/or any private property may be approved, denied, or approved with conditions, modifications, safeguards, or stipulations appropriately and reasonably related to the intent, purposes, standards, and requirements of the related regulations by the Village Manager. Such permit shall not be transferable in any manner and is strictly a conditional use permit, issued for a period of one year, renewable annually via payment of the annual occupational license fee for such outdoor seating/dining uses.
  - (3) The fee for outdoor dining/seating use and area will be charged annually in the amount of \$250.00; the permit fee shall be added to the occupational license fee for the main business.
  - (4) The applicant shall provide an indemnity agreement that is acceptable to the Village Manager. This agreement will include specification of liability insurance provided.
  - (5) The conditional use permitting of outdoor seating/dining use and area may be revoked by the Village Manager or his/her designee, upon finding that one or more conditions of these regulations have been violated, or that the outdoor seating/dining area and use are being operated in a manner that constitutes a public nuisance, or in any way that constitutes a reasonable risk of potential liability to the Village.
  - (6) Outdoor seating/dining use and area may be temporarily suspended by the Village for public use/purpose, utility, sidewalk or road repairs, emergency situations, or violations of provisions contained herein. The length of suspension shall be determined by the Village Manager as necessary. Removal of all street furniture and related obstructions shall be the responsibility of the owner/operator of the outdoor seating/dining.
  - (7) Outdoor seating/dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris. The applicant shall be responsible for daily cleaning and sweeping of the outdoor seating/dining area and for the cleanliness and maintenance of any outdoor planters immediately adjacent to the outdoor seating/dining area. Use of Village sidewalks for trash and garbage removal shall be prohibited.
  - (8) Outdoor seating/dining use and area shall not interfere with the free and unobstructed pedestrian or vehicular circulation of traffic, public access to any street intersections, crosswalks, public seating areas and conveniences, bus stops, alleys, service easements, handicap facilities, or access to any other commercial establishments. The width and location of the sidewalk pedestrian passage shall be as follows:  
 If there is seating on one side of the sidewalk, a minimum of

five feet of sidewalk must remain clear and unobstructed for pedestrian passage;

- (9) Outdoor seating/dining area on the public rights-of-way shall be open and unenclosed. No building structures of any kind shall be allowed in and over any portion of the outdoor seating/dining area located on public property.
  - (10) Tables, chairs and all other furniture used in the operation of an outdoor seating/dining area shall not be anchored or restrained in any manner. Individual table umbrellas, planters, or other such non-stationary elements may be permitted within the outdoor seating/dining area and where applicable, shall have a minimum clearance height of seven feet above grade.
  - (11) Outdoor seating/dining use and area shall be restricted to the length of the sidewalk or public right-of-way immediately fronting the cafe or other establishment.
  - (12) Outdoor seating/dining area shall be at the same elevation as the adjoining sidewalk or public right-of-way.
  - (13) Carts and trays for serving food are permitted in the outdoor seating/dining area.
  - (14) Outdoor seating/dining use and area shall not be provided with amplified sound of any kind.
  - (15) Outdoor seating/dining areas may serve alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only; provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.
  - (16) Any administrative decision may be appealed to the Village Commission in accordance with the requirements of this Code.
  - (17) The hours of operation shall coincide with that of the primary restaurant.
  - (10) Retail sales establishments, including but not limited to the sale of appliances, books, stationery, drugs, hardware, liquor, groceries, meats, produce and fish; however, such retail sales shall be restricted to merchandise stored and displayed within the main structure.
  - (11) Radio and television transmitting station and studio.
  - (12) Storage facilities in connection with permitted uses or non-industrial mini-storage facilities in conjunction with other retail, commercial or mixed uses, including the rental of motor vehicles and trailers consistent with off-street parking restrictions (§ 152.041(C)(3)(a)) for self-hauling purposes and the storage of said vehicles on premises, subject to site plan approval by the Village Commission; provided, however, that all such material, including waste and cooling systems and the above described motor vehicles and trailers shall be stored or erected entirely within the walls of a building. Such rental vehicles shall not be over 30 feet in length. Parking shall be provided for the storage facility portion of any mixed use facility at the rate of one space for every 8,000 square feet of storage area.
  - (13) Studios for artists, photographers, sculptors, or musicians, including: the teaching of art, music, dancing, or artistic instruction.
- (C) *Special uses permitted.* Uses permitted upon approval of the Village Commission in accordance with the provisions pertaining to use exceptions.
- (1) Fast order food establishments.

- (2) Marinas, provided that the following provisions are adhered to:
- (a) No docks or piers, including mooring piles, catwalks, and other appurtenances, shall be constructed closer than ten feet to any adjacent property line.
  - (b) In no case shall a dock or pier project more than ten percent into the width of any waterway.
  - (c) Where a marina is constructed separately from any other use, 50 square feet of landscaped open space shall be required per boat slip, 50 percent of which shall be pervious area.
  - (d) Fire prevention and fire control equipment shall be provided as required by Chapter 3805.5 through 3807.26 of the South Florida Building Code.
  - (e) In conjunction with the dockage of moorage of vessels, the following water-related activities, vessels and structures are prohibited:
    1. Commercial vessels.
    2. Haul-out facilities for major boat repair or overhaul work.
    3. Unscreened storage of boating supplies or accessories in the required front yard setback area.
    4. Permanent live-aboard vessels except as required for work or security purposes.
  - (f) All the requirements, standards, and regulations of §§ 150.01 through 150.03, 150.10 through 150.12 and 150.15 through 150.21 of the Village Code shall be complied with.
- (3) Mixed-use commercial and multifamily structures, provided they conform with all site development standards as set forth under § 152.029(C). Commercial uses located in mixed-use developments shall not be subject to the requirements of § 152.029(B)(3).
- (4) Printing and publishing establishments, including blueprinting and photostating, provided that no such use shall occupy more than 1,500 square feet of gross floor area.
- (5) Service stations, provided that the following provisions are adhered to:
- (a) All structures shall be designed in a manner that is compatible with the overall environmental and architectural design goals of the community.
  - (b) All properties shall have at least 150 feet of frontage.
  - (c) All new and used merchandise shall be stored and displayed within the main structure except tires, accessories, and lubrication items, which may be maintained in movable or enclosed cabinets.
  - (d) No used or discarded automotive parts or equipment or permanently disabled or wrecked vehicles shall be located outside the main structure except within an enclosed trash storage area.
  - (e) Major repairs or engine overhauling or transmission repair, painting, body and fender repair, and tire recapping is not permitted.
  - (f) The rental of heavy equipment and the sale or rental of merchandise not related to the motoring public, other than as specified herein, is excluded.
  - (g) The storage of up to ten rental trailers or automobiles is permitted, provided that the trailers or automobiles are backed up against a six-foot high wall, and located not less than 20 feet from any sidewalk, street, or driveway.
  - (h) Car washes are permitted as an ancillary use subject to being located 200 feet from residential uses and subject to hours of operation.
  - (i) Trash shall be stored in areas shielded from public view. Storage trash containers shall be enclosed and covered.

- (j) Any lights provided to illuminate or advertise the service station, shall be installed and maintained in a manner so as not to create an undue glare on adjacent properties.
- (k) Structures shall not occupy more than 30 percent of the total lot area.
- (l) Driveways shall be permitted at the intersections of primary and secondary arterials, provided the construction of driveway entrances is within the curb return, but shall be at least five feet beyond the end of the curb return. At all intersections, whenever possible, combine driveways servicing both service station and adjacent uses, shall be designated and provided.
- (m) Planter areas and tree wells shall be constructed and equipped with irrigation and drainage facilities and landscaped prior to final building inspection.
- (n) Whenever the use abuts a residential district, a wall shall be erected along the property line eight feet in height.
- (o) Service stations shall not be permitted within 300 feet of the property line of any church, synagogue, hospital, and school.
- (p) No more than four service stations shall be permitted within the Village at any one time.
- (6) Theaters for the showing of motion pictures shall provide no less than 400 fixed seats. When the theater is to be used solely for activities of a performing art, or an event of a cultural or civic nature, a lesser number of seats may be required by the Commission.
- (7) Yacht clubs, provided they have a minimum of 150 feet of water frontage and no main building is less than 4,000 square feet in gross floor area.

(D) *Site development standards.*

- (1) Minimum lot size:  
Area—10,000 square feet  
Frontage—75 feet
- (2) Minimum yard setbacks:

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

- (3) Maximum building height: 130 feet or 12 stories, whichever is less, two stories of which may be utilized for a parking structure.
- (4) Minimum pervious area: 20 percent of the total parcel. The lot area at grade level shall be retained as pervious area and shall be landscaped.

(E) *Prohibited uses.* Boat storage facilities utilized for the purpose of storing boats shall be prohibited in the CG (General Commercial) District. (Ord., passed 4-1-83; Ord. No. 98-03, § 1, 9-15-98; Ord. No. 01-02, § 1, 2-13-01; Ord. No. 01-08, § 1, 11-27-01; Ord. No. 2006-19, § 1, 11-8-06; Ord. No. 2006-21, § 1, 12-28-06; Ord. No. 2008-24, § 1, 10-14-08)

Cross reference—Penalty, § 152.999.

**§ 152.031 Limited commercial district.**

(A) *Purpose and intent.* The purpose of this district is to provide for an area in which tourist accommodation, including but not limited to hotels and motels and accessory uses thereto, will be permitted.

(B) *Uses permitted.*

- (1) Hotels or motels.

- (2) Multifamily residential dwellings including tourist units or lodging for transients, including any units designed or intended to provide an accommodation or facility of a time sharing plan divided into time sharing periods, including but not limited to units regulated by F.S. Ch. 721, being the Florida Real Estate Time Sharing Act.
- (3) Management offices within structures containing eight or more dwelling units, time share units, or guestrooms.
- (4) Office, retail, and service commercial facilities of an ancillary nature within structures containing 100 or more dwelling units, time sharing units, or guestrooms. Access to such nonresidential facilities shall be only from inside the building and there shall be no external advertising signs, display windows, or entrances. Said uses shall be considered accessory uses to the building and not independent therefrom. Such commercial facilities shall be on a separate floor or otherwise segregated from dwelling units.

(C) *Site development standards.*

- (1) Minimum lot size:  
Area—28,000 square feet  
Frontage—200 feet
- (2) Minimum yard setbacks:

<i>Location</i>	<i>Distance (Feet)</i>
Kennedy Causeway (north side)	40
Kennedy Causeway (south side)	60
Other street frontages	25
Rear	25
Adjacent single-family district	100
Side, (interior)	15, plus five feet for each story over three

- (3) *Maximum density.* 70 one-bedroom dwelling units per net acre. The following required amount of lot area per unit shall determine the number of other dwelling unit types permitted:

<i>Unit Type</i>	<i>Required Lot Area (Sq. Ft./Unit)</i>	<i>Density Units/ Acre</i>
Hotel or motel room	440	99.0
Efficiency	500	87.1
One-bedroom	620	70.3
Two-bedroom	685	63.6
Three-bedroom or larger	750	58.1

- (4) *Maximum building height.* 130 feet or 12 stories, whichever is less, two stories of which may be utilized for a parking structure. When a CL zoned property is located in the Bay View Overlay District, all provisions of Section 152.032 shall apply. When the provisions of the Bay View Overlay District are applied to a property in this zoning district, the bonus height provisions of Section 152.029(c)(8) shall also apply.
- (5) *Minimum pervious area.* 20 percent of total parcel. The lot area at grade level shall be retained as pervious area and shall be landscaped.
- (6) *Minimum floor area:*

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

(Ord. of 4-1-83; Ord. No. 2013-05, § 2, 6-11-13)  
Cross reference—Penalty, § 10.99.

§ 152.032 Bay View Overlay (BVO) District.

- (A) *General requirements.*
- (1) *Purpose and intent.* The BVO District is intended to encourage taller, narrower, mixed use buildings on commercial lots on the north side of Kennedy Causeway where