

Via E-Mail and Hand Delivery

December 5, 2014

Mr. Jorge M. Gonzalez
Village Manager
Bal Harbour Village
655 96th Street
Bal Harbour, Florida 33154
manager@balharbour.org

Re: Redevelopment and Expansion of Bal Harbour Shops and Church by the Sea - Proposed Text Amendment to Bal Harbour Village Code of Ordinances

Dear Village Manager Gonzalez:

On behalf of Bal Harbour Shops, LLLP (“BHS”) and Church by the Sea (“CBTS”), please accept this correspondence and its enclosures in furtherance of the proposed redevelopment of BHS and CBTS. In connection with the October 9, 2013 application for the BHS and CBTS Expansion and the November 12, 2014 Architectural Review Board Application, we enclose for your review and consideration proposed text amendments to the Bal Harbour Village Code of Ordinances in lieu of the approximately 10-15 nonuse variances which would be required as part of the approval of the previously submitted BHS and CBTS Expansion plan.

Specifically, please find enclosed, in redline format, the following proposed text amendments to Chapter 21 of the Bal Harbour Village Code of Ordinances:¹

- Article I, Section 21-1;
- Article III, Section 21-315;
- Article III, Section 21-318;
- Article III, Section 21-319;
- Article III, Section 21-320;
- Article III, Section 21-321;
- Article IV, Section 21-358;
- Article V, Section 21-382;
- Article V, Section 21-383;
- Article V, Section 21-384;

¹ We have only included those sections of Chapter 21 in which we have proposed amendments. Should the Village wish to receive a complete copy of Chapter 21 for its review please advise and we will provide a copy.

- Article V, Section 21-385; and
- Article V, Section 21-387.

The proposed text amendments comply with both the letter and the spirit of Section 21-53 of the Village's Code inasmuch as they maintain the basic intent and purpose of the zoning and other land use regulations applicable to the BHS/CBTS properties. Specifically, the proposed text amendments (as would be required for the approval of any nonuse variance requests) are compatible with the surrounding land uses and are not detrimental to the community as a whole. Furthermore, the adoption of the text amendments will accomplish substantial justice for BHS and CBTS, as well as other property owners in the Business District, will maintain the spirit of the Village Code, and secure public safety and welfare. Without the adoption of these proposed text amendments, a practical difficulty will result and render compliance with the existing Code unreasonably burdensome.

Once you have reviewed the proposed text amendments we look forward to discussing your thoughts and any additional formatting required to expedite the review and/or approval of this application.

Thank you for your anticipated attention to this matter. As always, please feel free to contact us with any questions regarding this matter.

Sincerely,



John K. Shubin
Amy E. Huber
Deana D. Falce
For the Firm

Encl.

cc: Mr. Raul Rodriguez, Village Building Official
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Sec. 21-1. - Definitions and rules of construction.

- (a) For the purpose of this chapter, which shall be known as the Zoning Ordinance of Bal Harbour Village, Florida, words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used for" include the meaning "designed for"; the word "structure" includes the word "building"; the word "shall" is mandatory and not directory; and the word "lot" includes the words "plot" and "tract".
- (b) Words and terms not defined in this section shall be interpreted in accord with their normal dictionary meaning and customary usage.
- (c) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory Building means a subordinate Building or outbuilding, or a portion of the main Building, which is located on the same Lot or which is on a contiguous Lot, the use of which is clearly incidental to the use of the main Building.

Accessory Uses means uses customarily incident to the principal uses as permitted, but not including any commercial activity. Any Building, the use of which is not clearly accessory and incidental to the main occupancy, shall be considered as a separate occupancy and shall conform to the provisions of this chapter and chapter 6 for such occupancy.

Apartment Court means a group of two-story Buildings erected on one or more adjoining Lots and usually grouped around a common Yard or Court, each Building containing Apartment Units separated by a party wall and suitable for occupancy for a single Family and in which complete living facilities are provided.

Apartment Hotel means a Building, usually under resident supervision, made of three or more Apartment Units and Hotel Rooms, arranged with common corridors and exits and maintaining an inner lobby or foyer through which there is access to apartments and Rooms, and which may furnish dining room service primarily for Tenants.

Apartment House means a Building made of two or more Apartment Units or dwelling units so arranged that each unit has direct access, with or without common corridors, to a means of egress from the Building, and which may or may not maintain an inner lobby for its Tenants.

Apartment Unit means a Room or suite of Rooms occupied or suitable for occupancy as a residence for one Family, and in which complete living accommodations are provided. The existence of or the installation of a sink and/or cooking facilities within a Room or suite of Rooms shall be deemed sufficient to classify such Room or suite of Rooms as an apartment or dwelling unit.

Building means a Structure, the use of which demands a permanent location on the land, built for the support, shelter and enclosure of Persons, chattels, or movable or stationary Property of any kind; or anything attached to something having a permanent location on the land.

Building Lines means lines established by this chapter, beyond which a Building or any projection of a Building may not extend, except as specifically provided in this chapter.

Bulkhead or *Seawall* means a wall, constructed along the ocean, bay, Indian Creek or Baker's Haulover, to retain or resist lateral displacement of any material back of it. For the purpose of this chapter, the established Bulkhead, Seawall or erosion control line on the ocean, bay, Indian Creek and Baker's Haulover shall be regarded as a point of measurement for Setback requirements of all Structures fronting on these bodies of water.

Cabanas means permanent or portable bath cabins, together with only such accessories as boardwalks, wood slat walks or sundecks, terraces, rubbing rooms and toilet facilities, but not intended for sleeping or living quarters.

Carport means that portion of a Building or a canvas Structure under which vehicles may be driven for the purpose of providing shelter for either the vehicles or Persons, and which is open, full width, front and rear, in the direction of vehicle travel.

Club, Private, includes those associations and organizations of a fraternal or social character not operated or maintained for profit. Private Clubs shall not include casinos, nightclubs, or other institutions operated as a business.

Court means an open, unoccupied, unobstructed space, other than a Yard, on the same Lot as a Building.

Court, Inner, means a Court not extending to a Street or alley or to a front, side or rear Yard.

Court, Outer, means a Court extending to a Street or alley.

Density. In the Ocean Front District, Density refers to the total number of dwelling units and/or sleeping units capable of separate occupancy per gross acre of land. In other zoning districts, Density refers to the total number of dwelling units and/or sleeping units per platted Lot.

Development order means any order or agreement granting, denying, or granting with conditions an application for a development permit.

Development permit includes any building permit, zoning permit, subdivision approval, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Dwelling, Multiple-Family, means a detached Building designed for occupancy otherwise than as a Single-Family Dwelling. The term "Multiple Dwelling" shall be understood to include Apartment Houses, Apartment Courts, and all other Family dwellings of similar character, but not to include Hotels or Apartment Hotels.

Dwelling, Single-Family, means a detached Building designed for or occupied exclusively by one Family only, living as a single housekeeping unit, together with such accessory accommodations as may be reasonably required for the proper operation of the premises as a single-family unit.

Erosion Control Line means a surveyed line established by the State and recorded in the public records of Dade County, Florida, which serves as the seaward boundary of Property in the Village.

Family means one or more Persons occupying premises and living together under one head as a single housekeeping unit. The term "Family" shall be deemed to include domestic or personal servants, but shall not include paying guests.

Floor Area Ratio (FAR) means the total gross floor area, including all floors but excluding mezzanines, elevator shafts, emergency stairwells, trash chutes, other vertical mechanical spaces and open balcony areas, measured to the outside of the Structure at each floor, and not including Parking Structures, on a Lot, divided by the Lot area. (For example, a Building containing 20,000 square feet of floor area on a zoning Lot of 10,000 square feet has a Floor Area Ratio of 2.0).

Garage, Private, means a garage in which no business, service or industry connected directly or indirectly with motor vehicles is carried on.

Garage, Storage, means a garage used only for the storage of motor vehicles, or where any such vehicles are stored or kept for remuneration.

Grade. When used in connection with the elevation of the ground, Grade means the average level of the natural ground adjacent to the exterior walls of a Building and shall be measured in feet above the finished grade of the center of the street on which the Lot fronts, or refers to an elevation above an established benchmark.

Groin means a Structure built of wood, steel or concrete on piling, running seaward, and serving the purpose of a breakwater to prevent beach erosion.

Gross Leasable Area (GLA) means the gross floor area minus the following floor area deductions: (a) elevator shafts and stairways; (b) public restrooms; (c) public lobbies, common mall areas, atriums and courtyards provided solely for pedestrian access to the building from the exterior, and/or for aesthetic enhancement or natural lighting purposes; (d) permanently designated corridors (i.e. not subject to relocation by the requirements of a specific lease); (e) parking, loading and mechanical/equipment areas; (f) service corridors; (g) storage; (h) back of house/office; (i) outdoor areas; and (j) license areas.

Guest House means a detached Structure or accessory Building intended to be occupied by nonpaying guests in connection with a Single-Family Dwelling, and equipped with sanitary plumbing facilities only; it shall provide Rooms and necessary appurtenances for the sleeping accommodations of nonpaying guests and their servants, but shall not provide cooking facilities. When used in connection with a Multiple-Family Dwelling, a Guest House means a detached dwelling occupied or intended to be occupied for hire and shall be considered an Apartment Unit, with complete living accommodations permitted.

Guest Room. In connection with a Single-Family Dwelling, Guest Room means a Room in the main or accessory Building, occupied or intended to be occupied by nonpaying guests, and equipped with sanitary plumbing facilities only. When used in connection with a Multiple-Family Dwelling, Guest Room means a Room in the main Building to be occupied by paying guests, and shall be considered the same as a Hotel Room.

Height of a Building or Structure means the vertical distance from the average Street Grade to the highest point of the coping of a flat roof or to the average height of the highest gable of a pitch or hip roof. Penthouses shall be considered in determining both the Height and the number of Stories of a Building. When a parapet wall is provided, the vertical distance shall be measured from the average Street Grade to the highest point of its parapet wall. Parapet walls shall not exceed four feet in height as measured from the highest point of the roof to the highest point of the parapet wall.

Hotel means a Building or premises where lodging or sleeping accommodations of more than 100 Rooms are provided.

Landscaping means various forms of live plant materials, including trees, shrubs, ground cover, flowers, grass or other similar materials. It shall not be construed to include hard materials such as concrete, stone, brick pavers or other similar treatments which may be utilized in conjunction with live plant materials.

Lot means a parcel of land fronting on a Street, drive, or waterway, which is or may be occupied by a Building and its necessary Buildings, including the open spaces required under this chapter, and which parcel of land is a matter of record in Dade County, Florida.

Lot, Corner, means a Lot abutting on two or more Streets at their intersection.

Lot Coverage means the percentage of Lot area that is covered by surfaces impervious to the penetration of water into the ground. For purposes of making maximum Lot Coverage calculations, brick paver surfaces will be counted as 50 percent of their area being impervious.

Lot Depth. The depth of a Lot is the distance, measured in the mean direction of the side lines of the Lot, from the midpoint of the Street Lot Line or Bulkhead line to the opposite main rear line of the Lot or, in the case of a three-sided Lot, to the intersection of the side lines.

Lot, Interior, means a Lot other than a Corner Lot.

Lot Lines means the lines bounding a Lot.

Lot, Through, means a Lot which abuts on two opposite ends on Streets or other similar public spaces.

Lot Width means the mean width of a Lot measured at right angles to its depth.

Mechanical Equipment includes but is not limited to air conditioning compressors and condensers, heating-ventilation equipment, electrical transformers, and pool or spa equipment, ground-mounted or on pads.

Mixed Occupancy means occupancy of a Building or land for more than one use.

Nonconforming Use means a Building or land occupied by a use that does not conform with the regulations or the use district in which it is situated.

Parking Lot or Parking Area means an open, unoccupied area of land used or required for use for parking of automobiles. Parking Lots or Areas shall be located or permitted in Multiple-Family, Business or Private Club Districts only.

Parking Structure means any Structure designed and used primarily or exclusively for parking or storage of automobiles or other motor vehicles.

Penthouse means any Structure above the main roof of a Building used for living, professional or business purposes. Penthouses may also be used for housing elevator machinery and water storage tanks. Penthouses, except when used for machinery or storage of water, are considered as an additional Story to the height of a Building and shall be considered in Height measurement.

Permitted Use means any purpose for which Buildings or other Structures or land may be arranged, designed, intended or occupied.

Porch means a roofed-over portion of a Building which is open or screened on one, two or three sides, one or two Stories in Height.

Portable Storage Unit means a transportable container designed for outdoor use which is not a "building" or "structure" as those terms are defined in this section, which is ordinarily rented or leased to owners or occupants of real property, is placed and removed by means of a truck or other motor vehicle, and is designed for the storage of property.

Porte-Cochere means a one-story Porch under which vehicles may be driven for the purpose of providing shelter for either the vehicles or Persons, and which is open, full width, front and rear, in the direction of vehicle travel, and open not less than 50 percent on the outer side.

Principal Building means a Building containing the principal use of the Lot on which the Building is situated.

Restaurant means every Building or part thereof and all outbuildings used in connection therewith, or any place or location kept, used, maintained as, advertised as, or held out to the public to be a place where food is prepared and/or served, either gratuitously or for pay.

Room means every compartment in any Building, including parlors, dining rooms, sleeping rooms, and enclosed Porches, kitchens, offices, stores, sample-rooms, and living rooms, but not including halls, bathrooms, closets, pantries, storage or equipment rooms or Cabanas.

Servants' Quarters. As accessory to multifamily occupancies, *Servants' Quarters* means accommodations for such number of servants and other employees as are required by the main occupancy, which accommodations may be detached and may or may not include separate cooking facilities. As accessory to single-family occupancies, *Servants' Quarters* means accommodations for such number of servants in personal service and/or for the maintenance of the premises as could reasonably be required, which accommodations may be detached but shall not have separate cooking facilities except in connection with Properties which have a ground area of 15,000 or more square feet.

Service Station means a Building where gasoline, oil and greases, batteries, tires, and automobile accessories are supplied and dispensed to the motor vehicle trade, and also where the following services are rendered, and none other:

- (1) Sale and servicing of sparkplugs and batteries.
- (2) Tire repair and servicing, but no recapping or vulcanizing.
- (3) Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, lightbulbs, floor mats, seat covers and windshield wiper blades and arms, and replacement of grease retainers and wheel bearings.
- (4) Radiator cleaning and flushing.
- (5) Washing and polishing.
- (6) Greasing and lubrication.
- (7) Exchanging fuel pumps and installing fuel lines.
- (8) Minor servicing and replacement of carburetors.
- (9) Emergency wiring repairs.

- (10) Adjusting brakes, operating brake testing machines, and installing exchange brake shoes.
- (11) Tuning engines, with the exception of grinding valves, cleaning carbon, or removing the heads of engines and/or crankcases.

Setback means the minimum horizontal distance between the street line and the front line of the Building, or between the Bulkhead, Seawall or other established line and the Building, or between the side Lot Lines and the Building or any projection, except as otherwise provided in this chapter.

Square Foot Content. In determining the minimum number of square feet of floor area described in this chapter for Buildings in certain sections of the Village, the following shall not be included in the Square Foot Content: open terraces; Porte-Cocheres; Carports; garages, either attached or detached; or Accessory Buildings. Notwithstanding the above, this definition is not intended to exempt such accessory uses from maximum lot coverage calculations.

Story means that portion of a Building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost Story shall be that portion of a Building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement is more than six feet above Grade, such basement shall be considered a Story. For the purposes of Section 80 of the Village Charter, it is hereby specified that there shall be no limitation on the height of a building "story," so long as the overall height limits specified within this Code are not exceeded. It is the specific intent of the Village Council that the 11 foot story height limitation contained in Section 80 of the Charter shall not be applicable in any zoning district as it is the intention of the Council that the height of a story shall be specified as "unlimited" so as to allow freedom of design for lofts, mezzanines, vaulted ceilings, lobbies, assembly areas, mechanical rooms or spaces, multi-story units or clerestory areas.

Street means a thoroughfare which affords the principal means of access to abutting Property.

Street Grade means the average elevation of the centerline of the abutting Street as measured at the crown of the road.

Structural Alterations means any change, except for repairs or replacement, in the supporting members of a Building such as bearing walls, columns, beams or girders.

Structure means anything constructed or erected, the use of which requires more or less permanent location on the land, or attached to something having a permanent location on the land.

Vacation Rental, Short-Term. A Short-Term Vacation Rental means any occupancy of a single-family, two-family, multi-family or townhouse dwelling unit for a period of time of not less than six consecutive calendar months, or such dwelling unit which is advertised or held out to the public as a place rented for a period of time of not less than six consecutive calendar months.

Xeriscape. A method of water conservation gained through the utilization of trees, shrubs, vines, plants, groundcover and turf grasses which are drought tolerant. The implementation of appropriate planning and design, use of soil amendments, efficient irrigation, practical turf grass, use of drought tolerant plants, mulches and appropriate maintenance results in reduced water consumption but still provides a very wide range of attractive landscaping alternatives.

Yard means the open space required adjacent to Lot Lines for the control of the Density of Building. Such Yards shall be unobstructed from the ground to the sky except as otherwise provided in this chapter.

(Ord. No. 169, §§ 3-1, 3-2, 6-29-74; Ord. No. 193, § 5, 7-26-77; Ord. No. 205, § 2(A)—(C), 11-14-78; Ord. No. 297, § 1, 10-28-86; Ord. No. 356, § 2, 11-13-90; Ord. No. 438, § 6, 4-20-99; Ord. No. 473, § 1, 6-18-02; Ord. No. 512, § 2, 10-17-06; Ord. No. 513, § 2, 11-14-06; Ord. No. 549, § 2, 5-31-2011; Ord. No. 564, § 2, 10-16-2012)

Sec. 21-315. – Special Business Improvement Area.

- (a) The purpose of a Special Business Improvement Area is to allow parcels greater than ten (10) abutting acres in size to be master planned so as to allow greater integration of public improvements and enhancements, and greater flexibility so as to result in higher or specialized quality building and design with the Special Business Improvement Area.

In addition, the purpose of the Special Business Improvement Area is to encourage the master planning of parcels greater than ten (10) acres in order to allow for unique buildings and design; to provide greater integration of public and private improvements; and to provide new and improved facilities to promote and support tourism in Bal Harbour.

- (b) The single or multiple owner(s) of abutting properties in excess of ten (10) acres may utilize the regulations of this section, in lieu of the other regulations provided for in this Code.
- (c) A Special Business Improvement Area shall include a map of the area and a list of the property owners.
- (d) A Special Business Improvement Area shall assign at least five (5%) of its aggregated lot area to be used on occasion by the public for a civic use. A civic use may include, art in public places, philanthropic events, municipal events, or other community events agreed and approved by the Village Manager and property owner.
- (e) Development within the Special Business Improvement Area shall be governed by a recorded development agreement.

Sec. 21-318. - Maximum Building Height.

Except as set forth herein,

(1) ~~No~~ Building or Structure in the B Business District shall exceed 56 feet or three Stories in Height, whichever is less. No Parking Structure shall exceed 56 feet or five Stories above the surface parking level in Height, whichever is less. Any Parking Structure which exceeds 36 feet or three Stories shall require a public hearing in accordance with the procedures set forth in Sections 21-51 and 21-52 and the standards set forth in Section 21-53(a). Notwithstanding any other limitation herein, for any assemblage of contiguous Lots now or hereafter owned by the same owner in the Business District which contains five or more contiguous acres, an area not to exceed 42,600 square feet thereof may, after a public hearing in accordance with the procedures set forth in Sections 21-51 and 21-52 and the standards set forth in Section 21-53(a), contain Structures not to exceed 69 feet in Height. Except as provided below, when a parapet wall is provided, the vertical distance shall be measured from the highest point of any street bounding the property to the highest point of the parapet wall. Parapet walls shall not exceed four feet in Height as measured from the highest point of the roof to the highest point of the parapet wall. Except as otherwise provided herein, a "Story" of a Structure shall be considered to be no greater than 19 feet in Height and a "Story" of a Parking Structure shall be considered to be no greater than 11 feet six inches in Height.

(2) Notwithstanding anything herein to the contrary, in the Special Business Improvement Area a Building or Structure, including a Parking Structure, may have a maximum height of 69 feet.

(Ord. No. 169, § 6-10(c), 6-29-74; Ord. No. 205, § 2(D)—(G), 11-14-78; Ord. No. 298, § 3, 11-25-86; Ord. No. 512, § 2, 10-17-06)

Sec. 21-319. - Yards; Setbacks.

(a) The following Yard and Setback requirements shall apply in the B Business District:

- (1) *Front Yard Setback.* The following front Yard Setbacks shall be maintained:
 - a. From Collins and Harding Avenues:
 1. 50 feet for Buildings occupied and used for the sale of merchandise or services at retail.
 2. 100 feet for Parking Structures and all other Structures.
 - b. From 96th Street: 7.5 feet for all Buildings, Parking Structures and all other Structures.
 - c. From Bal Bay Drive: 20 feet for all Buildings, Parking Structures and all other Structures.
 - d. From Park Drive: 100 feet for all Buildings, Parking Structures and all other Structures.
 - e. From Bal Cross Drive: 50 feet for all Buildings, Parking Structures and all other Structures.
- (2) *Interior, side and rear Yards.* There shall be interior, side and rear Yards having a width of not less than seven feet six inches on each side of a Building or Structure, including Parking Structures.
- (3) *Waterfront Setback.* There shall be a waterfront Setback of 40 feet, as measured from the outside face of the Seawall.

(b) The following Yard and Setback requirements shall apply in the Special Business Improvement Area:

- (1) *Front Yard Setback.* The following front Yard Setbacks shall be maintained:
 - a. From Collins and Harding Avenues:
 1. 20 feet for Buildings occupied and used for the sale of merchandise or services at retail.
 2. 35 feet for Parking Structures and all other Structures.
 - b. From 96th Street: 0 feet for all Buildings, Parking Structures and all other Structures.
 - c. From Bal Bay Drive: 3.5 feet for all Buildings, Parking Structures and all other Structures.
 - d. From Park Drive: 40 feet for all Buildings, Parking Structures and all other Structures.
 - e. From Bal Cross Drive: 25 feet for all Buildings, Parking Structures and all other Structures.
- (2) *Interior, side and rear Yards.* There shall be interior, side and rear Yards having a width of not less than zero feet on each side of a Building or Structure, including Parking Structures.
- (3) *Waterfront Setback.* There shall be a waterfront Setback of 15 feet, as measured from the outside face of the Seawall.

(Ord. No. 169, § 6-10(d), 6-29-74; Ord. No. 205, § 2(D)—(G); Ord. No. 298, § 3, 11-25-86)

Sec. 21-320. - Traffic level; approval of traffic analysis.

- (a) All applications for review of a major site plan in the B Business District shall be accompanied by a traffic survey and analysis prepared by a qualified traffic engineer showing that any additional vehicular movements generated by reason of the construction, expansion or alteration can be accommodated by the adjacent Streets at the peak traffic hour on the Streets without causing the Level of Service on ~~the 96th Streets to deteriorate to a~~ exceed Level of Service ~~E D or worse or the Level of Service on Collins and Harding Avenues to exceed Level of Service E+20~~. Vehicular access to and from the Business District shall be limited to Collins/Harding Avenue and to 96th Street.
- (b) No major site plan approval shall be issued unless or until a traffic survey and analysis meeting the requirements of subsection (a) of this section has been filed with the Building Official and considered by the Village Council as part of the public hearing.
- (c) For purposes of this section, the term "Level of Service" (abbreviated as "LOS") refers to the overall quality of flow ~~on an arterial roadway, at an intersection. To quantify the various Levels of Service which can be experienced, the following criteria shall apply:~~
- ~~(1) LOS A. LOS A is the highest Level of Service which can be achieved. Under this condition, the green time available for any particular movement is never fully utilized, and no vehicle waits longer than one red indication. Typically, the approach appears quite open, turning movements are easily made, and nearly all drivers find freedom of operation, their only concern being the change that the signal will be red or turn red when they approach. Volumes are generally less than 60 percent of capacity.~~
 - ~~(2) LOS B. LOS B is representative of stable operation. An occasional vehicle will be forced to wait through more than one red indication, and many drivers will begin to feel somewhat restricted within groups of vehicles. Volumes are usually between 60 percent and 70 percent of capacity.~~
 - ~~(3) LOS C. At LOS C, although still representative of stable operation, more drivers are forced to wait through more than one red indication, and backups may develop behind turning vehicles. Most drivers are beginning to feel restricted, but not objectionably so. This is the level typically associated with urban design practice. Traffic volumes under this Level of Service are generally between 70 and 80 percent of capacity.~~
 - ~~(4) LOS D. LOS D encompasses a zone of increasing restriction approaching instability. Delays to approaching vehicles may be substantial during short peaks within the peak period, but enough slack occurs to permit periodic clearance of long lines, thus preventing excessive backups. Traffic volumes at LOS D are between 80 and 90 percent of capacity.~~
 - ~~(5) LOS E. LOS E represents the capacity of the intersection where there are likely to be long lines of vehicles waiting upstream of the intersection and delays may be great (drivers may have to wait through several red indications). Traffic volumes in excess of 90 percent of capacity are indicative of LOS E.~~
 - ~~(6) LOS F. LOS F represents jammed conditions. Backups from locations downstream or on the cross street may restrict or prevent movement of vehicles out of the approach under consideration; hence, volumes carried are not predictable.~~
- (d) LOS on these roadways shall be defined by definitions and methodology consistent with the latest version of the Highway Capacity Manual. LOS thresholds will be defined by the most recent LOS tables, procedures and/or software published by the FDOT and approved for use by FDOT District 6.

(Ord. No. 169, § 6-10(e), 6-29-74; Ord. No. 205, § 2(D)—(G), 11-14-78; Ord. No. 298, § 3, 11-25-86; Ord. No. 2012-566, § 3, 11-20-2012)

Sec. 21-321. - Floor Area Ratio.

(a) The maximum allowable Floor Area Ratio for the B Business District shall be FAR 0.70.

(b) The maximum allowable Floor Area Ratio for the Special Business Improvement Area shall be FAR 1.20.

(Ord. No. 169, § 6-10(f), 6-29-74; Ord. No. 205, § 2(D)—(G), 11-14-78; Ord. No. 298, § 3, 11-25-86)

Sec. 21-358. - Walls, fences and landscape plantings.

- (a) In the Single Family Residential Districts (R Districts), Private Club District (PC District) and the Multiple Family Residential Districts (RM Districts), no wall or fence shall be erected outside of the Building Lines which is higher than five feet above the elevation of the centerline of the adjoining Street. Notwithstanding the above, in the R-2 Single Family Residential District, walls or fences which are within the Front Building Line Area and are parallel to the front property line shall be structured to the following design criteria:
 - (1) A maximum of two feet of opaque wall surface above grade shall be permitted.
 - (2) The balance of allowable wall/fence height up to the maximum five-foot height may be constructed of nonopaque material such as wrought iron, aluminum, decorative open weave concrete or clay products, glass block and similar materials. Supplemental landscaping acceptable to the Village Architectural Review Board (ARB) shall be provided on the street side of any such wall or fence.
 - (3) Any such wall shall be decorative, with finishes on both sides and compatible with the dwelling architecture.
 - (4) The Architectural Review Board (ARB) may grant exceptions to the design criteria stated herein based on creative and compatible design solutions.
- (b) In Blocks 1 and 12 in zoning districts R-1, RM-4 and RM-5, no wall or fence more than four feet in height shall be created between the Seawall and the front Setback line.
- (c) In the Ocean Front District (OF District) ~~and Business District (B District)~~, no boundary wall or fence shall be constructed which is more than six feet above the elevation of the center of the adjoining Street.
- (d) In all zoning districts, ornamental entrances, fountains, rotisseries, flower bins and similar architectural features exceeding the wall height restriction will be permitted, provided that:
 - (1) No such feature shall exceed in height the wall height restriction for that district plus three feet.
 - (2) There shall be only one such feature in any front, side or rear Yard, except that there may be two entrance gates.
 - (3) There shall be at least ten feet between any such feature and any part of any Building on the same Lot, measured at right angles from the feature.
 - (4) Such features shall not restrict passage through front, rear or side Yards to less than 88 inches in any place.
- (e) Hedges of living vegetation in the P.C. District may be kept and maintained with the same limitations for walls in said district. In all other districts, hedges may be kept and maintained without any height limitation, provided such hedges are neatly trimmed and do not interfere with traffic or visibility on public rights-of-way.
- (f) Planting of vegetation in Easement Areas.
 - (1) No trees may be planted within any easement as shown on the recorded plats of the various subdivisions of the Village ("Easement Areas"). Nothing in this section shall be construed to prohibit the planting of low-growth Landscaping in Easement Areas ("Easement Landscaping"). Easement Landscaping is subject to removal by the Village without notice in the event that the Easement Landscaping impedes access to Easement Areas. The Village shall not be responsible for damage to Easement Landscaping removed.
 - (2) Prior to planting of low-growth Landscaping in Easement Areas, a Landscaping plan shall be provided to the Village for review to ensure compliance with subsection (f)(1) of this section.

- (3) Prior to planting of low-growth Landscaping in Easement Areas, the Owner shall execute a Permission for Removal, Release and Indemnification Agreement, in a form acceptable to the Village, pertaining to low-growth Landscaping in Easement Areas.

(Ord. No. 169, § 5-8, 6-29-74; Ord. No. 297, § 4, 10-28-86; Ord. No. 330, § 1, 5-16-89; Ord. No. 348, § 1, 7-17-90; Ord. No. 438, § 6, 4-20-99)

Sec. 21-382. - Interpretation of requirements.

- (a) *Alterations and change in use.* Whenever a Building, Structure or use is enlarged by the addition of floor area, number of units, employees, seating capacity or otherwise, which creates a requirement for increased off-street parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- (b) *Change in use.* When the use of any Structure or premises is changed, in total or part, to a different use, parking spaces shall be provided on the basis of the change in use.
- (c) *Mixed uses.* In the case of mixed uses within a Building or Structure, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, unless an Administrative Adjustment is granted per Sec. 21-384, paragraph 7.
- (d) *Fractional remainders.* When the unit of measurement determining the number of required parking spaces results in the requirement of a fractional space, any fraction shall be counted as an additional parking space.
- (e) *Gross floor area.* When the unit of measurement determining the number of required parking stalls is based upon gross floor area, such area shall be calculated by measuring the total floor area from within the exterior surface of the walls of the Structure.
- (f) *Employees.* When the unit of measurement determining the number of required parking stalls is based on number of employees, the maximum shift or employment period during which the greater number of employees are present at the Structure or use shall be used in the computation.
- (g) *Plot plan.* Any application for a building permit or certificate of occupancy shall be accompanied by a plot plan, drawn to scale and fully dimensioned, showing the development of the Property, including the layout and development of any off-street parking facilities to be provided. All parking spaces shall be designated, as well as the access drives, screening, Landscaping and other improvements to be provided.

(Ord. No. 169, § 7-2, 6-29-74)

Sec. 21-383. - Location.

- (a) *On-site location.* All parking facilities shall be provided on the same Lot as the Structure or use served, except where specifically permitted to be located on a different Lot by other provisions of this section.
- (b) *Off-site location.* ~~Off-street parking facilities for Hotels may be provided on a Lot other than the Lot on which the Structure or use served is located, provided that:~~
- ~~(1) No more than 25 percent of the total required spaces are located in off-site facilities.~~
 - ~~(2) The off-site facilities are located in the same zoning district as the Structure or use served.~~
 - ~~(3) Valet parking service is provided.~~
 - ~~(4) The Owners of the land on which the facilities are to be provided shall record an agreement, approved by the Village Attorney as to form and content, in the office of the County Clerk, as a covenant running with the land for the benefit of the Village. The agreement shall provide that the facilities shall be continued so long as the Structure or use they are intended to serve is continued. The number of required parking spaces may include up to 25 percent off-site parking. The off-site parking shall be located within reasonable walking distance of the land use served, or, if outside a reasonable walking distance, a dedicated shuttle service appropriate to the needs of the parkers at the off-site facility shall be provided, or valet parking service shall be provided on-site. A long term lease or covenant assuring that the spaces will be available to the land use must be executed if the spaces are owned or controlled by a party other than the property owner of the land use served. Such lease or covenant shall be approved as to form and content by the Village Attorney.~~

(Ord. No. 169, § 7-3, 6-29-74)

Sec. 21-384. - Number of spaces.

The schedule of off-street parking requirements shall be as follows:

- (1) *Single-family detached dwellings*: Two parking spaces for each dwelling unit, with not less than one space provided within a garage or Carport.
- (2) *Multiple-Family Dwellings*: One and one-half parking spaces for each dwelling unit, plus one additional space for each ten dwelling units in the total apartment complex, plus the required spaces for any business establishments contained within the complex.
- (3) *Hotels*: One parking space for each Guest Room capable of separate occupancy, plus one space for each 400 square feet of public assembly area, plus the required spaces for any business establishments contained within the complex.
- (4) *Business establishments*: Four parking spaces for each 1,000 square feet of leasable floor area or 90 percent of gross floor area, whichever is the greater, except for the following uses:
 - a. Municipal Buildings.
 - b. Churches.
- (5) *Private Clubs*: One parking space for each five members, plus one space for each three employees.
- (6) *Private Recreational Facilities*: One parking space for each 400 square feet of gross floor area. Notwithstanding the provisions of section 21-385(a), at the discretion of the Village Council up to 50 percent of the required number of parking spaces may be provided by the utilization of a stabilized sodded grass alternative surface. Such sodded grass alternative surface shall conform to Village specifications for base material, drainage and species of grass.

(7) *Administrative Adjustments to Parking Requirements*: An Administrative Adjustment to parking requirements is a specific agreement between a property owner and the Village of Bal Harbour that the number of spaces actually needed for a specific building or use is, or will likely be, less than otherwise required for the specific reasons permitted herein. Administrative Adjustments may be granted by the Village Manager.

i) *Shared Parking*: The Village Manager may authorize a reduction in the number of required parking spaces for mixed-use developments or for uses that are located near one another and that have different peak parking demands. Shared parking shall be subject to the following standards.

(a) A shared parking study shall be performed by a qualified parking consultant or traffic engineer, meeting the following requirements:

1. The study shall identify the properties and uses for the study; the study may include properties and uses not subject to the zoning permit.
2. If parking is to be supplied by another party than the entity requesting the adjustment, and covenants between the parties sharing parking are likely to be required, the applicant for the adjustment to parking requirements shall provide a letter from the property owners involved agreeing in concept to the covenants should the adjustment be approved.
3. The methodology contained in the latest edition of *Shared Parking* published by the Urban Land Institute shall be employed in the estimation of parking demand, except that the base parking ratios as specified herein shall be employed where they differ from those in *Shared Parking*.

(b) Where multiple parties own distinct portions of the development proposing a reduction of parking due to shared parking, shared use agreements must be formalized via appropriate documents including Letters of Agreement between shared parking facility owners.

- ii) Flex Parking Spaces: Recognizing the seasonal nature of population, tourism, business activity and parking demand in the Village of Bal Harbour, the Village Manager may approve parking plans whereby spaces designed and normally used for self-parking are temporarily converted to valet parking layout and operations during peak periods of activity. The capacity of the parking facility in the temporary valet parking layout shall be used in determining the adequacy of the parking supply. The temporary valet layout need not be striped.
- iii) Site Specific Parking Study: Notwithstanding other provisions of this Article, the Village Manager may approve a lesser amount of required parking based on a site specific parking study, prepared by a qualified parking consultant or traffic engineer, which adequately demonstrates that the number of spaces actually needed for a specific building or use is, or will likely be, less than otherwise required.

(Ord. No. 169, § 7-4, 6-29-74; Ord. No. 171, § 1, 11-30-74; Ord. No. 404, § 3, 10-24-95)

Sec. 21-385. - Design and maintenance.

- (a) *Paving.* All areas used for parking and maneuvering of vehicles, including all access driveways, shall be paved with a dustless, all-weather surfacing material capable of carrying a wheel load of 4,000 pounds.
- (b) *Maintenance.* All areas shall be maintained in a clean, orderly and dustfree condition at the expense of the Owner or lessee.
- (c) *Drainage.* All Parking Areas and access driveways shall be graded and drained so as to provide for the disposal of all surface water.
- (d) *Marking.* Individual stalls shall be marked with permanent lines, four to six inches wide. Plaza areas which are used for parking part-time need not be so marked.
- (e) *Bumper guards and wheel stops.* Every surface parking facility shall have bumper guards located adjacent to any Building or Structure, wall, fence, hedge, walkway, landscaped area, property line or parking stall, to protect Persons, Property, and other vehicles.
- (f) *Lighting.* Adequate lighting shall be provided if off-street parking facilities are to be operated during hours of darkness after 6:00 p.m. The lighting shall be arranged and installed so as to reflect light away from adjacent Structures, premises, or Streets.
- (g) *Separation between parking spaces and dwelling served.* All parking spaces shall be separated from any exterior dwelling unit wall. In the Ocean Front (OF) and Business (B) Districts, the separation shall be at least six feet in width and shall be unpaved and landscaped.
- (h) *Driveway location.* Each access driveway shall be located on the Lot which it serves and designed so as to cause the least practical interference with the use of adjacent Property and with the movement of pedestrian or vehicular traffic.
- (i) *Driveway width.* In the Ocean Front (OF) and Business (B) Districts, access driveway widths shall have the following minimum dimensions:
 - (1) A minimum of 12 feet for all one-way driveways; one-way driveways shall not exceed 15 feet in width.
 - (2) A minimum of 20 feet for all two-way driveways; two-way driveways shall not exceed 30 feet in width.
- (j) *Number of driveways.* In the Ocean Front (OF) District, there shall be no more than three driveways for each 200 feet of street frontage on any lot, and no driveway shall be located closer than 20 feet to any side Lot Line.
- (k) *Turnaround areas.* All parking areas shall be arranged so that a vehicle shall not be required to enter a Street to move from one location to any other location within the parking facility.
- (l) *Maneuvering and parking stall accessibility.*
 - (1) All parking facilities shall be arranged so that parking maneuvers can be accomplished without driving, maneuvering or encroaching into or upon any public right-of-way, walkway, or unpaved landscaped area within or adjoining the parking facility.
 - (2) All parking stalls shall open directly upon a maneuvering or turnaround area, an access driveway, or an aisle leading to an access driveway, and shall be individually and continuously accessible, except as permitted in tandem parking.
- (m) *Tandem parking.* Tandem parking is a parking layout in which one or more automobiles must be moved in order to retrieve another automobile. Where tandem parking is employed, shall be permitted provided that the tandem parking is not more than two stalls in depth, that full-time parking attendants are provided-required, and that no self-parking is-shall be permitted. The restrictions of this paragraph, requiring parking attendants and prohibiting self-parking, shall not apply if the tandem parking spaces which restrict access to one another are assigned to the same occupancy or dwelling

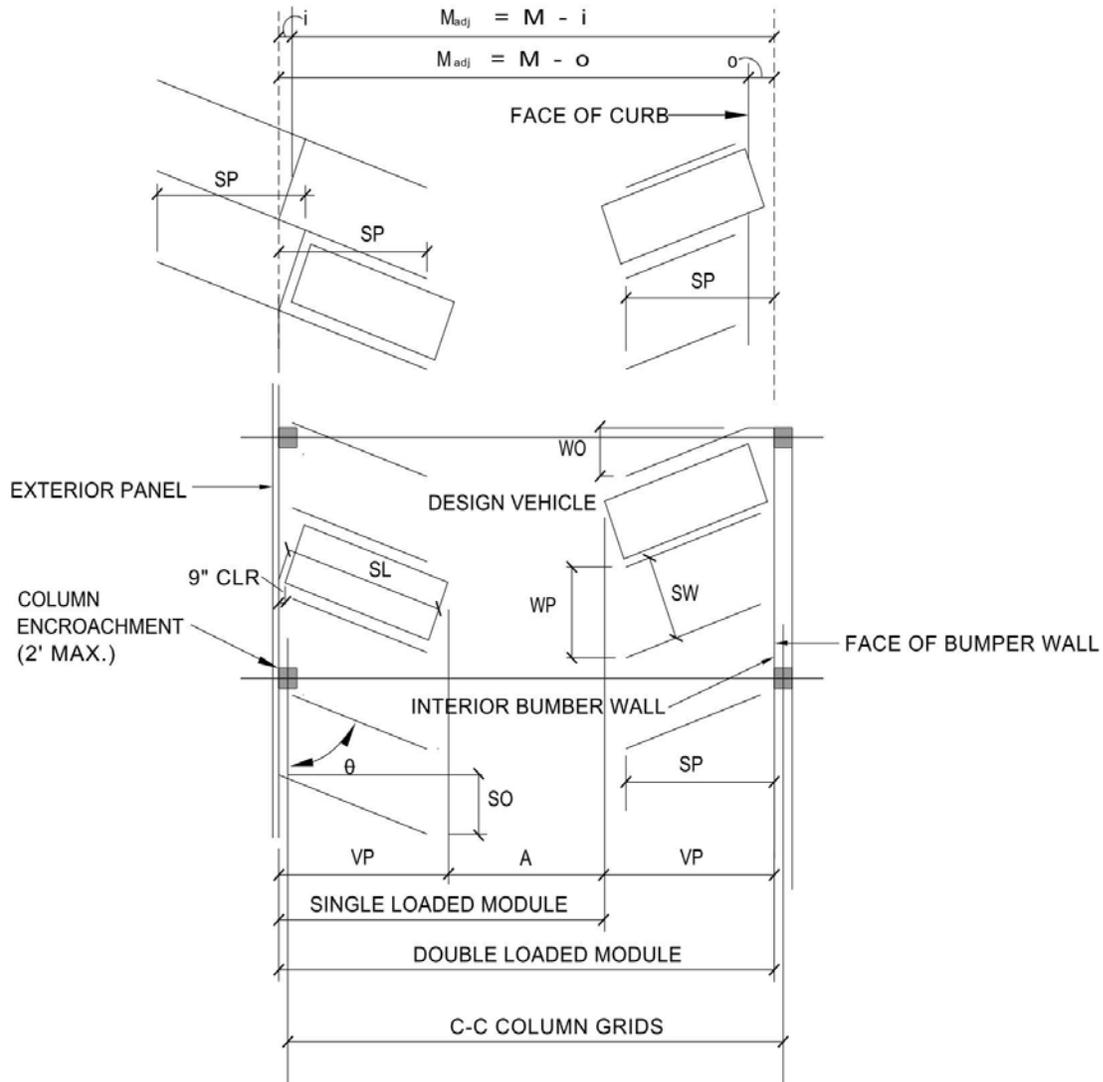
unit, in accordance with a restrictive covenant filed in the official records of Miami-Dade County, Florida and approved as to legal form and sufficiency by the Village Attorney.

- (n) *Ramps.* A maximum grade of ~~five-six~~ percent shall be permitted for sloped portions of sloping floor garages where ramps provide direct access to stalls. Interfloor ramps and ramps to and from the established Grade of any Street shall not exceed ~~42~~ 14 percent, and no parking shall be permitted directly off these ramps. For any ramp over 10 percent a transition ramp at least 10 feet long and at half the slope of the main ramp shall be provided.
- (o) *Minimum dimensions.* ~~The following table provides the required minimum dimensions of parking facilities based on the explanatory diagram:~~ Parking layouts shall conform to the minimum requirements of this section.

Definitions (see also Figure 1):

- Angle (θ): The angle of rotation of the stall from a position parallel to the wall or edge of the module to the desired angle of parking, in degrees.
- Stall Width Projection (WP): The running dimension parallel to the wall or module edge of a stall rotated to the associated angle. ($WP = \text{stall width}/\sin \theta$).
- Module (M): The out-to-out dimension of two rows of parked vehicles and the drive aisle between. $M = VP + A + VP$. Where single-loaded parking aisles (i.e., parking stalls on only one side of the drive aisle) are provided, then $M_{adj} = M - VP$.
- Vehicle Projection (VP): The rotation of a design vehicle 6'7" wide by 17'3" to the desired angle plus an allowance of 9" clear distance between the parked vehicle and the wall or module edge, measured perpendicular to the wall or module edge.
- Aisle (A): The drive aisle serving rows of parked vehicles. ($A = M - 2 * VP$).
- Interlock (i): An adjustment of the module for a parking design which has overlapping stalls. ($i = SW / (2 * \cos \theta)$). Where stalls on only one side of the aisle are interlocked, then $M_{adj} = M - i$. Where stalls on both sides of the module are interlocked, then $M_{adj} = M - 2 * i$.
- Overhang (o): A dimension for the maximum permissible distance of a curb or wheel stop from the edge of the module so as to not reduce the effective dimensions below the minimum required. ($o = 2'6" / \sin \theta$).
- Wall offset (WO): The appropriate dimension to start the back end of a stall stripe from a wall, face of column or other delineation, in order to maintain the specified stall width.
- Stripe Projections (SP): The recommended maximum projection of a stripe, perpendicular to the wall or edge of module. It is not necessary or desirable to extend the stripe either to the VP or the full length of a stall rotated to the desired angle.
- Stripe offset (SO): The projection parallel to the wall or module edge of a stall stripe extending to the stripe projection; used in laying out parking stalls to be sure that parked vehicles do not encroach on adjacent spaces, such as turning bays or aisles.

Figure 1



DEFINITION OF BASIC LAYOUT DIMENSIONS

- | | |
|---------------------------------|-------------------------|
| θ = Angle of Park | VP = Vehicle Projection |
| M = Module | WP = Width Projection |
| A = Aisle Width | SW = Stall Width |
| i = Interlock | SL = Stall Length |
| o = Overhang | WO = Wall Offset |
| SP = Stripe Projection = 16'-6" | SO = Stripe Offset |

OFF-STREET PARKING CHART

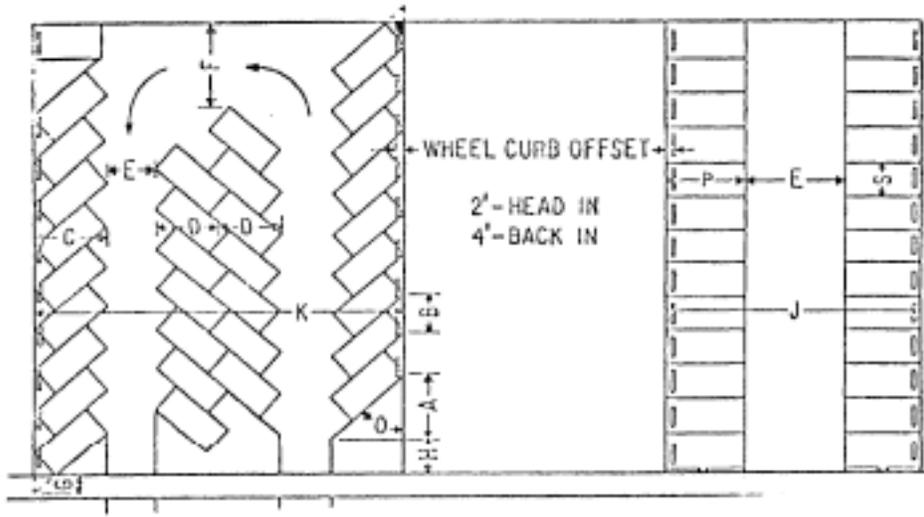


TABLE OF DIMENSIONS (IN FEET)

Θ	S	P	A	B	C	D	E	F	G	H	J	K
0°	8.0	22.0	0.0	22.0	8.0	8.0	12.0		0.0	0.0	28.0	
	8.0	24.0	0.0	24.0	8.0	8.0	11.0		0.0	0.0	27.0	
	8.0	26.0	0.0	26.0	8.0	8.0	10.0		0.0	0.0	26.0	
30°	9.0	19.0	30.0	18.0	17.3	13.4	9.0		13.5	6.0	43.6	
45°	9.0	19.0	19.8	12.7	19.8	16.6	10.0	16.0	6.4	9.0	49.6	92.8
	9.5	19.0	20.1	13.4	20.1	16.7	9.5	16.5	6.7	8.5	49.7	92.6
	10.0	19.0	20.5	14.1	20.4	16.9	9.0	17.0	7.0	8.0	49.8	92.6
60°	9.0	19.0	12.1	10.4	21.0	18.8	17.0	15.0	2.6	12.0	59.0	113.6
	9.5	19.0	12.3	11.0	21.3	18.9	15.5	15.0	2.8	11.5	58.1	111.4
	10.0	19.0	12.4	11.5	21.5	19.0	14.0	15.0	2.9	11.0	57.0	109.0
90°	9.0	19.0	0.0	9.0	19.0	19.0	25.0	20.0	0.0	0.0	63.0	126.0

	9.5	19.0	0.0	9.5	19.0	19.0	24.0	20.0	0.0	0.0	62.0	124.0
	10.0	19.0	0.0	10.0	19.0	19.0	23.0	20.0	0.0	0.0	61.0	122.0

Table 1: Minimum Required Parking Dimensions

Angle of Parking	Stall Width		Module	Vehicle Projection	Aisle	Interlock		Overhang	Wall Offset	Stripe Offset
	9'0"	8'6"				9'0"	8'6"			
θ	WP	WP	M	VP	A	i	i	o	WO	SO
45	12'9"	12'0"	48'0"	17'8"	12'8"	3'2"	3'0"	1'9"	10'8"	16'6"
50	11'9"	11'1"	49'9"	18'3"	13'3"	2'11"	2'9"	1'11"	9'5"	13'10"
55	11'0"	10'5"	51'0"	18'8"	13'8"	2'7"	2'5"	2'1"	8'3"	11'7"
60	10'5"	9'10"	52'6"	19'0"	14'6"	2'3"	2'2"	2'2"	7'2"	9'6"
65	9'11"	9'5"	53'9"	19'2"	15'5"	1'11"	1'10"	2'3"	6'1"	7'8"
70	9'7"	9'1"	55'0"	19'3"	16'6"	1'6"	1'5"	2'4"	5'0"	6'0"
75	9'4"	8'10"	56'0"	19'1"	17'10"	1'2"	1'1"	2'5"	3'10"	4'5"
<u>Angles of parking between 76 and 89 degrees not permitted.</u>										
90	9'0"	8'6"	60'0"	18'0"	24'0"	0'0"	0'0"	2'6"	1'0"	0'0"

Notes to Table 1:

1. 9'0" stalls shall be used except that 8'6" stalls may be used for the following uses: residential, general business offices, data processing/telemarketing/operations offices, industrial, storage/wholesale, utility, and educational (except for spaces serving cultural/ recreational/ entertainment uses at educational campuses.)
2. Dimensions may be interpolated for angles between 45 and 75 degrees.
3. All dimensions based on Design Vehicle of 6'7" by 17'3", parked 9" from front of stall
4. Light poles and columns may protrude into a parking module a maximum of 2 ft combined as long as they do not impact more than 25% of the stalls. For example, either a one foot encroachment on both sides of the aisle, or a 2 ft encroachment on one side only, is acceptable.
5. Interlock reductions cannot be taken where there is encroachment by columns, light poles or other obstructions for more than 25% of the stalls in the bay.
6. All dimensions rounded to the nearest inch.
7. Aisles and corresponding modules are for two way traffic flow for 90 degree parking and one way traffic flow for angled parking between 45 and 75 degrees.
8. For two-way traffic flow and angled parking, a minimum 24 ft aisle is required.
9. Parallel parking stalls to be 8' by 22', with 12'0" travel lane. For parallel parking along a two-way drive, a minimum aisle of 24 ft. is required.

(p) Valet Parking Layouts: When parking spaces are employed in a permanent valet parking operation, or as temporary valet parking spaces in a Flex Parking operation as defined in this Article, they shall be not less than 8' 3" wide and the stall length shall be not less than 17' 6". The aisle widths for valet parking must provide reasonable maneuvering space for the valet operation, but need not conform to the requirements for self-parking contained in Table 1.

At least 80% of obstructed stalls must be arranged so that no more than one vehicle needs to be moved in order to retrieve another vehicle. In no case shall more than two vehicles need to be moved in order to retrieve another vehicle.

~~(p)(g)~~ *Pedestrian access.*

- (1) Each principal Structure shall be provided with not less than one pedestrian accessway between the Principal Building and Collins Avenue for each 200 feet of Lot frontage or portion thereof.
- (2) Accessways shall be a minimum of four feet in width, clearly marked, and physically designed to protect pedestrians from traffic circulation in off-street parking areas and driveways.

(Ord. No. 169, § 7-5, 6-29-74; Ord. No. 448, § 1, 4-18-00)

Sec. 21-387. - Landscaping.

- (a) *Applicability of section.* For parking facilities with more than ten parking spaces, the Landscaping requirements set out in this section shall apply.
- (b) *Interior Landscaping.* For surface parking facilities, at least ten percent of the parking facility shall be permanently landscaped. The interior Landscaping requirement shall be computed on the basis of the Net Parking Facility. For the purposes of this section, "Net Parking Facility" shall include parking stalls, access drives, aisles, walkways, dead spaces, and required separations from Structures, but shall not include required Street Setbacks or access driveways for walkways within such Setbacks.
- (c) *Planting beds.* All Landscaping shall be contained in planting beds. Each planting bed shall have a minimum width of four feet and a minimum area of 25 square feet ~~and shall be enclosed by concrete or masonry curbing at least four inches wide and six inches in height above the paving surface.~~
- (d) *Plant material.*
 - (1) Surface parking facilities shall contain at least one tree for each 1,000 square feet of required parking area. In addition to required trees, each planting bed shall contain appropriate ground cover or shrubbery.
 - (2) Nonplant material such as statuary or fountains may be used in landscaped areas provided it does not dominate the planting bed.
- (e) *Sprinkler system; maintenance.* Landscaping installed shall be provided with complete sprinkler systems, and continuously maintained.
- (f) *Plot plan.*
 - (1) All required plot plans for parking facilities shall contain detailed Landscaping plans. Landscaping plans shall be prepared by Persons authorized under F.S. ch. 481, part II, to prepare Landscaping plans.
 - (2) The Landscaping plan shall be drawn to an accurate scale and shall include:
 - a. The location and size of planting beds.
 - b. The location and variety of all plant material to be used.
 - c. The location and type of sprinkler system to be provided.

(Ord. No. 169, § 7-7, 6-29-74; Ord. No. 297, § 7, 10-28-86)