

BAL HARBOR VILLAGE

122 BalBay Drive – SFR RENOVATIONS

Planning & Zoning Comments (MMPA)

#1 ARB App. to Village: 5-05 -25 / #1 Plans Recd. by MMPA: 5-20-25

#1 MMPA Comments: 5-21-25

Site Data Information

Lot Size = 15,351 square feet / 0.352 acres

Zoning District: R-1

Lot Dimensions = (East) Street @ 93.03' width / (West) Water @ 100.00' width
(North) 159.75' length / (South) 159.11' length

Proposed House Size = 1 & 2-stories / 5,688 sq. ft.+/- Bldg. Hgt. = 1 & 2 stories

1. The survey provided indicates the calculated lot area is 15,351 sq. ft.; however, the plans show the lot area of 15,343.50 sq. ft. This is probably based on the M-D Property Appraisers estimate (almost never accurate as they round off). Update the plan set to use the surveyor's lot area.
2. For some reason the plans include a Floor Area Ratio (FAR) analysis. The Village does not use (and has never used) FAR as a single-family development criterion. The only zoning districts the Village uses FAR is the Commercial areas and OF Oceanfront high-rise areas. The FAR listed on the plans is the base FAR for the OF district. Remove from the plans as it is not applicable.
3. The survey / plan set appears to show several Code violations as to building setbacks violations. Sec. 21-354(g) has banned any mechanical equipment from being installed in a side yard setback for decades. The plans show a water tank & A/C units & other. These need to be removed and relocated to meet Code and be properly screened. Since the site is being substantially modified, updates to meet current code are valid. Finally, the survey appears to show portions of the front property line wall / columns encroaching into the HOA's street right-of-way. Verify / Remove.
4. The plans appear to show a proposed new Pergola over a new outdoor summer kitchen in the rear yard setback area. The Plat has a 40' Building Restriction Line along all waterfront lots which bans ANY structure from being built in that area. The Village Zoning Code also mandates a minimum 40' waterfront setback. The Village Code has no allowances for any accessory buildings or structures in any setback area. The proposed built-in kitchen is being discussed by staff if it also would be a violation of the setbacks. Delete the Pergola & kitchen. A standard movable barbeque grill would be acceptable. If a built-in is desired, place it out of the setbacks.
5. The plans appear to show portions of a covered terrace & a spiral staircase in the 40' setback, which is prohibited via the Plat & Code. Unless there was a variance (prove it) remove them.

6. On Sheet T-1.00 Zoning Info Table there are several errors. Some of the listed Village Code requirements for Lot Coverage, Landscaping, Open Space and Recreation are incorrect. Some of the criteria listed appear to be from MD Codes. The Village only has a building coverage & other impervious area limitation so the other 50% is landscaping. Following are the Village's Zoning Code definitions of Landscaping and Lot Coverage in Sec. 21-1 and the R-1 District criteria:

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 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, provided evidence is submitted demonstrating, and the Building Department determines that (i) the pavers are pervious and the underlying sub-base is designed to allow stormwater to percolate into the soil, or (ii) an adequate underground drainage system is provided.

Sec. 21-103. - Maximum Lot coverage.

The maximum Lot Coverage of all impervious areas in the R-1 Single Family Residential District shall not exceed 50 percent of Lot area. The maximum Lot Coverage by buildings and structures shall not exceed 40 percent. Lot Coverage accomplished by a combination of buildings and structures together with other impervious areas shall not exceed a 50 percent total maximum of Lot Coverage. If an Accessory Quarters is provided, a bonus Lot Coverage increase of 3% shall be allowed (43% maximum Lot Coverage for buildings and structures/53% total maximum Lot Coverage).

Comments - The calculations are based on the incorrect lot size. Please provide a correct updated lot coverage area for all building footprints on the ground, including if an outdoor patio / terrace is covered. This shall not exceed 40% of the lot area. Provide a correct / updated lot coverage area for all other impervious areas (driveway / walkways / pool / pool deck / concrete slabs / steps / wood deck / etc. This amount shall not exceed 10% of the lot area. If the building coverage is less than 40% the other impervious area can exceed 10% but the combined total cannot exceed 50% of the lot area. The remaining 50% of the lot area must be living landscaped areas. Artificial Turf (AT) is banned throughout MD County (Ch. 18A) from being part of the local government's minimum landscaping requirements. The Village allows AT as part of the 50% impervious area but in limited areas (not in swales / drainage areas). See the attached Village Policy on AT. The plans shows lots of areas proposed for AT – need calculations first to show what areas may qualify. AT products can be acceptable but the underlying soils / rock base / solid to support the AT is typically impervious unless a drainage system is installed. The land is only 5' above sea level and flooding is a major concern now and in the future as sea level rise is expected. The most open / pervious areas possible is desired / required. MD has just recently significantly increased the minimum stormwater retention requirements countywide. The applicant will need to prove there is sufficient drainage on the site as well as meet the applicable Zoning Code requirements.

- 6) **Landscape Plans** – The plans show a lot of current living landscaped areas being converted to AT areas. See the above discussion and Village Policy. No part of the 50% minimum landscaping area of the lot may be used for other than living landscaping (No AT). Also, need correct detailed lot coverage calculations to demonstrate compliance. The existing pool deck is shown as concrete so that could be covered with AT (impervious to impervious covered). FYI - The areas noted for proposed AT installation conflict between the architectural plans and landscaping plans.
- 7) **Sheet L-1** has a table for landscaping calculations from un-incorporated MD County. And it appears to be out of date as to their Code requirements. See the attached BHV Landscape Table to be utilized. Replace / update the plan set accordingly. The County allows 30% landscaped open space while the much higher quality BHV requires at least 50% landscaping.
- 8) The plan set has several inconsistencies between design disciplines, and some text is intermingled or not readable.
- 9) The survey plans seem to show fences in the waterfront 40' setback that may exceed 4' in height. The plans show a note with a 5' tall fence – not allowed in 40' setback. (Sec. 21-358(b)). The survey seems to show a 2' tall fence along the northern property line near the water.
- 10) The plans show an intent to use so-called “pervious pavers” and include them as a credit for pervious area. While this is allowed one must demonstrate the paver product is pervious and the base underneath has an adequate drainage system. The pavers are no good if water cannot percolate into the ground. Provide information. See the Zoning Code definition above.
- 11) Provide a written response to each comment.
- 12) More comments are possible once plans are re-submitted.

Bal Harbour Village
Landscape Code (Miami-Dade Ch. 18A / Street Tree Code (Miami-Dade Ch. 18B)
Requirements Legend

Single-Family Residential Home Sites (R-1 / R-2)

Address: _____ **Lot Area** _____ **Acres /** _____ **SF**

A. Shade Trees Required*	Required	Provided
1. Single-Family Non-Waterfront Lot	<u>3</u>	_____
2. Single-Family Waterfront Lot	<u>3</u>	_____
3. Number of Shade Trees in Front Yard	<u>2</u>	_____
4. Native Species Required – 30% min.	<u>1</u>	_____
5. Drought Tolerant and Low Maintenance Species Required – 50% min.	<u>2</u>	_____

B. Street Trees Required**	Required	Provided
Measured @ 1:35 lineal feet of frontage	_____	_____
Width of lot _____ / 35' = _____		
Note: Street trees do not count toward required on-site lot trees.		
Note: Street tree species determined by Village Street Tree Master Plan.		

C. Shrubs Required***	Required	Provided
1. Single-Family Non-Waterfront Lot	<u>30</u>	_____
2. Single-Family Waterfront Lot	<u>30</u>	_____
3. Native Species Required – 30% min.	<u>10</u>	_____
4. Drought Tolerant and Low Maintenance Species Required – 50%	<u>15</u>	_____

D. Maximum Lawn Area Allowed****	Max.	
60% of Net Lot Area	_____	_____

Notes:

* Required Shade Trees at time of planting must be a min. of 12 ft. in overall height; min. 4 ft. of clear wood before branching; and have min. 2½" trunk caliper. Palm Trees (15' hgt. x 3" caliper) can be substituted at a 3:1 ratio (except approved larger palm species at 1:1 @ 15' wood) at max. 30% of the required trees.

** Miami-Dade County Right-of-Way Code Sec. 18B
Street Tree Size = 12' min. height / 5' min. clear wood / 2 ½" min. trunk caliper

*** Required Shrubs at time of planting must be a min. of 18 inches in overall height, spaced max. 24 inches on center; if used as a visual screen must be a minimum of 36 inches in overall height.

**** Miami-Dade County Landscape Code Sec. 18A-5(A)(5); 80% of plant material must be listed in either M-D Landscape Manual / M-D Street Tree Master Plan / UF Florida Low-Maintenance Landscape Plants for South Florida.

BAL HARBOUR

- V I L L A G E -

JORGE M. GONZALEZ
VILLAGE MANAGER

March 2021

From: Grace Escalante – Bldg. Official

CC: Michael J. Miller, AICP – Consultant Planner

RE: Use of Artificial Turf in Bal Harbour Village

Miami-Dade County Chapter 18A, via the County's Home Rule Charter, serves as the base Landscaping Code for all incorporated (cities) and unincorporated (not in a city) areas of the County. Local governments must comply with the minimum standards set forth in Chapter 18A, as well as Chapter 18B Right-of-Way Landscape Code (Street Trees / swales). Local governments have the option of adopting and enforcing more stringent standards for landscaping not in conflict with the County's Landscaping Codes.

The Miami-Dade County Landscape Code specifies criteria for required trees, shrubs, lawn areas (quantity / size / quality / etc.) as well as irrigation, maintenance, and tree removal / relocation. Living landscaping (as defined in Chapter 18A) is mandatory and helps the environment with air quality, global warming (heat abatement / shade), drainage and aesthetics. The Village follows the base Miami-Dade Landscape Code requirements but has chosen not to adopt a local Supplemental Landscape Code with higher quality standards. However, through the Village's ARB approval process during project reviews, the ARB frequently requests landscaping upgrades from the base standards, due to the higher quality development occurring in the Village. The Village Codes speak to installing / maintaining adequate and attractive landscaping.

The Miami-Dade Landscape Code does not mention the use of Artificial Turf (AT) as part of allowable landscaping materials. The use of AT is occasionally desirable in limited applications for sports fields, high activity areas and for areas in certain special instances where live lawns are problematic. Therefore, the Village seeks to establish guidelines for the use of AT.

- 1) In the single-family districts (R-1 / R-2) no more than 50% of the site can be impervious including the house footprint and any hardscape surfaces such as driveways, walkways, pools and pool decks, etc. (not landscaped open space), meaning at least 50% of the site must be landscaped open space. The installation / use of AT shall not be part of the minimum 50% site landscaped open space areas.
- 2) In the multifamily districts (RM-1 thru RM-5 and OF) the installation / use of AT shall not be part of the minimum required site landscaped open space areas.

Bal Harbour Village, Florida

Building Dept. Policy on the Use of Artificial Turf (AT)

May 22, 2025

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- 3) In the business / commercial district (B-1) the installation / use of AT shall not be part of the minimum required site landscaped open space areas, unless otherwise approved by the ARB as part of a site plan.
- 4) In the single-family districts the use of Artificial Turf (AT) shall not occur in any minimum setback areas.
- 5) No more than 50% credit shall be allowed toward required pervious areas and only upon demonstration that the AT product, and more particularly the underlying soil / base foundation conditions are pervious (rock / other fill / pavement / etc.) is pervious.