

## **ARTICLE 5 – DEVELOPMENT STANDARDS**

4. Other uses of business adjacent to or between the licensed establishment and the church or school.
  5. Vehicular and pedestrian paths between the licensed establishment and the church or school.
  6. Shall determine that the location is not detrimental to the public health, safety and welfare.
- C. The five hundred (500) foot lateral distance shall be measured and computed by following a straight line from the nearest point of the school grounds and/or religious institution in use as part of the school grounds and/or religious institution to the nearest property line of the building site of the place of business.

### **Section 5-703. Adult bookstore, adult theater, and massage salon.**

- A. No adult bookstore or adult theater or massage salon shall be established or located within a distance of one thousand (1,000) feet from any other adult bookstore, or adult theater or massage salon. Such distance shall be measured and computed by following a straight line between the main entrances of the places of business.
- B. No adult bookstore, or adult theater or massage salon shall be located or established within a distance of one thousand (1,000) feet from a residential district and/or from a religious institution or school. Such distance shall be measured and computed, in the case of a religious institution or school, by following a straight line from the nearest point of the school and/or institution grounds in use as part of the school grounds and/or religious institution to the closest exterior door of the place of business, and in the case of residentially zoned property by following a straight line from the closest portion of a residential district to the closest exterior door of the place of business.

## **Division 8. Docks, Wharves, Mooring Piles and Watercraft Moorings**

### **Section 5-801. Purpose and applicability.**

It is the purpose of this Division to set forth all regulations applicable to docks, wharves and moorings in the City to ensure that such facilities are constructed in a manner that protects neighboring properties and the property on which they are located.

### **Section 5-802. Docks, wharves and mooring piles - canals, lakes, or waterways.**

The construction, erection or installation of mooring piles and/or watercraft docks or similar landing facilities for watercraft, in any water body, or on land abutting thereon, shall be subject to the following conditions and restrictions:

- A. No dock, wharf or similar structure shall be constructed over or in any canal, lake or more than five (5) feet outward from the bank except as described for specific properties and the Mahi Canal in Appendix A.
- B. No mooring piles shall be placed or set in the water bodies which shall be located at a greater distance than twenty-five (25) feet from the bank of such water or waterways.
- C. Except as described for specific properties and the Mahi Canal in Appendix A, no dock or mooring piles shall be placed in any waterway within the City at a greater distance from the bank thereof, which, when allowance is made for the erection or placing of a dock or mooring piles on the opposite bank at a similar distance from the bank, will leave less than seventy-five (75) feet of open unobstructed navigable water between such piles, docks and similar structures on the opposite bank.
- D. No dock extending outward over or in the water from the bank shall be permitted in connection with any lot which a reasonable area along the shore thereof shall be at such level as to provide a natural landing stage or platform for persons embarking on or debarking from watercrafts.

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- E. All mooring piles, docks and/or similar structures shall maintain the same minimum setback from the adjacent owner's property line extended as established for the main structure permitted on each building site, except as described for specific properties and the Mahi Canal in Appendix A.
- F. Except as described for specific properties and the Mahi Canal in Appendix A, and as provided for under Section 5-802(C) above, the mooring of watercraft in water bodies shall be forbidden unless such moorings, and similar mooring on the opposite bank, shall leave unobstructed passageway in the water body of at least seventy-five (75) feet in width.
- G. Where the width of the water body permits mooring of watercraft parallel to the banks, but does not permit the erection of docks or the placing of outer mooring piles, fender or mooring piles may be placed at a distance not greater than eighteen (18) inches from the bank or shore, and such piles shall be Venetian type, painted and ornamentally capped.

### **Section 5-803. Docks and mooring piles - Biscayne Bay.**

The construction, erection or installation of watercraft docks or similar landing facilities for watercraft, pilings and dolphins on the bay front edge or in Biscayne Bay shall be subject to the following conditions and restrictions:

- A. No docks shall extend more than twenty-five (25) feet from the property line into Biscayne Bay.
- B. All mooring piles, dolphins and/or docks shall set back a minimum distance of twenty-five (25) feet from the adjacent property owner's lot line extended.
- C. No docks, pilings or dolphins may be set until a permit therefore is first granted by the Department of the Army of the United States Government.
- D. Mooring piles and dolphins shall not be set more than twenty (20) feet into the bay from the dock line.

### **Section 5-804. Mooring of watercraft.**

In single-family residential districts, where watercraft is permitted to be moored in water bodies, all watercraft shall be moored parallel to the property line abutting the water body.

### **Section 5-805. Davits, watercraft lifts and floating watercraft lifts.**

Davits, watercraft lifts and floating watercraft lifts shall be permitted as an accessory use to property in a residential district, subject to the following conditions and restrictions, except as further provided for specific properties and the Mahi Canal in Appendix A:

- A. That the appropriateness of the proposed location shall be reviewed and approved by an administrative site plan approval.
- B. That certified engineering drawings be submitted with details of the proposed method of attachment.
- C. That the minimum side setback for such davits, watercraft lifts or floating watercraft lifts shall be the same as the minimum side setbacks, extended, for the main structure.
- D. Permitted number of davits, watercraft lift or floating watercraft lift:
  - 1. One (1) set of davits, watercraft lift or floating watercraft lift may be permitted for each single-family dwelling or duplex.
  - 2. On properties with two hundred (200) feet or more of waterfront lot width one (1) additional set of

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davits may be permitted for each single-family dwelling or duplex.

3. Multi-family buildings may have at least one (1) set of davits, watercraft lift or floating watercraft lift, but may not have more than one (1) set of davits, watercraft lift or floating watercraft lift per ten (10) residential dwelling units.
- E. That watercraft lifts or floating watercraft lifts shall not extend beyond twenty-five (25) feet from the banks of waterways.
- F. That the remaining, navigable waterway shall be a minimum of seventy-five (75) feet in width.
- G. That watercraft lifts or floating watercraft lifts shall maintain safety light reflectors visible at night, and guide poles to show the submerged portion of the lift.

### **Section 5-806. Bulkheads and retaining walls.**

No bulkhead, retaining wall or similar installation along a water body shall be built or constructed unless such bulkhead, retaining wall or similar installation be constructed of reinforced concrete, pre-stressed concrete or gravity mass non-reinforced concrete, providing, however, that in those water bodies west of LeJeune Road and north of Sunset Road, bulkheads and retaining walls may be constructed of concrete block or native stone. All bulkheads and retaining walls shall be subject to the following conditions:

- A. All plans for such bulkheads and walls shall be designed by a registered engineer, qualified under the laws of the State of Florida, to prepare such plans.
- B. All such bulkheads and walls and components shall be designed to meet loads imposed by saturated backfill.
- C. The minimum elevation of such bulkheads and walls shall be plus five (5) and no hundredths feet, U.S.E.D. Bay Datum.

### **Division 9. Group Homes; Assisted Living Facilities (ALF) and Child Care Facilities**

#### **Section 5-901. General.**

Each group home or assisted living facility shall be in conformance with all applicable provisions of the Florida Building Code, Miami-Dade County Health Code, appropriate state agencies, and standards and regulations of any other agency or department which has authority over facilities of this type.

#### **Section 5-902. Assisted Living Facilities.**

All Assisted Living Facilities (ALF) in Multi-family or Commercial Districts shall not exceed an FAR of 3.0. Mediterranean bonuses may apply as permitted in these regulations. Maximum permitted number of living units shall be calculated according to the following table (two (2) persons max/unit):

<i>Comprehensive Plan</i>	<i>Maximum ALF Living Units/Acre</i>
Commercial	
Low-Rise Intensity	60
Mid-Rise Intensity	120
High-Rise Intensity	180
Residential (Multi-family)	
Low Density	60
Medium Density	120
High Density	180