



# Miami Shores Residential Code


Workshop

4.22.25



# Tonight's Agenda



- Scope of Service
  - Tasks
  - Residential Zoning
  - What we have done: ZIP July 2024
  - What Do We Measure
  - The Code As It Is
  - Other Issues
    - Finished Floor Elevation
    - County Impervious Space Ordinance
    - Accessory Dwelling Units
  - Next Steps
- 

# Our Scope of Service

## RESIDENTIAL “R” CODE REWRITE CODE SECTIONS OF FOCUS BY P&Z BOARD

### APPENDIX A - ZONING

- **Sec. 201 thru 299** Tense and number; certain words, terms defined
- **Sec. 300 thru 302** Classes of districts; Zoning map
- **Sec. 400 thru 410** Schedule of regulations, Yards & Open space, Building permit chart
- **Sec. 505 thru 508** Height regulations, Elevation of grade
- **Sec. 509 thru 519** Projections, Accessory buildings, Fencing, walls & hedges / screening
- **Sec. 520 thru 519** Projections, Accessory buildings, Fencing, walls & hedges / screening
- **Sec. 520 thru 521** Off-street parking requirements for SFR's
- **Sec. 522** Building Cubage
- **Sec. 523 thru 523.2** Quality of buildings, construction/design and hybrid roofs
- **Sec. 529** Level of Service - Drainage
- **Sec. 530** Level of Service – Septic Tanks
- **Sec. 534** Waterfront Lands
- **Sec. 536 thru 538.1** Landscaping design standards



# Tasks

1. Review existing Residential Zoning Code (Completed)
2. Stakeholders Meetings (Ongoing)
3. Initial Workshop
4. Workshop Summary
5. PZ Board Meeting to review initial recommendations
6. 2nd PZ Board Meeting to revise recommendations and final approval
7. 1<sup>st</sup> Reading at Village Council
8. 2<sup>nd</sup> Reading at Village Council

# This Is A Great Exercise

- We can see ourselves for what we are
- How we compare with other similar communities
- Last time we were creating new code for essentially open land
- This time we are modifying code in a built-out environment
- Additional considerations due to flooding, sea level rise, etc.



# How We May Look To Ourselves

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# How We May Look To Others

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# Lets Find Out Who We Are

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# What is Zoning



- Zoning:
  - Implements Policies Adopted In The Comprehensive Plan
  - Refers to the Physical Implementation of that Use by Regulating Building Size, Bulk, and the Way Land Is Used
  - Completely Under The Control of The City

# Corrections From Last Summer *(Ordinance O-2024-05)*

- Max. FAR
- Max. Lot Coverage
- Max. Impervious Surface
- Step-backs

# What We did Last Summer

**JUNE 2024** – Zoning in progress

**JULY 2024** – “R” District Code Text Amendments:


- Max. Lot Coverage: One-Story – 40%  
Two-Story – 30%
- Max. Impervious: 55% / Pervious: 45%
- Max. Floor Area Ratio: 0.45
- Required Yards: Max. 80% front façade built up to min. setback & 20% setback additional 5 feet
- Step Backs: 6 feet additional for second story on front/side yards. Vertical plane of second story Max. 65%





# Questions



- WHAT ARE THE MOST CONCERNING ISSUES WITH THE "R" CODE?
  - EFFECTIVENESS OF THE "R" CODE IN CONTROLLING QUALITY OF CONSTRUCTION
  - REVIEW PROCESS & TIME IT TAKES FOR PROJECT APPROVAL.
  - SIMPLIFY THE EXISTING 17 ZONING CATEGORIES; MAKE RULES MORE RIGID OR LESS?
  - USE OF MEASUREMENT OF CUBAGE.
  - ROOF DECKS.
  - FLAT ROOFS.
  - PARKING RULES; KEEP OR CHANGE?
  - FENCES/WALLS IN FRONT YARDS.
  - ADMINISTRATIVE REVIEW OF PROJECTS
- 



# What is Zoning

## Typical Residential Zoning

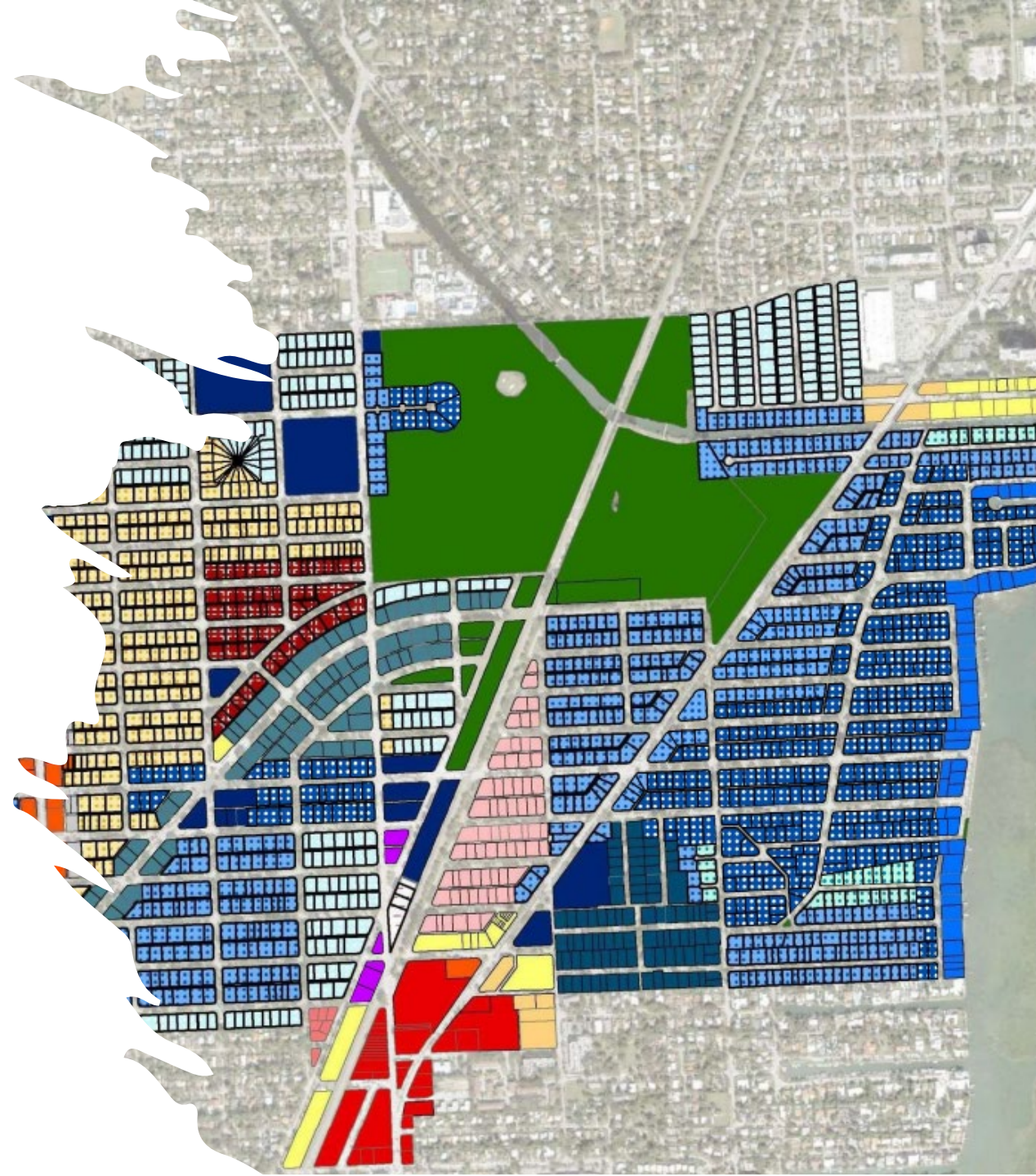
- Zoning codes regulate the use of all land in a local government.
- While most codes are similar, they are not exactly alike.
- Typically, these show you the type of land and are regulated by a few parameters:
  - the number of families, density (the number of units per unit of land)
  - a minimum lot area,
  - a minimum building size
  - Each then may have its own setbacks, lots widths, heights, building size, and so on.



# What Is Zoning

Zoning categories are set up for each type of land:

- R: Residential
- C: Commercial
- I: Industrial
- MU: Mixed Use
- TOD: Transit Oriented Development
- PUD: Planned Unit Developments



# Residential Zoning

These categories can have infinite sub districts. For instance, a look at examples in Miami Dade County may look like this:

E: Estate

EU-2: 1 unit per 5 Acres

EU-1c: 1 unit per 2.5 Acres

EU-1: 1 unit per 1 Acre

EU-m: 1 unit per 1/2 Acre

R-1: Single Family

R-1a: 1 unit per 2500 sf lot

R-1b: 1 unit per 5000 sf lot

R-1c: 1 unit per 7500 sf lot

R-1d: 1 unit per 10890 sf lot (1/4 acre)

Most lots in Miami Shores are about 9300 SF. R-1  
Zoning

R-2: Two Family

R-3: Low Density Multifamily

R-4: Medium Density Multifamily

R-5: High Density Multifamily

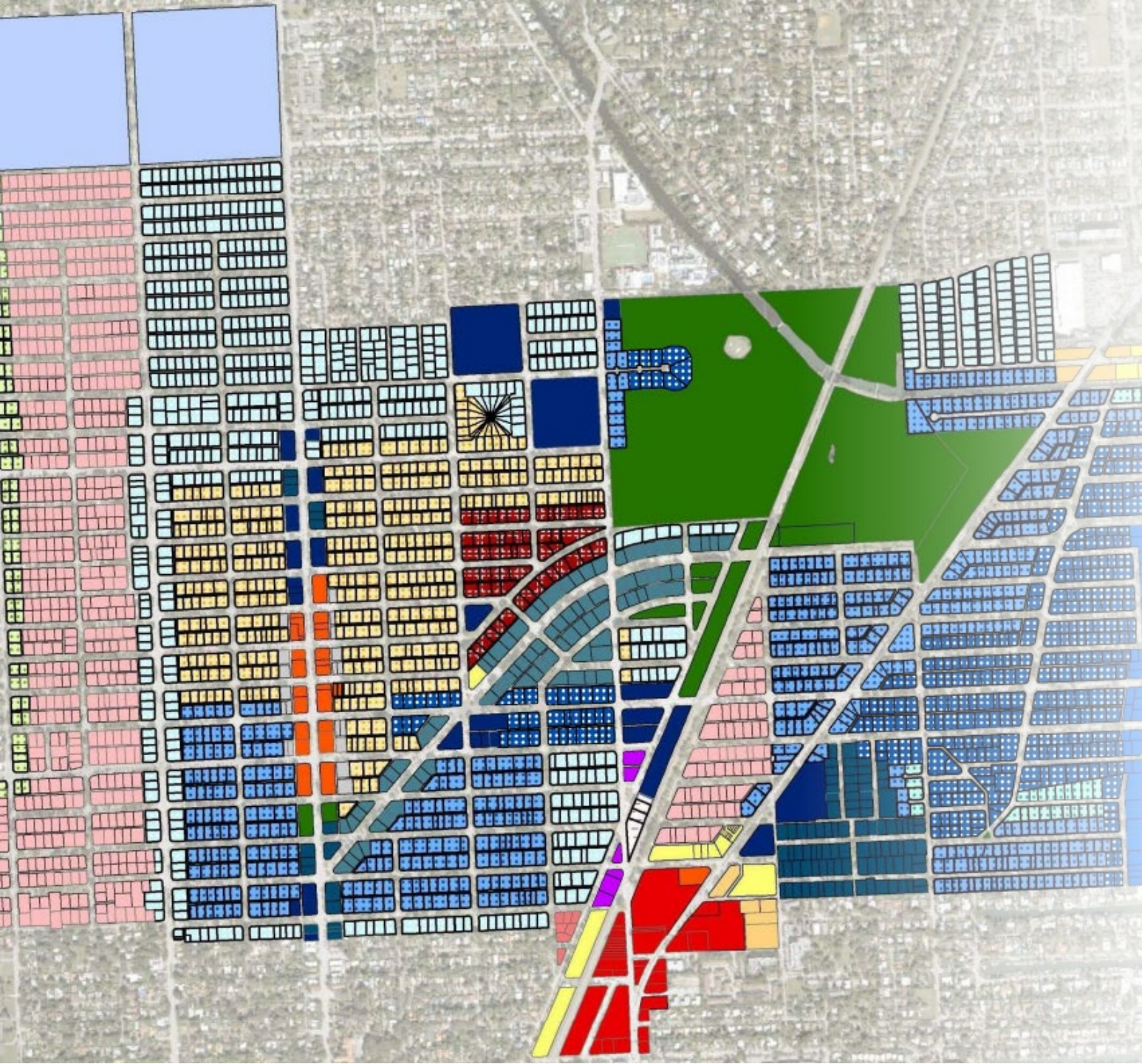
R-Th: Townhomes



# Single Family Residential Zoning

Residential categories can generally be set up in the following:

- E: Estate
- **R-1: Single Family**
- R-2: Two Family
- R-3: Low Density Multifamily
- R-4: Medium Density Multifamily
- R-5: High Density Multifamily
- R-Th: Townhomes







# The Code As It Is



The Miami Shores zoning code is  
divided into classes of districts

1. Single Family Residential
2. Multifamily Residential
3. Non-Residential

# Single Family Residential Zoning

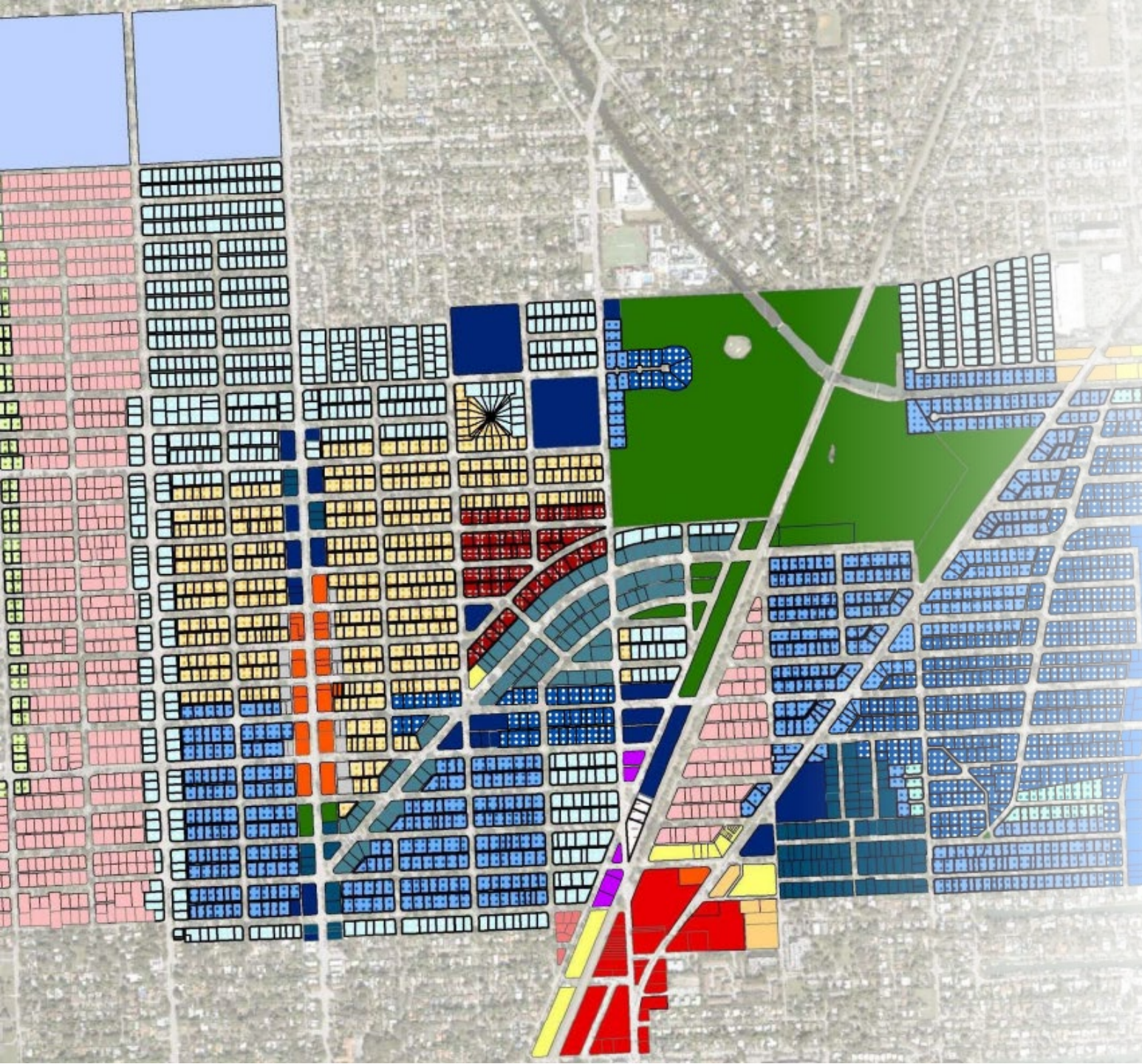
## R-1: Single Family

R-1a: 1 unit per 2500 sf lot

R-1b: 1 unit per 5000 sf lot

R-1c: 1 unit per 7500 sf lot

R-1d: 1 unit per 10890 sf lot  
(1/4 acre)



# Types Of Changes to Consider

- Processes / Procedures
- Antiquated or Contradictory Language
- Technical Measurements



What are the most  
concerning issues with  
this R Code?





# What we've heard during our time here...

**Preserve the character of Miami Shores**

No roof decks on flat roofs

Wants controls with FAR and the size of the structures. Like the interim code

Add the stepbacks in the new r code

Focused on pervious and drainage

Biggest issue is with hedges, wants to move the hedges info to more closely align with the fence rules.

Clarify issues related to setbacks, the use of swales, driveways, flat roofs

Needs a complete rewrite.

Limit height to less than 30'

Confirm how we measure building height - how do we deal with coastal flood zones.

Septic to sewer conversion

Restrict rooftop mechanical equipment or prohibit it

Too many districts,

Simplify

Better organize

# Authority of Planning and Zoning Board

- **CODE SEC. 19-24 Enforcement of Zoning Laws**
  - *The provisions of this chapter shall be cumulative of such zoning laws and ordinances. The planning and zoning board shall have the authority and it shall be its duty to enforce the provisions of such zoning ordinances and laws as hereinafter provided.*
- **CODE SEC. 19-23 Local Planning Agency “LPA”**
  - *The village planning and zoning board is designated as a local planning agency for purposes of preparing comprehensive plans and plan elements for the village pursuant to Local Government Comprehensive Planning and Land Development Regulations Act of 1975, F.S. § 163.3174.*



# The Code As It Is

It is the intention of this ordinance to:

- **preserve and enhance the one-family residential character of the village,**
- provide for such other uses as will contribute to this end,
- prohibit such uses as would be in conflict therewith, **and strictly limiting the intensity and extent of permitted uses the intensification and expansion of which would detract from the predominantly one-family residential character of the village,**

# The Comparison

- US
  - Miami Shores

- Them  
(similar affluent, suburban communities)
  - Biscayne Park
  - El Portal
  - Pinecrest
  - Coral Gables
  - Palmetto Bay
  - Cutler Bay



# Effectiveness of Existing Code



RANK THE EFFECTIVENESS OF  
THE "R" CODE IN  
CONTROLLING QUALITY OF  
CONSTRUCTION FROM 1 to 10.

1: least effective

10: most effective



# Our Process

- Pre-Application Meeting
- Application
- Completeness Review
- Site Plan Review, To the specifics in the Code (the table)
- Comments, Refinements
- Staff Report / Recommendation
- PZ Board
- **This is very similar to other governments**

## Review Process

PROCESS AND TIME IT  
TAKES FOR PROJECT  
APPROVAL

1: unsatisfied

10: extremely satisfied





# Measurements For Residential Zoning

We Measure many different things:

1. Cubage
2. Height
3. Height Measurement
4. Space and Area
5. Required Yard Setbacks (Principle)
6. Required Yard Setbacks (Accessory)
7. Required Setbacks (Pool and Pool Deck)
8. Lot Coverage
9. Impervious
10. Step Backs
11. Projections
12. Projection of Steps
13. Mechanical Equipment
14. Fences, Walls, Hedges
15. Off-Street Parking
16. Required Setbacks (Driveway)
17. Front Yard Paved/Open space
18. Building Quality
19. Drainage
20. Septic Tanks
21. Landscape

**Question:**

**Do we want to have  
more or fewer  
measurements?**



# Measurements For Residential Zoning

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21. Landscape

**This is not vastly  
different from any  
other code**

# The Residential Code

- The Village is divided into 17 Residential districts.
- These are distinguished from one another by the minimum cubage of buildings

Sec 522 – Minimum building Cubage:

On a plot not exceeding 50 feet in width, which plot is situated in an R district in which the required minimum building cubage is more than 20,000 cubic feet, the village council, on recommendation by the planning and zoning board, may permit the erection of a dwelling having a cubage of less than that required in the district, but not less than 20,000 cubic feet.

R-35	R-18.5
R-30	R-17.5
R-28	R-16.5
R-26	R-15.5
R-25	R-15
R-23	R-14.25
R-22.5	R-13
R-21	R-12.5
R-20	

Question:

Do we want 17 districts?



# The Residential Code

- The Village is divided into 17 Residential districts.
- These are distinguished from one another by the minimum cubage of buildings

This is totally different from other codes

R-35	R-18.5
R-30	R-17.5
R-28	R-16.5
R-26	R-15.5
R-25	R-15
R-23	R-14.25
R-22.5	R-13
R-21	R-12.5
R-20	

- **Miami Shores is essentially all R-1 Zoning, (7,000 – 10,000 sf Lots)**
- **Most similar places have 5 or less total districts**
- **and no more than 1 R-1 District.**
- **NOBODY does Cubage**

# Number of Districts

US

- 17

THEM

- Average 5 total
- Average 1, R-1

## Zoning Districts



RANK YOUR DESIRE TO  
SIMPLIFY OR MAKE THE  
EXISTING ZONING RULES  
MORE RIGID FROM 1 to 10.

17 “R” CODE CATEGORIES

1 for fewer / 10 for more

# Cubage

## US

- Cubage
  - Minimum Cubage (20,000)
    - 25'w x40'l x20h
    - (1,000sf 1 story home)

## THEM

- Square Footage
  - A 50'x50' 2 Story (30') home =
    - 5,000 sf
    - 75,000 cf
  - Square feet measures area in 2 dimensions
  - Cubic feet measures volume in 3 dimensions
  - No direct correlation
  - Property taxes are paid in Square feet
  - The metric system of zoning

# Cubage

## **Minimum Building Cubage**

- Incentivizes larger homes
- Do we want to consider this as a minimum or maximum
- Historically, Miami Shores was concerned about having homes that were too small.
- Today it seems like we are concerned about having homes that are too large
- Most Places do not have minimum building sizes.
- They have minimum lot sizes



# Cubage

Cubage Defined:

*Building cubage.* **The area of a building, computed from the dimensions at the exterior of the walls thereof, multiplied by the height thereof as defined in this ordinance, including:**

- (1) Porches enclosed with glass or jalousies and with interiors finished in a manner comparable with that of the interior of the main part of the building;
- (2) One-half of the cubical content of screened porches, measured at the exterior of the walls of the building or, where the wall of a porch is not at the exterior of the building, at the interior wall of such porch;
- (3) Attached garages to a maximum of 1,000 cubic feet, but excluding:
  - a. Open porches, patios, porte-cocheres and similar spaces;
  - b. All space in attached garage in excess of 1,000 cubic feet;
  - c. Any space between street grade and finished first floor level in excess of a vertical height of two feet eight inches.



# Cubage

RANK LIKE OR DISLIKE FOR THE  
MEASUREMENT OF CUBAGE.

1: Hate it

10: Love it

Does using cubage as a  
measurement still make sense?

# Height

US

- 30'

THEM

- Range between 24' and 35'
- Average 29'
- 2 Stories

# Space and Area

## US

- Lot Width: 75'
- Lot Area: 7,500 - 10,000sf

## THEM

- Width Between 50 and 75' for R-1
- Min lot area between 5,000-15,000





## Roof Decks

LIKE OR DISLIKE ROOF DECKS  
and  
FLAT ROOFS.

1: Hate it

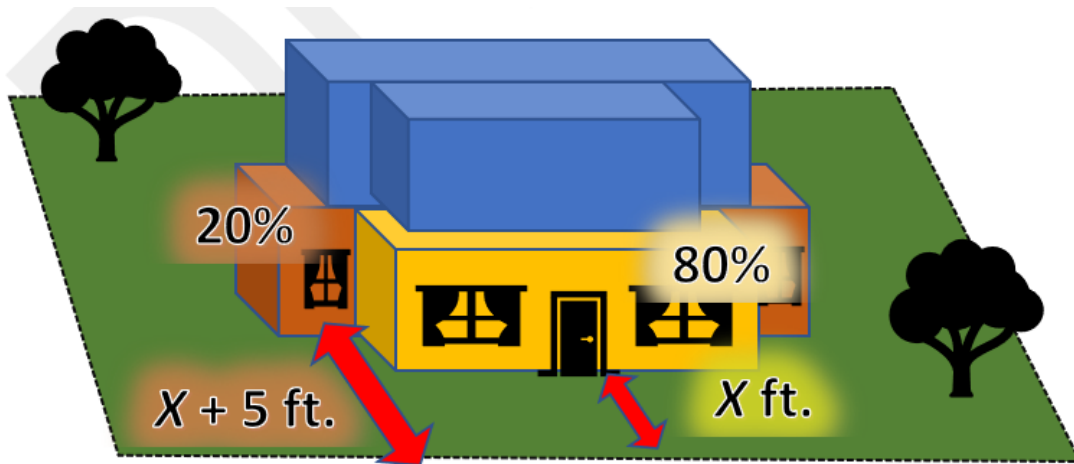
10: Love it

Do you want to allow for active  
roof areas? Yes or No

# Setbacks, Principal

US

- Front: 25'
- Interior Side: 10'
- Rear: 15'



THEM

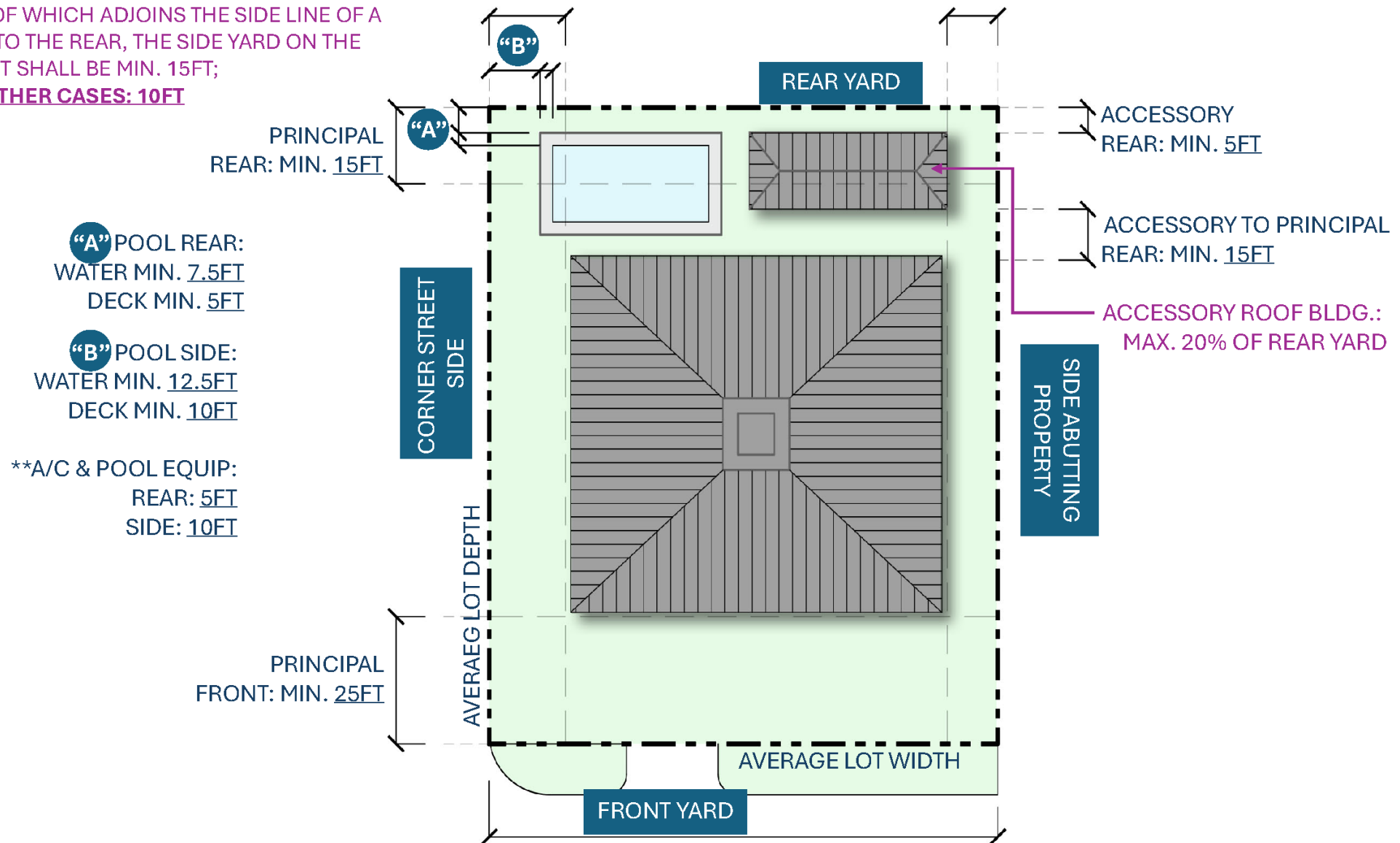
- Front: 25'
- Interior side 5'-10'
- Rear: 10'-15'
- Corner/Side Street: 15'

# Setbacks, Case Study Diagram

**\*\*EXCEPT THAT ON A CORNER PLOT THE REAR LINE OF WHICH ADJOINS THE SIDE LINE OF A PLOT TO THE REAR, THE SIDE YARD ON THE STREET SHALL BE MIN. 15FT;  
ALL OTHER CASES: 10FT**

**\*\*INTERIOR SIDE: MIN. 10FT**

**INTERIOR & ACCESSORY SIDE: MIN. 10FT**



# Setbacks, Case Study Diagram

## CODE SEC. 410

EXCEPT THAT ON A CORNER  
PLOT THE REAR LINE OF  
WHICH ADJOINS THE SIDE  
LINE OF A PLOT TO THE REAR,  
THE SIDE YARD ON THE  
STREET SHALL BE MIN. 15FT;  
**ALL OTHER CASES: 10FT**





# Setbacks, Accessory

## US

- Font: na
- Main Building: 15'
- Interior Side: 10'
- Rear 5'

## THEM

- Font: +- 50'
- Main Building: 5'-10'
- Interior Side: 5'-10'
- Rear: 5'

# Setbacks, Pool and Deck

US

THEM

Pool

- Interior Side 12.5;
- Rear 7.5'

A bit more than half use this measurement

• Deck

- Interior side 10'
- Rear 5'

Typically, the same as accessory structures

# Lot Coverage

## US

- 1-Story Structure: 40%
- 2-Story Structure: 30%

## THEM

- Average 42%

# Impervious

US

- Impervious: 55%
- Pervious: 45%

THEM

- Average 45% Pervious

# Floor Area Ratio

US

- Max. FAR:
- 0.45

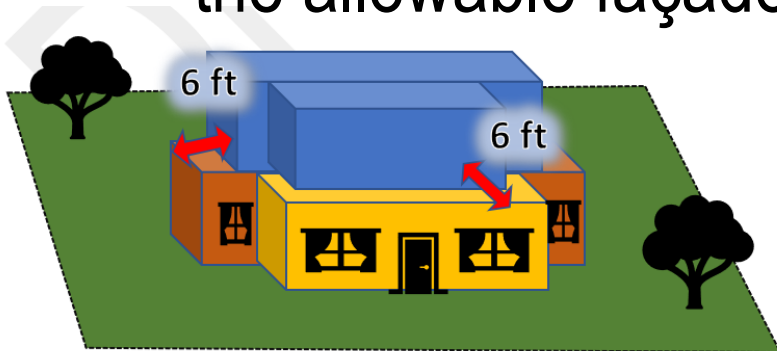
THEM

- Few cities have FAR for residential development
- Pinecrest .20-.30

# Step Backs

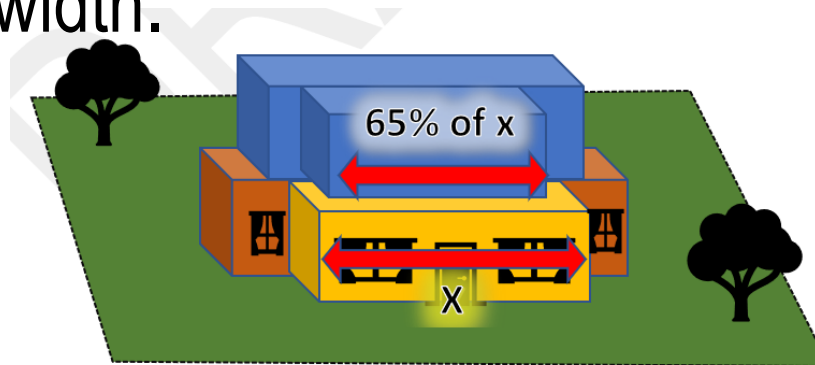
## US

- Additional step back of 6 feet for 2<sup>nd</sup> story on both front and side yards. The vertical plane of front façade(s) of the 2<sup>nd</sup> story, including balconies shall not exceed 65% of the allowable façade width.



## THEM

- Almost nobody measures





# Projections

## US

- Eaves, canopies, balconies, and similar architectural features:  
Front Yard 48" Side and Rear Yards, 36"

## THEM

- Almost nobody measures

# Projections of Steps

## US

- Max projection 4 ft. into any yard, and max railing height of 3 ft.

## THEM

- Almost nobody measures

# Mechanical Equipment

## US

- Ten feet setback for side yards and 5 feet for rear yards.

## THEM

- Behind main building line
- 5' – 10' setbacks side and rear

# Off Street Parking

## US

- Minimum parking spaces: 2
- Driveway width: min 8' max of 20'

## THEM

- Minimum 2 spaces
- Width: 10'-20'

# Parking Requirements

RANK YOUR DESIRE TO CHANGE  
THE "R" CODE PARKING RULES TO  
BE BASED ON BEDROOM COUNT  
AND NOT 2 SPACES PER  
DWELLING.

1: Hate it

10: Love it



# Fences, Walls, Hedges

## US

- May be located within any yard, including the margining thereof, subject to the following requirements: 3.5' in the front yard. A max of 6' shall be permitted in the side yard, near yard and the margining thereof

## THEM

- Max 6'
- Often not allowed in front yard



## Fences / Walls

FENCES/WALLS IN  
FRONT YARDS.

1: Hate it

10: Love it



# Front Yard Pervious

US

- Not less than 50% greenspace

THEM

- Min greenspace 38%

# Quality of Buildings

US

- Harmonious

THEM

- Most have similar provisions or language. Coral Gables has an architectural review board.

# Drainage, Septic, Landscaping

## US

- Drainage: Meet Comp Plan LOS
- Septic: DERM
- Landscaping: 2 Trees (MDC Ch 18)

## THEM

- Drainage: Meet Comp Plan LOS
- Septic: DERM
- Landscaping: 2-6 Trees (MDC Ch 18)

# Other Things to Consider

- Impervious Space Ordinance

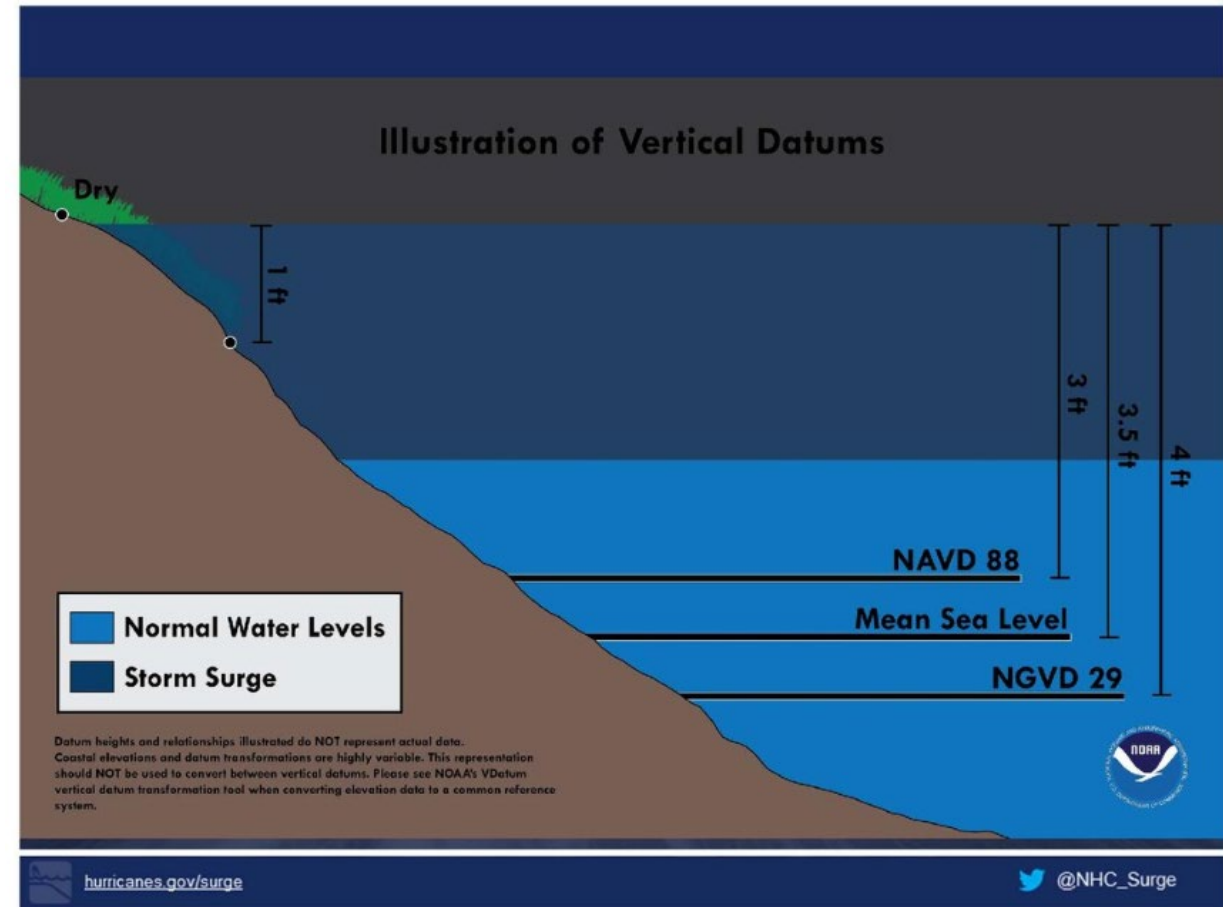
# Other Things To Consider

- Finished Floor Elevation (FFE)
- Federal Emergency Management Administration (FEMA)
  - An agency of the United States Department of Homeland Security.
  - Flood Insurance Rate Maps (FIRMs) illustrate flood hazard areas throughout Miami-Dade County and are used when determining flood insurance policy rates.
  - In July 2009, Miami-Dade County officially adopted Flood Insurance Rate Maps (FIRM) for the administration of the National Flood Insurance Program (NFIP).
  - There is at least a 1 in 4 chance of flooding during a 30-year mortgage in high-risk areas.

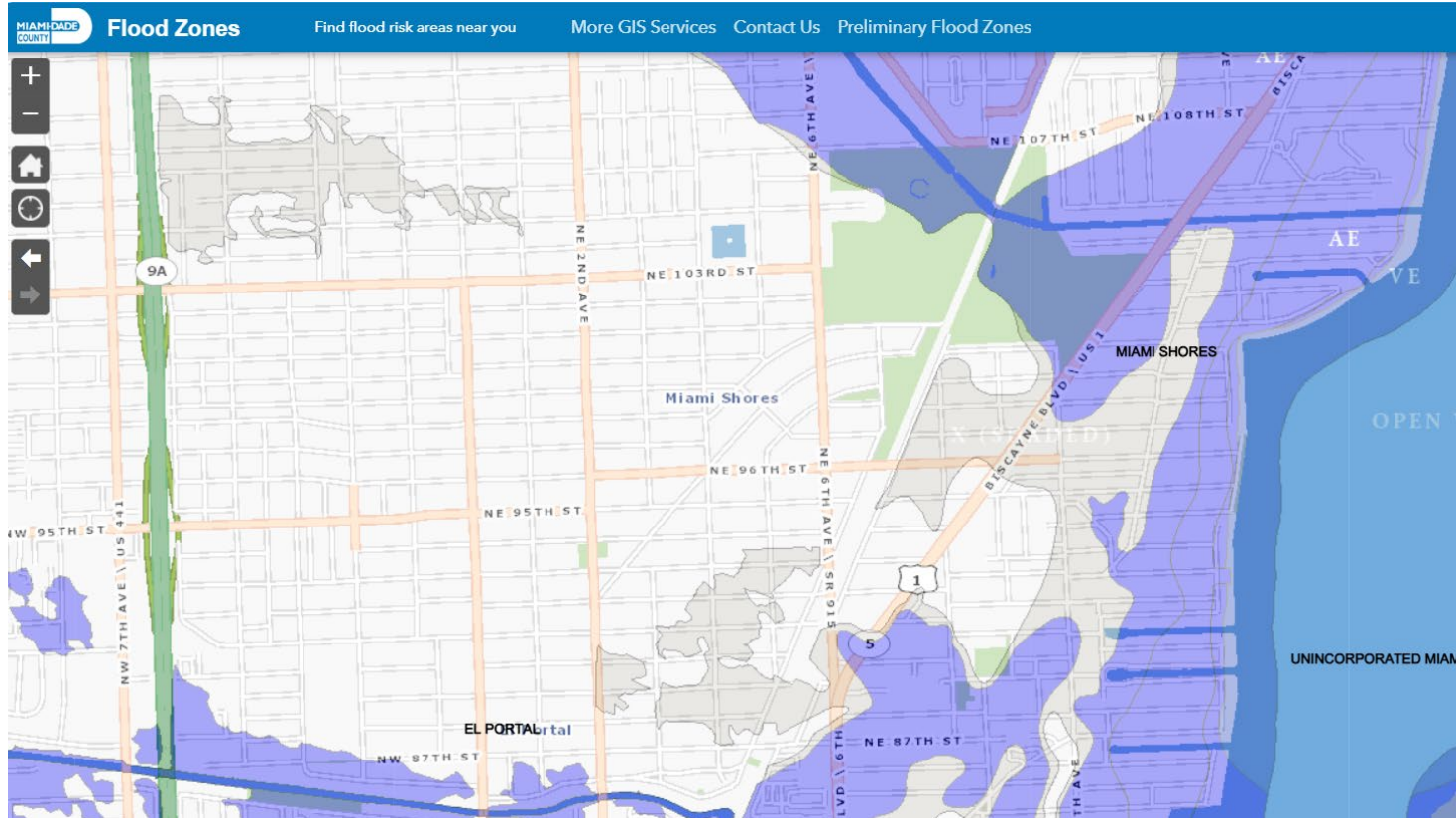


# Other Things To Consider

- Miami-Dade County lies close to sea level and its underground water supply is just below the ground surface.
- Therefore, major rain events sometimes leave rainwater nowhere to drain, causing occasional flooding in some areas of the County.
- NGVD – National Geodetic Vertical Datum or the “Sea Level” Datum



# Other Things To Consider



## Common Flood Zones within Miami Shores:

**Zone AE** (Moderate to High Flooding Risk)

**Zone X** (Minimal to Moderate Flooding Risk)

**Zone VE** (High Flooding Risk)

# Other Things To Consider

## Accessory Dwelling Units

**HB 943** proposes requiring all local governments to allow accessory dwelling units in all areas zoned for single-family residential use. It also prohibits local governments from restricting an ADU from being rented on the market; from imposing parking, minimum lot size, or other lot design requirements that do not apply generally to other housing in the same district; from requiring a conditional use approval to construct an ADU; and all other local regulations that directly or indirectly unreasonably increase the cost to build an ADU.

The bill also requires local governments to report to the state its data on the number of ADUs that are within its jurisdiction and makes it clear that a homeowner will not lose its homestead exemption if they rent an ADU on their property.

### Benefits of ADUs:

- 1) **Affordable Housing:** ADUs provide a cost-effective housing option, especially in areas with high housing costs.
- 2) **Passive Income:** They provide additional income for homeowners which can help offset the ever-increasing burden of increasing insurance rates.
- 3) **Flexibility:** ADUs offer versatile living arrangements. They can house aging relatives, adult children, or guests, providing a private space while keeping family members close (such as aging in place).
- 4) **Environmental Benefits:** ADUs are typically smaller and more energy-efficient than full-sized homes, reducing their environmental impact.
- 5) **Community Compatibility:** ADUs blend well into existing neighborhoods (Usually in the Code that it has to match the current aesthetic of the home) and can help address housing shortages without altering the character of the community.

# What Requires A Public Hearing Review

Site plan review and approval by the planning and zoning board is required for the following, except for additions to dwellings less than 400 square feet, not visible from a public right-of-way (alleyways excluded).

1. New dwellings.
2. Additions to dwellings.
3. Cabanas.
4. Garages, storage buildings and all similar structures except utility sheds permitted under Sec. 516(5).
5. Conversion of garages, cabanas or storage structures to living space.

# What Requires A Public Hearing Review

Site plan review and approval by the planning and zoning board is required for the following, except for additions to dwellings less than 400 square feet, not visible from a public right-of-way (alleyways excluded).

6. Changes to the facade of single-family dwellings.
7. Metal roofs and metal roof color on single-family dwellings and accessory buildings.
8. Docks, davits and boat lifts.
9. Any permitted accessory structure located within the required 15 feet shoreline setback.
10. Pools and pool decks in the front yard that are otherwise permitted by this ordinance.



## Administrative Review

RANK YOUR DESIRE TO ALLOW  
STAFF TO REVIEW PROJECTS  
ADMINISTRATIVELY FROM 1 TO  
10.

1 being for Yes and 10 being for  
No;

10 means P&Z Board public  
hearings

Sooooo.....Who Are We?





# Hasselhoff

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# Next Steps

- Digest what we heard
- Make specific recommendations
  - As to measurements, processes, procedures, confusing or contradictory or outdated language.
- Present to PZ board
- Go from there