

1 **ORDINANCE NO. 2025-_____**
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3 **A ORDINANCE OF THE VILLAGE COUNCIL OF MIAMI**
4 **SHORES VILLAGE, FLORIDA, AMENDING APPENDIX A,**
5 **“ZONING,” TO COMPREHENSIVELY UPDATE**
6 **REGULATIONS RELATED TO THE RESIDENTIAL (“R”)**
7 **DISTRICT; PROVIDING FOR IMPLEMENTATION;**
8 **PROVIDING FOR AN EFFECTIVE DATE.**
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11 **WHEREAS,** the Village Council of Miami Shores Village, Florida (the “Village”)
12 finds it periodically necessary to amend its Code of Ordinances (the “Village Code”) to
13 update regulations and procedures to implement municipal goals and objectives; and

14 **WHEREAS,** the Village is primarily a residential community composed of single-
15 family homes that reflect the Village’s distinctive character, charm, and small-town
16 atmosphere; and

17 **WHEREAS,** the Village Council recognizes the importance of preserving the
18 unique scale, architectural integrity, and overall livability of its residential neighborhoods;
19 and

20 **WHEREAS,** the Village’s Comprehensive Plan establishes goals, objectives, and
21 policies to guide land development in a manner that maintains the community’s identity
22 and promotes orderly, compatible growth; and

23 **WHEREAS,** the proposed amendments to Appendix A, “Zoning,” of the Village
24 Code are intended to further implement the Comprehensive Plan by ensuring that future
25 residential development and redevelopment are consistent with the established character
26 and aesthetic of the Village; and

27 **WHEREAS,** the Village has conducted several public workshops and solicited
28 input from residents and stakeholders to ensure that the proposed amendments reflect
29 the community’s values, priorities, and shared vision for the Village’s future; and

30 **WHEREAS,** the Village Council finds that maintaining the predominance of single-
31 family residences and preserving the architectural and spatial qualities of existing
32 neighborhoods are essential to protecting the Village’s overall quality of life; and

61 *Block.* That property abutting on one side of a street and lying between the two
62 nearest intersecting or intercepting streets or nearest intersecting or intercepting street
63 and railroad right-of-way, public land or channel or body of water.

64 *Building.* Any combination of materials forming any construction, the use of which
65 requires location on the ground or attachment to something having location on the ground.

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

68 ~~(1) Porches enclosed with glass or jalousies and with interiors finished in a manner
69 comparable with that of the interior of the main part of the building;~~

70 ~~(2) One-half of the cubical content of screened porches, measured at the exterior of
71 the walls of the building or, where the wall of a porch is not at the exterior of the
72 building, at the interior wall of such porch;~~

73 ~~(3) Attached garages to a maximum of 1,000 cubic feet, but excluding:~~

74 ~~a. Open porches, patios, porte-cocheres and similar spaces;~~

75 ~~b. All space in attached garage in excess of 1,000 cubic feet;~~

76 ~~c. Any space between street grade and finished first floor level in excess of a
77 vertical height of two feet eight inches.~~

78 *Building height.* The vertical distance from the established base flood elevation
79 building level to (a) to the top of the roof in the case of for flat roofs, or (b) the mean level
80 between the eaves and the highest point of any other type of the roof in the case of roofs
81 of any other type. The highest point of a roof shall be determined as follows:

82 1. The deck line of a mansard roof.

83 2. The highest ridge point of gable, hip, or gambrel roofs.

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85 *Building level.* The street grade or an elevation of five and one-half feet above mean
86 sea level, whichever is the higher.

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88 *Building, main.* A building in which is conducted the principal use of a plot.

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90 *Floor area ratio (FAR).* The ratio of a building's total floor area to the size of the plot
91 upon which the building is built. For the purposes of this definition, a building is defined
92 as enclosed space with a roof. Open or roofed terraces shall not be included when
93 calculating FAR.

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96 *Lot Frontage.* The horizontal distance between the lot lines measured at the point
97 where the lot lines intersect the street right-of-way. All sides of a lot that abuts a street
98 shall be considered frontage. On curvilinear streets, the arc between the lot lines shall be
99 considered the lot frontage. Lot widths shall be determined by pertaining zoning district.

Commented [EN1]: Is it the desire to continue counting garage space within FAR?
Garage space is not considered habitable area. This could be a clean up item for purposes of clarity.

100 In the case of corner lots where there are two street frontages, the narrow dimension shall
101 serve as the lot front.

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105 *Plot width.* The least dimension of a plot at a distance from the front street line
106 thereof specified in this ordinance as the required minimum depth of a front yard in the
107 district in which such plot is located.

108 *Projection.* Shall mean a certain type of building feature(s) or structure(s) permitted
109 to encroach within the setback distance requirements as established by the applicable
110 zoning district(s). Projections shall be permitted within front, side, rear and corner yards.
111 Projections may include awnings, roof eaves, terraces, balconies, canopies, chimneys,
112 wing walls, planters, walkways, steps and similar.

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114 *Roof deck.* A designated, usable area constructed on a flat or nearly flat roof of a
115 building, intended for outdoor occupancy. Roof decks shall be prohibited in all zoning
116 districts.

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119 *Setback, front.* The portion of a lot that extends across the full width of the front
120 property line, measured between the two side property lines. The depth of the front
121 setback is the minimum perpendicular distance from the front property line as required by
122 the applicable zoning district.

123 *Setback, side.* The portion of a lot that extends along the side property line, measured
124 from the front setback line to the rear setback line. The width of the side setback is the
125 minimum perpendicular distance from the side property line as required by the applicable
126 zoning district.

127 *Setback, side street (secondary frontage).* The portion of a corner lot that extends
128 along the side property line adjacent to a street, alley, or right-of-way. The width of this
129 setback is the minimum perpendicular distance from the side property line as required by
130 the applicable zoning district.

131 *Setback, rear.* The portion of a lot that extends across the full width of the rear
132 property line, measured between the two side property lines. The depth of the rear
133 setback is the minimum perpendicular distance from the rear property line as required by
134 the applicable zoning district.

135 *Step back.* A requirement that the vertical plane of the second story or second and
136 third story of a building be recessed a certain distance from the yard depth.

137 *Story.* That portion of a building included between the upper surface of any floor and
138 the upper surface of the floor next above, except that the topmost story shall be that
139 portion of a building included between the upper surface of the topmost floor and the

140 ceiling or roof above. A story does not include a basement, as defined in chapter 8.5 of
141 the Code.

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145 ARTICLE III. - DISTRICTS AND DISTRICT MAP

146 Sec 300.- Classes of districts.

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148 The territory of the village is hereby divided into the following classes of districts:

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- 151 (1) One-family residential districts (which may be referred to collectively or severally as
152 "R" districts) of the following classes, ~~differentiated with respect to required~~
153 ~~minimum cubage of buildings~~, as set forth in this section:
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R-15,000: <u>Minimum lot size of 15,000 square feet</u> R-35-	R-18.5-
R-12,000: <u>Minimum lot size of 12,000 square feet</u> R-30-	R-17.5-
R-10,000: <u>Minimum lot size of 10,000 square feet</u> R-28-	R-16.5-
R-7,500: <u>Minimum lot size of 7,500 square feet</u> 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-	

Commented [EN2]: Based on zoning map and R-district(s) proximity to one another combined with similar lot sizes the following consolidation is recommended:

R-7,500 = R-12.5, R-14.5, R-15 & R-15.5
Average lot sizes range from 7,834sf to 9,643sf

R-10,000 = R-16.5, R-17.5, R-18.5 & R-21
Average lot sizes range from 10,048sf to 11,861sf

R-12,000 = R-20, R-23 & R-25
Average lot sizes range from 12,378sf to 13,771sf

R-15,000 = R-22.5 & R-35
Average lot sizes range from 15,447sf to 21,162sf

Furthermore R-13, R-26, R-28 & R-30 zoning districts that are codified within the code but are not utilized within the zoning map.

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158 Sec. 402. Compliance with ~~cubage restrictions~~, and subdivision minimums.

- 159 (a) ~~No building shall hereafter be erected nor shall any existing building be moved,~~
160 ~~altered, added to or enlarged except in conformity to the requirements as to minimum~~

161 ~~cubage of buildings and type of construction set forth in the aforesaid schedule for~~
162 ~~the district in which such building is located.~~

163 (a) No parcels of land zoned residential shall be subdivided unless the newly created lot
164 has a minimum area of 12,500 square feet (this calculation shall not take into
165 consideration the lands located outside of the property lines to the centerline of the
166 street) and has 85 feet of primary, front yard, street frontage (side and rear yards
167 shall not count toward the required minimum street frontage).

168 (b) No parcels of land zoned single family residential district, as classified on the adopted
169 date of this regulation, shall be combined and/or unified to create a buildable lot
170 exceeding 21,500 gross square feet in overall size.

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Commented [EN3]: Typical MSV "R" lot is +/-9,300sf so two lots combined = +18,600sf. Pursuant to community feedback limitations a lot size maximum encouraged to avoid triple sized parcels (excess of 27k)

Sec. 411. – Schedule of Regulations.

SCHEDULE OF REGULATIONS

Being a Part of Article IV of the Miami Shores Village Zoning Ordinance No. 270

District	Minimum Building-Cubage-for Dwellings	Construction	Site Plan Review-Required-By-the-Planning-Board-as-Provided-in-Article-VI-	Permitted-Uses	District	Minimum Plot Size	Reserved	Maximum Building-Height	Required-Front-Yard-Depth,-and-further-subject-to-additional-requirements-for-arterial-and-collector-streets-	Required-Side-Yards:-Two-required-(except-as-otherwise-specified-below)-each-having-the-minimum-width-specified-below-	Required-Rear-Yard-Depth-	Accessory-Buildings-
R-35 R-30 R-28 R-26 R-25 R-23 R- 22.5 R-21 R-20 R- 18.5 R- 17.5 R- 16.5 R- 15.5 R-15 R- 14-25 R-13 R-12.5	35,000-cubic-foot 30,000-cubic-foot 28,000-cubic-foot 26,000-cubic-foot 25,000-cubic-foot 23,000-cubic-foot 22,500-cubic-foot 21,000-cubic-foot 20,000-cubic-foot 18,500-cubic-foot 17,500-cubic-foot 16,500-cubic-foot 15,500-cubic-foot 14,250-cubic-foot 13,000-cubic-foot 12,500-cubic-foot	Masonry	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. 6. Changes to the façade 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-foot shoreline setback.	1. One-family dwellings—but not more than one dwelling on any one plot. 2. Parks, playgrounds and other lands and reservations owned and operated by the village, including all uses customarily incidental thereto, but not including any place for the storage of other than passenger vehicles, or of construction materials or equipment for use other than on the same parcel of land. 3. Home-occupation and professional offices. 4. Any use consisting of the tilling of the soil, but not any use including any commercial greenhouse or the keeping of any livestock other than domestic pets and as otherwise regulated by Sec. 501. 5. Incidental signs as provided in Article V. 6. Commercial picture origination of television or films, including both motion and still pictures, when authorized by license from	Width: 75-foot Area: 7,500-sq.-ft.			For dwellings: 2 stories, and shall not exceed 30 ft., measured from the minimum grade of the plot or when located in a flood zone, the minimum finished floor elevation as established by FEMA. For other buildings: 40 ft., excepting for all buildings, the features specified in Article V and subject to the conditions set forth therein. Accessory buildings: Not to exceed the height of the dwelling located on the same plot. Swimming pools are not permitted in any required front yard. For other buildings: Same as for dwellings. Provided as follows with respect to other buildings: (a) If a building occupies a plot	For dwellings: Equivalent to the median of the depths of existing front yards in the same block and lying within a distance of 100 ft. on each side, but not less than 25 ft. or necessarily greater than 35 ft.; or 25 ft. if not more than one building exists within said 100 ft. on each side.	For dwellings: 10 ft., 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 side shall have a width of not less than 15 ft. For swimming pools: From the inside face of pool wall to the plot line there shall be a 12½ ft. minimum setback; from the pool deck or screen enclosure to the lot line there shall be a 10-ft. minimum setback. The shoreline setback for accessory structures shall not apply to pools, their decks or screen enclosures. For other buildings or structures: Same as for dwellings unless otherwise specified in this code of ordinances. Provided as follows with respect to other buildings: (a) If a	For dwellings: 15 ft. For swimming pools: From the inside face of pool wall to the lot line there shall be a 7½ ft. minimum setback; from the pool deck or screen enclosure to the lot line there shall be a 5 ft. minimum setback. The shoreline setback for accessory structures shall not apply to pools, their decks or screen enclosures. For other buildings or structures: Same as for dwellings unless otherwise specified in this code of ordinances. Provided as follows with respect to other buildings: (a) If a building occupies a plot surrounded on at least 3 sides by streets, the yards adjacent to such streets shall have such dimensions as are specified on a site	The floor area of all roofed accessory structures shall not exceed the floor area of the dwelling on the same plot and may be further restricted by plot coverage regulation. Location: In rear yard only as defined in Sec. 201, not less than 15 ft. from the main building and not less than 40 ft. from any plot line of contiguous plot that bounds a side or front yard or not less than 5 ft. from any other plot line; provided that on a corner plot the rear line of which adjoins a side line of a plot to the rear, no accessory building shall be located nearer to the side street line than a distance equal to the depth of front yard required on the plot to the rear.

			10. Pools and pool decks in the front yard that are otherwise permitted by this ordinance.	Miami Shores Village Ordinance with reference to license costs, hours of permitted activities, and other appropriate conditions. The following is a partial list of uses deemed to be not included in the foregoing authorized uses nor in the list of permitted uses in the districts, as hereinafter set forth, unless expressly authorized: 1. Guest houses. 2. Accessory dwellings. 3. Kitchens or bedrooms in accessory structures. 4. More than one kitchen per dwelling.				surrounded on at least 3 sides by streets, the yards adjacent to such streets shall have such dimensions as are specified on a site plan for such building, approved by the planning and zoning board as provided in Section VI.		building occupies a plot surrounded on at least 3 sides by streets, the yards adjacent to such streets shall have such dimensions as are specified on a site plan for such building, approved by the planning and zoning board as provided in Section VI.	plan for such building, approved by the planning and zoning board as provided in Section VI.	provided further, that a swimming pool enclosure may be located in any side yard but not less than 10 ft. from the side plot line; provided further, that no door of an accessory building opening on an alley shall be located not less than 20 ft. from the center thereof. Accessory building shoreline setback, 15 ft. Coverage: Not more than 20% of the area of a rear yard, shall be covered by roofed structures with roofs that are more than 50 percent open to the sky, except that fabric or metal roofed structures permitted under Sec. 523.1(0) that are attached to the dwelling need not be included in computing said coverage. Fences, walls and hedges shall conform to the provisions of Article V.
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<u>District(s)</u>	<u>Site Plan Review Required By the Planning Board as Provided in Article VI.</u>	<u>Permitted Uses</u>
<u>Residential “R” Districts:</u> <u>R-15,000</u> <u>R-12,000</u> <u>R-10,000</u> <u>R-7,500</u>	<u>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).</u> <u>1. New dwellings.</u> <u>2. Additions to dwellings.</u> <u>3. Changes to the façade of single-family dwellings.</u> <u>4. Any permitted accessory structure located within the required 15 feet shoreline setback.</u> <u>5. Pools and pool decks in the front yard that are otherwise permitted by this ordinance.</u>	<u>1. One-family dwellings—but not more than one dwelling on any one plot.</u> <u>2. Parks, playgrounds and other lands and reservations owned and operated by the village, including all uses customarily incidental thereto, but not including any place for the storage of other than passenger vehicles, or of construction materials or equipment for use other than on the same parcel of land.</u> <u>3. Home occupation and professional offices.</u> <u>4. Any use consisting of the tilling of the soil, but not any use including any commercial greenhouse or the keeping of any livestock other than domestic pets and as otherwise regulated by Sec. 501.</u> <u>5. Incidental signs as provided in Article V.</u> <u>6. Commercial picture origination of television or films, including both motion and still pictures, when authorized by license from Miami Shores Village Ordinances with reference to license costs, hours of permitted activities, and other appropriate conditions.</u> <u>The following is a partial list of uses deemed to be not included in the foregoing authorized uses nor in the list of permitted uses in the districts, as hereinafter set forth, unless</u>

Commented [CW5]: Sections 1-6 is current Code language, just reorganized.

Commented [EN4]: Removed the following:

- ~~2. 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.~~
- ~~7. Metal roofs and metal roof color on single family dwellings and accessory buildings.~~
- ~~8. Decks, davits and boat lifts.~~

Should changes to facades of single family dwellings also be removed?

Refer to proposed text language within Code Sec. 523.1 for Conversion of garages and method of mitigating fenestration opening.

		<u>expressly authorized:</u> <u>a. Guest houses.</u> <u>b. Accessory dwellings.</u> <u>c. Kitchens or bedrooms in</u> <u>accessory structures.</u> <u>d. More than one kitchen per</u> <u>dwelling.</u>
<u>A-1</u>	<u>Site plan review and approval by the</u> <u>planning and zoning board is</u> <u>required for the following, except for</u> <u>additions to dwellings less than 400</u> <u>square feet, not visible from a public</u> <u>right-of-way (alleyways excluded).</u> <u>1. New one-family, multi-family</u> <u>dwellings and dwelling groups.</u> <u>2. Changes to the façade of one-</u> <u>family and multi-family dwellings.</u> <u>3. Additions to multi-family dwellings</u> <u>and residences in dwelling groups or</u> <u>modifications to site plans.</u> <u>4. Accessory cabanas, garages and</u> <u>similar structures.</u> <u>5. Conversion of garages, cabanas</u> <u>or storage structures to living space.</u> <u>6. Metal roofs and metal roof color</u> <u>on single-family dwellings, multi-</u> <u>family dwellings and accessory</u> <u>buildings.</u> <u>7. Docks, davits and boat lifts.</u> <u>8. Any structure located within 5 feet</u> <u>of the rear or side plot line on</u> <u>shoreline properties.</u>	<u>1. All uses permitted in R districts, as</u> <u>permitted therein.</u> <u>2. Multifamily dwellings and dwelling</u> <u>groups.</u> <u>* For one-family dwellings: In each</u> <u>block, the same as specified for the</u> <u>nearest adjacent R district, or the</u> <u>least of such foregoing requirements</u> <u>if they differ.</u> <u>For multifamily dwellings: No</u> <u>requirement.</u>
<u>A-2</u>	<u>Site plan review and approval by the</u> <u>planning and zoning board is</u> <u>required for the following, except for</u> <u>additions to dwellings less than 400</u> <u>square feet, not visible from a public</u> <u>right-of-way (alleyways excluded).</u>	<u>1. All uses permitted in R districts, as</u> <u>permitted therein.</u> <u>2. Multifamily dwellings and dwelling</u> <u>groups.</u> <u>3. Hotels, subject in each case to the</u> <u>requirements of Sec 543 and to all</u>

	<u>1. New one-family, multi-family dwellings and dwelling groups.</u> <u>2. Changes to the façade of one-family and multi-family dwellings.</u> <u>3. Additions to multi-family dwellings and residences in dwelling groups or modifications to site plans.</u> <u>4. Accessory cabanas, garages and similar structures.</u> <u>5. Conversion of garages, cabanas or storage structures to living space.</u> <u>6. Metal roofs and metal roof color on single-family dwellings, multi-family dwellings and accessory buildings.</u> <u>7. Docks, davits and boat lifts.</u> <u>8. Any structure located within 5 feet of the rear or side plot line on shoreline properties.</u> <u>9. Hotels.</u>	<u>other applicable provisions of this code of ordinances.</u> <u>* Same as specified for A-1 districts for all zoning district regulations such as building height, setbacks, etc..</u>
<u>CR</u>	<u>For development standards, see Article V, Division 25, Community Residential District</u>	
<u>PRO</u>	<u>See under Permitted uses for site plan requirements.</u>	<u>1. All uses permitted in R districts, as permitted therein as a use by right.</u> <u>2. Office buildings of a residential type of architecture in exterior design, as a matter of right if for the use of doctors, dentists, lawyers, engineers, surveyors, abstract title companies, accountants, actuaries, insurance adjusters, auditors, insurance and bonds, manufacturers' agents, and similar uses that may be approved by the village council, but not for clinics or for treatment involving overnight care, and not including ambulance service. In all cases the site plan,</u>

		<u>design of building and display of signs in connection therewith, are to be subject to the approval of the planning and zoning board, as provided in Article VI.</u> <u>3. By special approval of village council after site plan approval by the planning and zoning board in accordance with Article VI, other office uses in structures of nonresidential or residential architecture. Such uses shall not include display, storage or handling of merchandise on the premises. However, retail and service facilities may be permitted within an office building such as barber shops, beauty shops, newsstands, and retail stores for sale of books, gifts, flowers, tobacco, drugs and sundries. Such uses shall occupy no more than 25% of the floor space of the building.</u>
<u>B-1</u>	<u>No use of any kind except for restaurants and wine and craft beer cafes shall be established except in accordance with a site plan approved by the planning and zoning board as provided in Article VI, and no building shall be erected or altered in exterior appearance except in accordance with a design thereof approved by the planning and zoning board as provided in Article VI.</u> <u>Site plan approval shall be required for the following and shall be referred to the planning and zoning board as provided in Article VI for review and the recommendation.</u>	<u>Food operations</u> <u>Restaurants: Subject to Chapter 4 Alcoholic Beverages and Sec. 4-2 Special approval required, if applicable.</u> <u>Cafeterias</u> <u>Catering services</u> <u>Take-out food service</u> <u>Wine and craft beer cafes:</u> <u>Subject to Chapter 4 Alcoholic Beverages and Sec. 4-2 Special approval required, if applicable.</u> <u>Health-care operations:</u> <u>Clinical laboratories</u> <u>Dentist</u> <u>General medical clinic</u> <u>Optical services and supplies</u>

	<u>The planning and zoning board recommendation shall be forwarded to the village council for final determination:</u> <u>1. Bookstores.</u> <u>2. Outdoor cafes located on public property.</u> <u>Site plan review and approval by the planning and zoning board as provided in Article VI is specifically required for the following:</u> <u>1. Signs</u> <u>2. Outdoor cafes located on private property.</u> <u>3. Docks, davits and boat lifts.</u> <u>4. Any structure located within 15 feet of the rear or side plot line on shoreline properties.</u>	<u>Physicians</u> <u>X-ray clinic</u> <u>Office operations:</u> <u>Business offices</u> <u>Personal care operations:</u> <u>Barber/beautician</u> <u>Child care</u> <u>Dance studio</u> <u>Exercise studio</u> <u>Professional operations:</u> <u>Accountants</u> <u>Actuaries</u> <u>Advertising agency</u> <u>Appraisers</u> <u>Architects</u> <u>Attorneys</u> <u>Banking—financial</u> <u>Communications</u> <u>Insurance adjusters</u> <u>Investigators</u> <u>Investment services</u> <u>Real estate</u> <u>Tax services</u> <u>Retail operations:</u> <u>Artwork and frame shop</u> <u>Appliance dealers</u> <u>Antiques—collectibles</u> <u>Bookstores w/stipulations</u> <u>Bakery</u> <u>Butcher</u> <u>Card shop</u> <u>Carpet and drapes shop</u> <u>Ceramics—pottery</u> <u>Clothiers</u> <u>Coin and stamp</u> <u>Computers and accessories</u> <u>Cosmetics</u> <u>Domestic supplies</u> <u>Electronics</u> <u>Engravers—trophy makers</u> <u>Fabrics</u>
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		<u>Firearms and accessories</u> <u>Flooring</u> <u>Florist—plants</u> <u>Furniture</u> <u>Gift shop</u> <u>Grocery store</u> <u>Hardware</u> <u>Jewelers</u> <u>Lighting supplies</u> <u>Locksmith</u> <u>Music</u> <u>Pet supply</u> <u>Pharmacy</u> <u>Photographer</u> <u>Sporting goods store</u> <u>Stationary—office supplies</u> <u>Toys, hobbies and crafts store</u> <u>Service and repair operations:</u> <u>Blueprint production</u> <u>Business systems</u> <u>Data processing</u> <u>Dry cleaner—laundry</u> <u>Employment agency</u> <u>Mail service</u> <u>Printing service</u> <u>Store repairing</u> <u>Sign painting</u> <u>Tailoring</u> <u>Telephone store</u> <u>Travel and tour agency</u> <u>The following is a partial list of uses</u> <u>deemed to be not included in the</u> <u>foregoing authorized uses nor in the</u> <u>list of permitted uses in district B-2</u> <u>zones, as hereinafter set forth,</u> <u>unless expressly authorized:</u> <u>Abortion clinics</u> <u>Adoption services</u> <u>Adult novelties</u> <u>Amusement arcades</u> <u>Bail bonds</u>
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		<u>Bingo halls</u> <u>Car wash</u> <u>Clubhouses and meeting halls</u> <u>Dating service</u> <u>Drug addiction clinic</u> <u>Escort services</u> <u>Funeral services</u> <u>Gasoline—service stations</u> <u>Massage parlor</u> <u>Mechanical repair</u> <u>Modeling agency</u> <u>Movie theaters</u> <u>Pawn shops</u> <u>Pest control services</u> <u>Psychic—palm reader—spiritualist</u> <u>Soup kitchens</u> <u>Storage</u> <u>Used merchandise sale</u> <u>Veterinary clinic</u> <u>Notwithstanding the prohibition of</u> <u>bookstores generally, bookstores</u> <u>shall be a permitted and authorized</u> <u>use if, and only if, the following</u> <u>criteria are met:</u> <u>1. No sale or display of any printed or</u> <u>recorded material which depicts</u> <u>"sexual conduct" as defined in</u> <u>Section 837.001 (1993), Florida</u> <u>Statutes shall be permitted;</u> <u>2. Such establishments must be</u> <u>spaced no less than 1,000 feet apart,</u> <u>measuring in a straight line, from the</u> <u>nearest property line of any existing</u> <u>bookstore, to the nearest property</u> <u>line of the proposed bookstore;</u> <u>3. No operation shall be permitted</u> <u>between 10:00 p.m. and 9:00 a.m.;</u> <u>4. All such establishments shall</u> <u>require a glass storefront design</u> <u>which allows law enforcement</u>
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		<u>officers to see into the entire sales and display area of the building from patrol vehicles and on foot;</u> <u>5. There shall be a limitation on window signs and displays within three (3) feet of the windows such that no more than twenty-five (25) percent of the glass area may be obscured;</u> <u>6. In-store gondolas, displays and aisles shall be aligned so as to allow observation by law enforcement officers from patrol vehicles and on foot;</u> <u>7. Such establishments shall set minimum lighting levels as 5.0 foot-candles at the task surface for the interior, 5.0 foot-candles for the exterior, and 3.0 foot-candles for parking areas; and such standards shall apply during all hours of operation and be reduced to 1.0 foot-candles for the interior and for other areas after hours; and</u> <u>8. Such establishments shall be subject to site plan review and special approval by the village council pursuant to the standards and procedures set forth in Article VI, in general, and Section 602, in particular.</u>
<u>B-2</u>	<u>No use of any kind except for restaurants and wine and craft beer cafes shall be established except in accordance with a site plan approved by the planning and zoning board as provided in Article VI, and no building shall be erected or altered in exterior appearance except in accordance with a design</u>	<u>1. All uses permitted in B-1 districts, subject to all limitations therein, except that restaurants in which service is provided primarily at tables or counters entirely within a building may also provide service, except for beer and wine to occupants of motor vehicles standing entirely within the boundaries of the plot on which such</u>

	<u>thereof approved by the planning and zoning board as provided in Article VI.</u> <u>Site plan review shall be required for the following and shall be referred to the planning and zoning board as provided in Article VI for review and the recommendation of the planning and zoning board shall be forwarded to the village council for final determination:</u> <u>1. Bookstores.</u> <u>2. Hotels.</u> <u>3. Outdoor cafes located on public property.</u> <u>Site plan review and approval by the planning and zoning board shall be specifically required for the following:</u> <u>1. Signs.</u> <u>2. Video sales and rentals.</u> <u>3. Outdoor cafes located on private property.</u>	<u>restaurant is located and in places designated therefor on the site plan approved for such use, as provided in Article VI.</u> <u>2. Video sales/rentals w/stipulations.</u> <u>3. Hotels, subject to the regulations applying to hotels in A-2 districts.</u> <u>4. Veterinary clinics without boarding facilities.</u> <u>5. Gasoline stations and minor motor vehicle repair.</u> <u>6. Establishments for general motor vehicle repair (which may include body work, welding and painting) but only in connection with sales and show rooms for new automobiles and on the same plot therewith.</u> <u>7. (a) Establishments supplying hourly dry cleaning and similar kinds of cleaning of wearing apparel.</u> <u>(b) All cleaning solutions and detergents used in such establishments shall be odorless and methods of using the same as well as the containers in which they are kept shall be approved by the board of fire underwriters and no noxious fumes or vapors shall be permitted.</u> <u>(c) All such businesses shall be so operated so as not to constitute any public or private nuisance.</u> <u>(d) Every business so conducted shall not employ more than five employees which shall include within its scope the owners and operators of said business, and shall not occupy floor space of more than 1,500 sq. ft. in any one approved location</u> <u>(e) Duly authorized officials of this village shall have the right at all</u>
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		<u>reasonable times to inspect the premises of businesses permitted hereunder.</u> <u>8. Package stores.</u> <u>9. Food operations:</u> <u>a. Restaurants: Subject to Chapter 4, Alcoholic Beverages, and Sec. 4-2, Special approval required, if applicable.</u> <u>b. Wine and craft beer cafes: Subject to Chapter 4, Alcoholic Beverages, and Sec. 4-2, Special approval required, if applicable.</u>
<u>C</u>	<u>All uses permitted in C districts shall conform to standards set forth in Article VI.</u> <u>Site plan review and approval by the planning and zoning board shall be required for the following:</u> <u>1. New buildings.</u> <u>2. Additions to buildings.</u> <u>3. Changes to the façade of buildings.</u> <u>4. New uses.</u> <u>5. The expansion in gross square footage of any permitted or any accessory use that would increase the parking requirement.</u> <u>6. Any change in use except for uses that are the same or less intense than the use it is proposed to replace.</u> <u>6. Signs.</u> <u>7. New site plans or alterations to existing site plans.</u>	<u>1. All uses, other than dwellings, that are permitted in R districts.</u> <u>2. Offices for business or professional use, but not including the retail sale of goods, materials or products, or any place of entertainment or amusement.</u> <u>3. Storage warehouses for food products, feed, household and garden supplies, or similar goods.</u> <u>4. Scientific research laboratories.</u> <u>5. Pharmaceutical laboratories.</u> <u>6. Cabinet making.</u> <u>7. Film processing.</u> <u>8. Manufacture of any of the following: Clocks, watches, handcraft products, novelty products, hearing aides, optical instruments, precision instruments, surgical instruments and dressing.</u> <u>9. Any use consisting of light fabrication, processing or handling of products, goods or materials that is determined by the planning and zoning board, by a finding made pursuant to a specific application, or</u>

		<u>by a general rule, and on the basis of such technical information as said board may deem to be necessary, to be similar to the foregoing specifically permitted uses with respect to general character, type of operation, traffic resulting from or in connection with the use, or other features, but not including any dwelling or hotel or any theater or other place of entertainment or amusements, or any use involving the retail sale of any good or products, including the sale of meals, beverages or refreshments.</u> <u>10. Incidental signs as permitted in Article V.</u> <u>11. Exercise studios.</u> <u>12. Health-Care operations:</u> <u>Clinical laboratories</u> <u>Dentist</u> <u>General medical services</u> <u>Optical services and supplies</u> <u>Physicians</u> <u>X-Ray clinics</u> <u>Home health care provider</u> <u>Psychologists</u> <u>Medical diagnostic center</u> <u>Physical therapy</u>
<u>S-1</u>	<u>Site plan review and approval by the planning and zoning board shall be required for universities.</u> <u>Development that is consistent with a campus master plan approved by the planning and zoning board shall not require further review by the planning and zoning board at the time of actual construction.</u>	<u>1. All uses permitted in R districts, as permitted therein.</u> <u>2. Universities, including all buildings and uses customarily appurtenant thereto.</u> <u>3. Signs in connection therewith, are to be subject to the approval of the planning and zoning board, as provided in Article VI.</u>

<u>P</u>		<u>1. Park and recreation facilities owned by the village or by Miami-Dade County.</u>
<u>CF</u>	<u>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).</u> <u>1. New buildings.</u> <u>2. Additions to buildings.</u> <u>3. Changes to the façade of buildings.</u> <u>4. New uses.</u> <u>5. Accessory uses under paragraph 6 of Permitted Uses.</u> <u>6. The expansion in gross square footage of any permitted or any accessory use that would increase the parking requirement.</u> <u>7. Any change in use except for uses that are the same or less intense than the use it is proposed to replace.</u> <u>8. Signs.</u> <u>9. New site plans or alterations to existing site plans.</u>	<u>1. Public libraries.</u> <u>2. Village governmental uses.</u> <u>3. Churches and other places of worship including accessory educational and recreational facilities.</u> <u>4. Public schools.</u> <u>5. Subject to Special Approval by the Village Council:</u> <u>(a) Private elementary and secondary schools.</u> <u>(b) Public utility installations to serve the Village.</u> <u>6. Subject to site plan approval by the planning and zoning board as provided in Article VI:</u> <u>(a) One accessory dwelling of not less than 400 sq. ft. and not more than 1,000 sq. ft. or fifty (50) percent of the gross floor area of the church or other place of worship in which it is located, whichever is less.</u> <u>(b) An accessory rectory, convent or monastery located on the same plot as the church or other place of worship.</u> <u>(c) An accessory office to a church or other place of worship may be located in a single-family detached dwelling provided there are no exterior modifications to such dwellings or indications that the structure is other than a single-family detached dwelling.</u>

<u>PK</u>	<u>No parking lot or parking structure shall be established except in accordance with a site plan approved by the planning and zoning board as provided in Article VI, and no parking lot or building shall be constructed or altered except in accordance with a design thereof approved by the planning and zoning board as provided in Article VI.</u>	<u>1. Parking lots, and parking structures subject in each case to approval of a site plan thereof by the planning and zoning board, as provided in Article VI.</u>
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SCHEDULE OF REGULATIONS – DIMENSIONAL STANDARDS BY DISTRICT
Being a Part of Article IV of the Miami Shores Village Zoning Ordinance No. 270

Commented [EN6]: Reorganization of the schedule of regulations chart (Sec. 411). Same information organized by separating the permitted uses from dimensional standards for ease.

<u>District(s)</u>	<u>Minimum Plot Size</u>	<u>Maximum Building Height</u>	<u>Required Front Yard Depth</u>	<u>Required Side Yards: Two required (except as otherwise specified below) each having the minimum width specified below.</u>	<u>Required Rear Yard Depth</u>	<u>Accessory Buildings</u>
<u>R-15,000</u>	<u>Width: 75 feet</u> <u>Area: 15,000 square feet</u>	<u>For dwellings: 2 stories, and shall not exceed 28 ft. measured from the minimum grade of the plot or when located in a flood zone, the minimum finished floor elevation as established by FEMA.</u>	<u>For dwellings: shall not exceed 25 ft.</u>	<u>Interior Side: 10 ft.</u> <u>Side Street (secondary frontage): 15 ft.</u> <u>For swimming pools: From inside face of pool wall to the lot line shall be: 12-1/2 ft.</u> <u>From pool deck or screen enclosure to the lot line: 10 ft.</u>	<u>For dwellings: shall not exceed 15 ft.</u> <u>For swimming pools: From inside face of pool wall to the lot line shall be: 7-1/2 ft.</u> <u>For swimming pools when</u>	<u>See below. *</u>
<u>R-12,000</u>	<u>Width: 75 feet</u> <u>Area: 12,000 square feet</u>	<u>For other buildings: 40 ft., excepting.</u>				
<u>R-10,000</u>	<u>Width: 75 feet</u> <u>Area: 10,000 square feet</u>					

Commented [EN7]: Proposed text updates only to “R” District columns.
 Removed the following from Max. Building height: ~~30 ft.~~
 Based on community surveys and comments overall building heights adjusted.
 Added rear yard setback measurements for pools when located adjacent to alleyway. 10ft. from pool wall and 7-½ft. from pool deck

		for all buildings, the features specified in Article V and subject to the conditions set forth therein.			adjacent to rear alley: 10 ft. From pool deck or screen enclosure to the lot line: 5 ft. For swimming pools when adjacent to rear alley: 7-1/2 ft. The shoreline setback for accessory structures shall not apply to pools, their decks or screen enclosures.	
<u>R-7,500</u>	<u>Width: 75 feet</u> <u>Area: 7,500 square feet</u>	<u>Accessory buildings: Not to exceed the height of the dwelling located on the same plot.</u>				
<u>A-1</u>	<u>Width: 75 feet</u> <u>Area: 7,500 sq. ft., with a construction limitation of 1 square foot of floor area for each 2 square feet of plot area (Floor Area Ratio of .5), but not less than the following area for each dwelling unit located on the plat, computed in accordance with the following room count per dwelling unit:</u>	<u>Same as specified for R districts.</u>	<u>For dwellings of all types: 25 feet</u> <u>For other buildings: Same as specified for "other buildings" in R districts.</u>	<u>For one-family dwellings: Same as specified for dwellings in R districts</u> <u>For other buildings: Same as specified for "other buildings" in R districts.</u>	<u>For one-family dwellings: Same as specified for dwellings in R districts.</u> <u>For other buildings: Same as specified for "other buildings" in R districts.</u>	

	<u>Lot Area No. of Rooms per Dwelling.</u> Unit 1- 1,400 sq. ft. 2- 1,800 sq. ft. 3- 2,200 sq. ft. 4 or more- 2,600 sq. ft.					
<u>A-2</u>	<u>Width: 75 feet.</u> <u>Area: 7,500 sq. ft., with a construction limitation of 1 square foot of floor area for each 2 square feet of plot area (Floor Area Ratio of .5)</u>	<u>Same as specified for A-1 districts.</u>	<u>Same as specified for A-1 districts.</u>	<u>Same as specified for A-1 districts.</u>	<u>Same as specified for A-1 districts.</u>	
<u>CR</u>	<u>For development standards, see Article V, Division 25, Community Residential District</u>					
<u>PRO</u>		<u>Same as specified for R districts.</u>		<u>For buildings permitted in R districts: Same as specified for such buildings in R districts.</u> <u>For other buildings: One story: 20 feet.</u>		
<u>B-1</u>	<u>For buildings permitted in R districts:</u> <u>Width: 75 feet.</u> <u>Area: 7,500 sq. ft.</u> <u>For other buildings:</u> <u>Width: 50 feet</u> <u>Area: 5,000 sq. ft.</u>	<u>For buildings permitted in R districts:</u> <u>Same as specified for such buildings in R districts.</u> <u>For other buildings: 40 feet</u>	<u>For buildings permitted in R districts:</u> <u>Same as specified for such buildings in R districts.</u> <u>For other buildings:</u> <u>Front yard: None required.</u> <u>Side yard: None required, unless a side wall of a building is pierced by openings, in which case a side yard not less than 5 feet in width shall be provided adjacent to such wall.</u> <u>Rear yard: Equivalent to 10% of the depth of the plot, which required rear yard, shall not be occupied by any accessory building.</u> <u>Other regulations:</u> <u>(a) Provision shall be made for the retention on the plot of all roof drainage, with adequate drainage structures for the disposal of the</u>			<u>No requirements, except as specified under rear yard requirements for "other buildings."</u>

			<u>same, all in accordance with specifications designated by the village manager.</u> <u>(b) All areas used for the parking of motor vehicles shall be paved in accordance with specifications designated by the village manager.</u>		
<u>B-2</u>	<u>Same as specified for B-1 districts.</u>	<u>For buildings permitted in R districts:</u> <u>Same as specified for such buildings in R districts.</u> <u>For other buildings: 50 feet.</u>	<u>For buildings permitted in R districts:</u> <u>Same as specified for such buildings in R districts.</u> <u>For other buildings:</u> <u>As may be designated on the approved site plan for the plot, as provided in Article VI, except that on any plot abutting a state highway, a yard not less than 25 feet in depth or width, as the case may be, shall be provided along the plot line contiguous to such state highway.</u>	<u>No requirement, except as may be designated on or in connection with the site plan for the plot, as provided in Article VI.</u>	
<u>C</u>	<u>Same as specified for B-1 districts.</u>	<u>Same as specified for B-1 districts.</u>	<u>For buildings permitted in R districts: Same as specified for such buildings in R districts.</u> <u>For other buildings: As may be designated on the approved site plan for the plot, as provided in Article VI.</u>	<u>Same as specified for B-2 districts.</u>	
<u>S-1</u>	<u>35 acres.</u>	<u>Equal to the distance of the building from any street line.</u>	<u>Such yard dimensions as may be shown on a site plan, which need cover only the minimum distance of buildings from street lines, approved by the planning and zoning board as provided in Article VI.</u>	<u>No limitation, except that no accessory building shall be located in any front or side yard.</u>	

<u>P</u>	<u>No requirement.</u>	<u>No requirement.</u>	<u>As may be designated on the approved site plan for the plot, as provided in Article VI.</u>	<u>No limitation, except that no accessory building shall be located nearer to any street line than the distance of the nearest main building from that street line, except for structures incidental to the operation of a park or country club.</u>
<u>CF</u>			<u>Same as P district.</u>	<u>Same as P district.</u>

***Accessory Buildings for "R" Districts.**

Accessory Buildings:

The floor area of all roofed accessory structures shall not exceed the floor area of the dwelling on the same plot and may be further restricted by plot coverage regulation

Location. In rear yard only as defined in Sec. 201.

Setbacks. not less than 15 ft. from the main building and not less than 10 ft. from any plot line of contiguous plot that bounds a side or front yard or not less than 5 ft. from any other plot line;

Corner plot. The rear line of which adjoins a side line of a plot to the rear, no accessory building shall be located nearer to the side street line than a distance equal to the depth of front yard required on the plot to the rear, provided further, that a swimming pool enclosure may be located in any side yard but not less than 10 ft. from the side plot line;

Accessory building shoreline setback. Not less than 15 ft.

Swimming Pools. Swimming pools are not permitted in any required front yard, except where the applicant demonstrates to the satisfaction of the Planning and Zoning Board that unique or peculiar site conditions justify such placement.

Front setbacks for other buildings.

Same as for dwellings. Provided as follows with respect to other buildings:

(a) If a building occupies a plot surrounded on at least 3 sides by streets, the yards adjacent to such streets shall have such dimensions as are specified on a site plan for such building, approved by the planning and zoning board as provided in Section VI.

Side setbacks for other buildings or structures.

Same as for dwellings unless otherwise specified in this code of ordinances.

Provided as follows with respect to other buildings:

(a) If a building occupies a plot surrounded on at least 3 sides by streets, the yards adjacent to such streets shall have such dimensions as are specified on a site plan for such building, approved by the planning and zoning board as provided in Section VI.

Rear setbacks for other buildings or structures.

Same as for dwellings unless otherwise specified in this code of ordinances.

Provided as follows with respect to other buildings:

If a building occupies a plot surrounded on at least 3 sides by streets, the yards adjacent to such streets shall have such dimensions as are specified on a site plan for such building, approved by the planning and zoning board as provided in Section VI.

No door of an accessory building opening on an alley shall be located less than 20 ft. from the center thereof.

247
248 Coverage.
249 Not more than 20% of the area of a rear yard, shall be covered by roofed structures with roofs that are more than 50
250 percent open to the sky, except that fabric or metal roofed structures permitted under Sec. 523.1(9) that are attached
251 to the dwelling need not be included in computing said coverage. Fences, walls and hedges shall conform to the
252 provisions of Article V.

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255 Sec. 412. Development standards.

256 The following additional development standards shall be applicable to properties
257 located within the One-family Residential (R) districts.

- 258 (1) ~~Maximum lot coverage: 40 percent for a one-story structure and 30 percent for a~~
259 ~~two-story structure.~~
260 a. R-7,500 District: 38 percent for all structures;
261 b. R-10,000 District: 40 percent for all structures;
262 c. R-12,000 District: 42 percent for all structures;
263 d. R-15,000 District: 45 percent for all structures;
264

265 (2) Maximum impervious surface: 55 percent impervious, 45 percent pervious.

266 (3) Maximum floor area ratio: 0.45.

267 (4) Required yard: Maximum 80 percent of front façade is allowed to be built to the
268 minimum front yard depth, with the front yard depth of the remaining 20 percent
269 of the front façade set back an additional five feet.

270 (5) Step backs: Additional step back of six feet for second story on both front and
271 side yards. The vertical plane of the front façade(s) of the second story, including
272 balconies, shall not exceed 65 percent of the allowable façade width.
273

274 This subsection shall not be applicable to:

- 275
276 (1) Additions to one-family dwellings that were in existence as of the date of
277 adoption of this section, if those additions total less than 50 percent of the
278 existing floor area of the one-family dwelling.
279 (2) A front or side façade of any one-family dwelling that is at least six feet back from
280 the applicable yard depth.
281

282 ***

283 Sec. 501. Prohibited uses.

- 284 (13) Use of any of the following as a dwelling of any type: accessory building,
285 building not designed for residential purposes, houseboat, temporary building,
286 tent, trailer or similar building or object.
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288 ***
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- 290 (30) Roof Decks within all residential districts.
291

Commented [EN8]: Code Sec. 515(5) outlines regulations for utility sheds having MDC product approvals and limits to 120 sq. ft. in size.

However Accessory Buildings include carports, garages, toolhouses, cabanas and similar buildings. Coverage allows a max. of 20% of rear yard area.

Is the code outlining differences between a pre-manufactured structure and new construction?

Commented [EN9]: Main difference between FAR and lot coverage, based on definitions as codified July 2024 is that with lot coverage a building is defined as enclosed space with a roof and shall include any covered terrace or balcony.

FAR Open or roofed terraces shall not be included when calculating FAR.

Commented [EN10]: Code text to be modified to ease exceptions for proposed additions located above existing garage space.

Secondly, Should step backs be implemented regardless of setbacks?

Step Back definition: A requirement that the vertical plane of the second story or second and third story of a building be recessed a certain distance from the yard depth.

Commented [EN11]: Code Sec. 201 Defines roof decks and states they are prohibited. However not codified in any other area. For clarity and ease of applicability it should be included.

Sec. 505. Towers, gables, water tanks, etc.

- (a) Towers, gables, penthouses, scenery lofts, cupolas, and similar structures and
(b) water tanks and necessary air conditioning and other mechanical
appurtenances, when appropriately screened, may be erected on a building to a
height greater than the limit established for the district in which the building is
located, provided that no such exception shall:

1. Cover at any level more than 15 percent of the roof on which it is located;
2. Exceed a height equal to the least distance from such structure to the line
of any plot in an R, A or PRO district;
3. Be used for sleeping or housekeeping purposes;
4. (Be used for any commercial purpose other than may be incidental and
subordinate to the permitted use of the main building.
5. All equipment and enclosures shall be set back from the roof perimeter so
that it is not visible from eye-level view from grade at a distance of 75 feet
from any front or rear property line of the subject lot. This shall be
demonstrated by line-of-sight drawings submitted as part of a zoning
submittal package.
6. All equipment shall be visually screened by an enclosure of sufficient
height which adequately hides the equipment from view from all angles
(excluding from above) and matches closely to its immediate surroundings
in texture, color, and appearance, or is set into the roof structure itself
without changing the visible contour of the roof as seen from the street.
7. Rooftop equipment and all screening elements shall not exceed six feet
above the roof slab for a flat roof or six feet above the top of the tie beam
for a pitched roof.

Commented [EN12]: Considering these types of
equipment are more commonly not being installed at
ground level some added guidelines would be useful.

Sec. 508. Established grade of plot.

The finished grade of a plot shall be not less than four inches above street grade; but
any use of fill shall be harmonious with the surrounding neighborhood.
For those properties located in areas identified as flood zones.

- (1) The established finished floor of a plot shall be at or above the minimum FEMA
base flood elevation.
- (2) For residential dwellings the maximum permitted height in all districts shall be
28~~30~~ feet from the finished grade, or minimum finished floor established by FEMA

(if located in a flood zone plus any additional mitigation requirements).

Sec. 509. Projection of awnings, canopies, open balconies, etc.

Canopies, awnings, open balconies, pivoted or casement sash, cornices, eaves and similar architectural features may project:

- (1) Not more than 48 inches from the front face of a building into any front yard setback. Not less than eight feet of clear headroom including the frame, cover and valance shall be provided under such projection.
- (2) Not more than 36 inches from the side or rear face of a building into any side or rear yard setback. Not less than seven feet of clear headroom including the frame, cover and valance shall be provided under such projection.
- (3) Second-story balconies and terraces located within residential zoning district(s) shall not be permitted to have direct access from interior common area space(s). Access shall be limited to private rooms.
- ~~(3)~~ (4) Fixed or retractable awnings on buildings located in B districts where front or side yards are provided:
 - a. May project not more than nine feet from the building wall into a front yard.
 - b. Shall not extend closer than two and one-half feet to the interior side property lines when projected from side walls, or closer than two and one-half feet to the rear property line.
 - c. Shall have the lowest elevation of the awning frame a minimum vertical height of eight feet above the sidewalk elevation. The awning shall provide an unobstructed, clear space between the grade and the bottom of the cloth cover of at least seven feet.
 - d. Shall be subject further to all state, county and village regulations.
 - e. Shall be architecturally integrated into the buildings, design and color.
- ~~(4)~~ (5) Fixed or retractable awnings on buildings in B districts where no front yard is provided or where the front yard is less than nine feet in depth, may be permitted on said building closer to the official right-of-way than would otherwise be permitted, subject to review and approval of the planning and zoning board and under the following conditions:
 - a. That the awning shall have the lowest elevation of the awning frame a minimum vertical height of eight feet above the sidewalk elevation. The awning shall provide an unobstructed, clear space between the grade and the bottom of the valance of at least seven feet.
 - b. That said awning does not extend more than nine feet from the building wall.
 - c. That where the awning extends over dedicated right-of-way and a curb and sidewalk exist, the awning shall come no closer than 18 inches to the curb line, no extension shall be made over dedicated right-of-way if no curb and sidewalk exist.
 - d. An agreement shall be executed and recorded by the property owner and

Commented [EN13]: This topic has appeared in many instances. This might be the appropriate section to include this language and also propose text to prescribe upper level area(s) by square footage or further guidelines.

tenant if other than an owner occupant, stating that the property owner shall remove the awning at their expense if required for any reason by the village director of public works or state or Miami-Dade departments responsible for the right-of-way.

e. Subject further to all state, county and village regulations.

(5)-(6) Canopies in the CF, and P districts may encroach:

a. From an entrance door to within 18 inches of the street line. Where a sidewalk or curb exists, the canopy may extend to within 18 inches of the curb line. Such canopies shall not be screened or enclosed in any manner and shall provide an unobstructed, clear space between the grade and the bottom of the canopy valance of at least seven feet. The location of vertical supports for the canopy shall be subject to review and approval by the director of public works.

b. Subject further to all state, county and village regulations.

Sec. 512. Projection of steps.

Steps, including platforms in connection therewith, not exceeding the first floor level in height, may extend into any yard setback for a distance not exceeding four feet, and may be provided with railings not exceeding three feet in height above the surface of the steps or platform.

Sec. 516. Structures constituting accessory buildings.

(7) *Air conditioning units, and mechanical equipment (including pool pumps, ~~and generators and above ground propane gas tanks and similar equipment~~)*. In the R and PRO districts shall be setback a minimum of ten feet from the side plot line, five feet from the rear plot line, and shall not be located in the front yard less than 25 feet from the front property line. Air conditioning units, and mechanical equipment (including pool pumps and generators), are not permitted in the first 25 feet from the front property line in any land use district. Proposals which would place mechanical equipment in the front yard more than 25 feet from the front property line shall require planning and zoning board approval. Existing air conditioning units, and mechanical equipment (including pool pumps, ~~and generators and above ground propane gas tanks and similar equipment~~), that were previously permitted and installed within the required yards may be replaced in their current location.

418 **Sec. 518. Fences, walls and hedges.**

419 (12) *Temporary construction site fencing.*

420 ~~Temporary construction site fencing may be allowed on those sites~~
421 ~~for which an approved building permit has been issued by the~~
422 ~~building department and while the building permit remains active.~~

423 a. Prior to the issuance of any building permit for a new structure,
424 major addition, or complete or partial demolition, a temporary
425 construction fence permit shall be obtained by the property owner
426 before a primary construction building permit is issued by the
427 Building Department.

428 b. Temporary construction site fencing shall be allowed on those
429 sites for which an approved building permit has been issued by the
430 building department and while the building permit remains active.

431 c. The temporary fencing shall be permitted only with the issuance
432 of a fence permit. Temporary fences shall be removed prior to
433 expiration of the building permit or finalizing the building permit
434 whichever comes first. The building official may allow construction
435 fencing to remain in place if existing safety hazards on the site
436 warrant continued fencing of the site.

437 d. Construction sites shall be enclosed with a six (6) foot chain link
438 fence with windscreen. A silt screen fence shall be installed at the
439 base of the chain link fence. For waterfront lots, the fence along the
440 water side may be reduced to three (3) feet in height, provided that
441 a windscreen and silt screen fence are also installed at the base.

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446 **Sec. 521. Required off-street parking.**

447 (a) Schedule of off-street parking requirements. Proper parking spaces shall be
448 provided at the time of the erection or occupancy of any main building or structure,
449 or at the time any main building or structure is increased in occupant capacity, or
450 at the time any use or occupancy of an existing building is changed to a use or
451 occupancy which increases the requirements for off-street parking facilities. Where
452 uses are mixed, the areas shall be identified and calculated by use. Credit for non-
453 useable space in buildings shall be allowed for restroom and hallway facilities only.
454 Credit for pedestrian access shall be allowed at one space per access corridor
455 according to the parking diagram. The number of parking spaces required is
456 specified in the following schedule of off-street parking requirements:

457
458 **MINIMUM OFF-STREET PARKING SCHEDULE REQUIREMENTS BY USAGE***

RESIDENTIAL USES:	SPACES REQUIRED:	LOADING SPACES REQUIRED**:
Dwellings Single-Family (1 unit)	2 spaces/dwelling unit with 1-3 bedrooms	None

Commented [EN14]: Community input demonstrated increased parking standards are encouraged. Families with more rooms generally generate more cars. This scaling avoids underbuilding parking for large homes but prevents oversizing small homes.

	3 spaces/dwelling unit with 4-5 bedrooms *One additional parking space shall be added per bedroom above five (5) bedrooms	
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(b) Size, materials, and location of off-street parking spaces and access aisles.

(2) Single-Family uses.

a. Driveway/parking spaces on the single-family plot. For all single-family uses, driveway/parking spaces on the plot shall comply with the following requirements.

1. Driveways shall be a minimum of 8 feet wide and a maximum of 20 feet wide.
2. All driveway areas must be a minimum of 10 feet from adjoining property lines at all points.
3. All driveways on the right-of-way must be a minimum of five feet from the prolongation of the property lines extended except driveway flares may be located not less than three feet from the prolongation of the property lines extended.
4. When located in the rear and serviced from an alley, access aisles shall be a minimum of eight feet wide and shall not be wider than 20 feet.
5. All aisles must be 15 feet from an intersection and must meet setbacks as required in this division.
6. Circular drives located wholly on the plot and their extension through the swale/parkway to the edge of the paved roadway may be a minimum of eight feet wide and a maximum of 12 feet wide.
7. The total of all paved areas in the front yard shall not occupy more than 50 percent of the required front yard with at least 50 percent of the front yard to be maintained as green space (pervious area).
8. The total of all paved areas within the right-of-way / driveway approach and swale area(s) shall not occupy more than twenty (20) percent of the required right-of-way area with at least eighty (80) percent to be maintained as green space (pervious area). The Public Works Director, or an authorized designee, may allow an alternative driveway design or impervious configuration where site conditions or drainage requirements warrant such design modifications, provided that the intent to minimize impervious coverage is preserved.
- ~~8- 9.~~ All driveways on the property that do not connect to a garage or carport must be setback a minimum of five feet from any point on any building.
- ~~9- 10.~~ Parking areas in the front, side and rear yard must be setback a minimum of ten feet from each side yard plot line.

Commented [EN15]: Staff has generally interpreted the 8 foot minimum width to mean that concrete ribbons / strips are discouraged.

Should the board feel different then perhaps clarifying text would be warranted.

Commented [EN16]: The Public Works Department has determined that preserving as much green space within ROW / swale areas is a top priority to mitigate stormwater effects.

Any right of way permits for driveway approaches have been guided to meet this requirement.

- 40- 11. Driveway flares shall not exceed 5 feet in width.
12. ~~Double~~ frontage lots shall be limited to a total of three (3) driveway curbcuts. Alleyway frontage not included.
13. No more than two (2) curbcuts shall be permitted on any one street frontage. Properties with two (2) curbcuts along the same street frontage, each curbcut shall not be more than 10 feet in width.
14. All spaces provided above three (3) parking spaces must use permeable or semi-permeable surfaces for driveway areas.

Commented [EN17]: Increasing parking requirements per bedroom count might have a negative impact of driveway areas being proposed. Limiting driveway dimensions and proposing permeable materials keeps stormwater in check and maintains a greener curb appeal.

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.

Sec. 523.1. Construction.

All buildings and structures shall be constructed of materials approved by and in a manner consistent with the then most current version of the Florida Building Code:

- (1) *Materials*. Interior structural walls shall be constructed of stone, wood, steel, brick, or cement or cement products. Construction of all exterior walls and exterior structural elements of a building shall be of stone, brick, tile, cement or cement products with the following exceptions:

- a. *Trim*. Door and window spaces may be trimmed in any material.
- b. *Architectural features*. Non-structural architectural features may be constructed of other materials.
- c. *Columns*. Structural columns for entryways or patios, with sides unenclosed, may be constructed of metal.
- d. *Trusses, joists, and beams*. Trusses, joists, and beams may be constructed of metal or wood.
- e. *Swimming pool enclosures*. Swimming pool enclosures may be framed in metal with screen mesh roof and walls.
- f. *Screened porches in residential districts*. Screened porches in residential districts every part of which is situated to the rear of the main building and between the prolongations of the side lines thereof, may be framed in metal.

- g. *Garage Conversions*. An Applicant converting the garage space of a residentially zoned property who proposes to remove and/or replace the exterior garage door shall be required to install a window within the existing masonry opening. Such window shall comprise not less than forty percent

Commented [EN18]: Proposed language to ensure design compatibility for allowing garage conversions to be processed administratively.

(40%) of the masonry opening and shall be designed to maintain architectural compatibility with the principal structure, including consistency in size, finish, and appearance with existing windows on the residence. Driveways shall adhere to code regulations as found within code section 521(b).

(2) *Decks*. Decks in the rear and side yards designed by a registered architect or professional engineer, meeting setback requirements and situated to the rear of the main building or to the side of the main building, may be framed in wood and may utilize wood or wood composite materials for decking.

(3) *Carports*. A carport, every part of which is situated to the rear of the building and between the prolongations of the side lines thereof, may be framed in metal with a metal or fabric roof, subject to section 523.1(9).

(4) *Covered passageways*. A covered passageway, with sides unenclosed, between a main building and an accessory building shall be constructed with materials identified in the first sentence of section one above.

(5) *Trellises, arbors, and pergolas*. A heavy framework of cross members in an ornamental openwork construction serving as a protective screen, not to exceed in height the roof eave line on a single-story residence to which it is attached, or not to exceed ten feet in height on a detached structure; in rear yards not to exceed more than 20 percent of the area of the yard; with minimum required setbacks as follows: No minimum separation distance is required between structures; Front yard, 25 feet; side yard, ten feet; and rear yard, five feet; to be designed by a registered architect and constructed of a material approved by the Florida Building Code.

(6) *Roofing Materials*. All roofs with inclines of not less than two and one-half inches per foot and all mansard fascia's shall be limited to the following materials:

a. Clay tile the color of which is impregnated with the same color intensity throughout;

b. White concrete tile;

c. Solid colored cement tile impregnated with the same color intensity throughout;

d. Thick butt variegated slate;

e. The roof pitch of any proposed addition, alteration, or new construction within a residential zoning district shall not exceed a 4:12 maximum slope ratio.

~~e.~~ f. Metal with a factory finish and that has received a "notice of acceptance" from Miami-Dade County and that is labeled "Miami-Dade County Product Control Approved" may be used as roofing material for residences and commercial buildings subject to review and approval of the planning director, in accordance with the following:

1. The subject residence is constructed in the high modern, post-war modern, ranch or Key West architectural style, or a variation thereof.

2. The type of roof shall be limited to standing seam metal and shall specifically exclude metal roofing intended to replicate barrel tile or Spanish-S tile.

3. The metal roof shall be one solid color throughout the roof.

4. The color of the roof material shall be a non-reflective neutral color

that shall not overwhelm or cause the roof to stand out in a significant manner. Primary colors and white are prohibited. No bright, electric or florescent colors shall be used.

5. The metal roof shall have a finish that is non-reflective with an initial solar reflectance (IR) or (SR) of .50 or less or a solar reflective index (SRI) of 60 or less.
6. Paint applied to painted metal roof panels must be applied to the panels at the factory using materials and a baking or other process that prevents the paint from cracking or chipping through normal wear and tear of a residential roof. All unfinished metal roofing is prohibited. Field applied painting of metal roofs is prohibited.
7. The details, color, and manner of installation shall be consistent with the architectural design, style, and composition of the residential or commercial structure and the character of the surrounding neighborhood.
8. An applicant for a metal roof shall submit a metal sample and color chart to the building department along with a completed building permit application for a roof.

Sec. 529. Level-of-service standard.

On-site drainage (structural drains or detention) shall meet the drainage level-of-service standards specified in Section 906(a) plus all appropriate county and state requirements.

(1) *Stormwater Quantity Regulations for Single-Family Development.* All single-family residential lots shall be designed to retain on-site, at a minimum, the stormwater runoff generated by a 25-year, 10-minute storm event, with no discharge permitted onto adjacent properties or public rights-of-way. Compliance may be demonstrated through one or more of the following equivalent design standards:

- a. For new single-family construction, or for additions that increase the existing square footage by 50 percent or more and involve significant land disturbance, a signed and sealed Stormwater Pollution Prevention Plan (SWPPP) shall be submitted. Such plan shall demonstrate appropriate stabilization measures and erosion control practices to prevent sediment transport during construction activities.
- b. A minimum 5-foot-wide pervious setback along at least three sides of the lot shall be provided, incorporating a swale with a minimum depth of six (6) inches at the property perimeter, together with at least 25 percent of the lot area maintained as pervious surface.
- c. The area located between the property line and the required impervious setback shall remain pervious in order to minimize runoff and prevent discharge to neighboring properties.
- d. Finished grade elevations along all property boundaries shall match the

- existing elevations of abutting parcels to avoid adverse impacts.
- e. Where proposed grading increases the elevation of the property by more than 1.5 feet above adjacent parcels, a retaining wall or other approved structural feature shall be required. Retaining walls shall be in accordance with code section(s) 8.5-74 and 518.
- f. Site grading shall be designed to direct stormwater away from all building foundations and to prevent uncontrolled discharge onto adjoining properties not approved to receive stormwater.
- g. Acceptable methods for meeting on-site retention requirements include, but are not limited to: landscaped green areas, swales, pervious pavers, permeable pavement systems, shallow dry exfiltration trenches, underground retention systems, or comparable best management practices.

Sec. 536. Design standards.

(1) Green space:

- a. Must be planted with living plant material including, but not limited to, one or a mix of shrubs, lawn, turf grass, sod or living ground cover, that provides complete ground coverage, except:
1. Up to ten percent of the green space area in the front yard may be covered with decorative landscaping stone of not less than one-half inch in diameter when used for decorative purposes as an adjunct to planting beds.
 2. Up to 20 percent of the green space area in the side and up to 20 percent of the green space area in the rear yard may be covered with decorative landscaping stone of not less than one-half inch in diameter when used for decorative purposes as an adjunct to planting beds.
- b. Not less than three (3) shade trees must be planted on a within the private plot. Tree planting shall be native to South Florida consisting of a minimum caliper size of 2 inches and minimum height of 10 feet at time of planting.
- c. Not less than one (1) street tree per fifty (50) linear feet of street frontage must be planted within the right-of-way / swale area. Tree planting shall be native to South Florida consisting of a minimum caliper size of 2 inches, clear trunk of 4 feet and height of 12 feet at time of planting. All tree planting within the public right-of-way must be approved by the Public Works Department through the submittal of a permit application.

- (2) The use of impervious material in the front, side and rear yards is prohibited except for areas dedicated to approved patios, pool decks tennis courts, village play fields and vehicular driveways where brick, concrete and asphalt must be used for the driveway and where the spaces between driveway slabs not more than six inches in width may be filled with minimum three-quarter inch dimension natural colored

rock including crushed rock, slate, river rock and pebbles. Chattahoochee stone or similar materials must not be substituted for grass, sod or living ground cover.

Section 3. Conflicting Provision. Any provisions of the Code of Ordinances of Miami Shores Village, Florida, in conflict with the provisions of this Ordinance are hereby repealed, but only to the extent of such conflict.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. It is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Miami Shores Village, Florida, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section," or other appropriate word.

Section 6. Effective Date. That this Ordinance shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this ____ day of ____, 2025.

First Reading: ____, 2025

Second Reading: ____, 2025



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Mayor Jerome Charles

ATTEST:

Ysabely Rodriguez, CMC Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Village Attorney
Weiss Serota Helfman Cole & Bierman P.L.