

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

69 Building height. The vertical distance from the established finished floor elevation
70 building level to (a) to the top of the roof in the case of for flat roofs, or (b) the mean level
71 between the eaves and the highest point of the top of tie-beam on the top floor for any
72 other type of the roof in the case of roofs of any other type. In flood hazard areas building
73 height shall be measured from the required base flood elevation, plus freeboard, to the
74 tie-beam on the top floor.

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78 Building, main. A building in which is conducted the principal use of a plot. The
79 principal structure located on a lot that contains the primary permitted use of the property
80 as allowed by the applicable zoning district. Accessory structures, including but not limited
81 to garages, sheds, pergolas and similar structures, shall not be considered main
82 buildings.

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86 Guest house. A detached or attached structure located on the same plot as a main
87 dwelling that is intended, designed, or used for the temporary or permanent
88 accommodation of persons not permanently residing in the main dwelling. A guest house
89 may include sleeping, cooking, or sanitary facilities and are not permitted in any zoning
90 district.

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94 Projection. A building feature permitted to encroach within the setback distance
95 requirements as established by the applicable zoning district(s). Projections shall be
96 permitted within any yard. Projections may include but are not limited to awnings, roof
97 eaves, terraces, balconies, canopies, chimneys, planters, walkways and steps.

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

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Structure. Anything constructed, erected, or installed, the use of which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, walls, fences, signs, towers, decks, and similar improvements.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. A story does not include a basement, as defined in chapter 8.5 of the Code, or understory.

Synthetic turf. A manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas.

Understory. The non-habitable space located below the first elevated habitable floor of the main building structure, where the finished floor elevation (F.F.E.) of the first habitable level is constructed in compliance with the latest adopted FEMA regulations, including base flood elevation plus required freeboard. Understory areas may be open or enclosed, and may be air-conditioned or non-air-conditioned, provided such areas comply with all applicable floodplain management requirements.

~~Yard, front.~~ A yard extending across the full width of the plot and lying between the front line of the plot and the building or group of buildings. The setback area of a plot extending across the full width of the front plot line, measured between the two side property lines. The required front yard depth shall be the minimum perpendicular distance from the front plot line to the nearest point of the main building, as required by the applicable zoning district.

~~Yard, rear.~~ A yard extending across the full width of the plot and lying between the rear line of the plot and the building or group of buildings. The setback area of a plot extending across the full width of the rear plot line, measured between the two side plot lines. The required rear yard depth shall be the minimum perpendicular distance from the rear property line to the nearest point of the main building, as required by the applicable zoning district.

~~Yard, side.~~ A yard between a side line of a plot and the building or group of buildings and extending from the front yard to the rear yard or, in the absence of either of such yards, to the front or rear plot line, as may be. The setback area of a plot extending along the side property line and measured between the required front yard line and the required rear yard line. The required side yard width shall be the minimum perpendicular distance from the side plot line to the nearest point of the main building, as required by the applicable zoning district. For a corner lot, the yard adjacent to a side street (secondary frontage) shall be considered a side yard, unless otherwise specified by the applicable

144 zoning district. The required width shall be the minimum perpendicular distance from the
145 side property line adjacent to the setback portion of a corner lot that extends along the
146 side property line adjacent to the street, alley, or right-of-way to the nearest point of the
147 building.

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151 **ARTICLE III. - DISTRICTS AND DISTRICT MAP**

152 **Sec 300.- Classes of districts.**

153

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

155

156 ***

157 (1) ~~One family R-1 residential district (which may be referred to collectively or severally~~
158 ~~as "R" districts) of the following classes, differentiated with respect to required~~
159 ~~minimum cubage of buildings, as set forth in this section:-~~

160

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	

161

162 The One-Family Residential District, hereafter referred to as the Residential ("R")
163 District, is established to accommodate detached single-family dwelling units.

164

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167

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

169 (a) ~~No building shall hereafter be erected nor shall any existing building be moved,~~
170 ~~altered, added to or enlarged except in conformity to the requirements as to minimum~~
171 ~~cubage of buildings and type of construction set forth in the aforesaid schedule for~~
172 ~~the district in which such building is located.~~

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

178 (b) No parcels of land zoned One-Family "R" Residential District shall be combined and/or
179 unified to create a buildable lot exceeding 21,500 gross square feet in overall size.

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183 **ARTICLE IV. - ESTABLISHMENT OF REGULATIONS**

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185

186 **Sec. 411. – Schedule of Regulations.**

187

188

SCHEDULE OF REGULATIONS

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

190

191 See Exhibit "A," which shows the deleted portions of this section of the Code.

192

193 R District Schedule of Regulations.

194

<u>District</u>	<u>Site Plan Review Required By the Planning Board as Provided in Article VI.</u>	<u>Permitted and Unauthorized Uses</u>
<u>R District</u>	<u>Site plan review and approval by the planning and zoning board is required for the following:</u> 1. <u>New dwellings.</u> 2. <u>Additions to dwellings, except for additions to dwellings less than 400 square feet, not visible from a public right-of-way (alleyways excluded).</u> 3. <u>Changes to the façade of single- family dwellings.</u>	1. <u>One-family dwellings, but not more than one dwelling on any one plot.</u> 2. <u>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>

	<p><u>4. Any permitted accessory structure located within the required 15 feet shoreline setback.</u></p> <p><u>5. Pools and pool decks in the front yard that are otherwise permitted by this ordinance.</u></p>	<p><u>3. Home occupation and professional offices.</u></p> <p><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></p> <p><u>5. Incidental signs as provided in Article V.</u></p> <p><u>6. The following is a partial list of uses deemed not to be included in the foregoing authorized uses nor in the list of permitted uses in the districts, as hereinafter set forth, unless expressly authorized:</u></p> <p><u>a. Guest houses.</u></p> <p><u>b. Accessory dwellings.</u></p> <p><u>c. Kitchens or bedrooms in accessory structures.</u></p> <p><u>d. More than one kitchen per dwelling.</u></p>
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SCHEDULE OF REGULATIONS – DIMENSIONAL STANDARDS FOR “R” DISTRICT
Being a Part of Article IV of the Miami Shores Village Zoning Ordinance No. 270

<u>District</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>

<p><u>One-Family “R” District</u></p>	<p><u>Width: 75 feet</u></p> <p><u>Area: 7,500 square feet</u></p>	<p><u>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.</u></p> <p><u>For other buildings: 40 ft., excepting, for all buildings, the features specified in Article V and subject to the conditions set forth therein.</u></p> <p><u>Accessory buildings: Not to exceed the height of the dwelling located on the same plot.</u></p>	<p><u>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 greater than 35 ft.; or 25 ft. if not more than one building exists within said 100 ft. on each side.</u></p>	<p><u>Interior Side: 10 ft.</u></p> <p><u>Side Street (secondary frontage): 15 ft.</u></p> <p><u>For swimming pools: From inside face of pool wall to the lot line shall be: 12-1/2 ft.</u></p> <p><u>From pool deck or screen enclosure to the lot line: 10 ft.</u></p>	<p><u>For dwellings: shall not exceed 15 ft.</u></p> <p><u>For swimming pools: From inside face of pool wall to the lot line shall be: 7-1/2 ft.</u></p> <p><u>From pool deck or screen enclosure to the lot line: 5 ft.</u></p> <p><u>The shoreline setback for accessory structures shall not apply to pools, their decks or screen enclosures.</u></p>	<p><u>*See below</u></p>
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202

203 ***Accessory buildings for one-family residential “R” district.**

204

205 Accessory Buildings:

206 Coverage. Roofed accessory structures shall not cover more than twenty percent (20%) of the required rear yard area.

207 For purposes of this section, coverage shall include pergolas or similar detached structures with roofs that are more

208 than fifty (50) percent covered or otherwise obstructed from the sky. Fabric or metal roofed structures permitted under

209 section 523.1(9), as amended, that attached to the main building shall be excluded from the rear yard coverage

210 calculation. Fences, walls and hedges shall comply with the provisions of Article V.

211

212 Maximum Floor Area. The total floor area of all roofed accessory buildings shall not exceed the floor area of the main

213 building on the same plot and may be further restricted by coverage regulations.

214

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

216

217 Setbacks. Not less than 15 feet from the main building and not less than 10 feet from any plot line abutting a side or

218 front yard or not less than 5 ft. from any other plot line.

219

220 Corner plot. On a corner plot where the rear plot line adjoins the side lot line of a rear plot, no accessory building shall

221 be located closer to the side street line than the required front yard depth of the rear plot. Notwithstanding the foregoing,

222 a swimming pool enclosure may be located in any side yard but not less than 10 feet from the side plot line;

223

224 Accessory building shoreline setback. Not less than 15 feet.

225
226 Swimming Pools. Swimming pools are not allowed within any required front yard, except where the applicant
227 demonstrates to the satisfaction of the Planning and Zoning Board that unique or peculiar site conditions justify such
228 placement.

229
230 Alley Access. No door of an accessory building opening on an alley shall be located less than 20 feet from the centerline
231 of the alley.

232
233 ***

234 **Sec. 412. Development standards.**

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

237 (1) Maximum lot coverage for lots consisting of one-story and two-story structures:
238 ~~40 percent for a one-story structure and 30 percent for a two-story structure.~~

239

<u>Lot Size</u>	<u>One-story Structures</u>	<u>Two-story Structures</u>
<u>7,500 square feet and above</u>	<u>40%</u>	<u>32%</u>
<u>12,000 square feet and above</u>	<u>42%</u>	<u>32%</u>
<u>15,000 square feet and above</u>	<u>44%</u>	<u>30%</u>
<u>21,000 square feet and above</u>	<u>45%</u>	<u>30%</u>

*For existing single-family residences built prior to 1965 OR prior to the adoption of this regulation undergoing renovation or square footage addition may be permitted up to a two (2) percent increase in maximum lot coverage beyond the applicable standards, provided that the principal structure is not demolished and retains a minimum of 50% of its existing exterior walls and 60% of its existing floor area. This incentive shall only apply to one-story additions.

240

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

242 (3) Maximum floor area ratio: 0.45.

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

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

249
250 This subsection shall not be applicable to:

- 251
252 (1) Additions to one-family dwellings that were in existence as of the date of adoption
253 of this section, if those additions total less than 50 percent of the existing floor area
254 of the one-family dwelling.
255 (2) A front or side façade of any one-family dwelling that is at least six feet back from
256 the applicable yard depth.

257
258 ***

259 **Sec. 501. Prohibited uses.**

- 260 (13) Use of any of the following as a dwelling of any type: accessory building, building
261 not designed for residential purposes, houseboat, temporary building, tent, trailer
262 or similar building or object.

263
264 ***

265
266 (30) Roof Decks within all residential districts.

267
268 ***

269
270 **Sec. 508. Established grade of plot.**

271 The finished grade of a plot shall be not less than four inches above street grade; but
272 any use of fill shall be harmonious with the surrounding neighborhood.

273
274 For those properties located in areas identified as flood zones.

275
276 ~~(1) The established finished floor of a plot shall be at minimum one (1) foot above or
277 above the minimum in accordance with FEMA regulations regarding base flood
278 elevation plus free board requirements.~~

279 ~~(2) For residential dwellings the maximum permitted height in all districts shall be 30~~
280 ~~feet from the finished grade, or minimum finished floor established by FEMA (if~~
281 ~~located in a flood zone plus any additional mitigation requirements).~~

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283 ***

284
285 **Sec. 509. Projection of awnings, canopies, open balconies, etc.**

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

- 288 (1) Not more than 48 inches from the front face of a building into any front yard

289 setback. Not less than eight feet of clear headroom including the frame, cover and
290 valance shall be provided under such projection.

291 (2) Not more than 36 inches from the side or rear face of a building into any side or
292 rear yard setback. Not less than seven feet of clear headroom including the frame,
293 cover and valance shall be provided under such projection.

294 (3) Second-story balconies and terraces located within residential zoning districts
295 shall not be permitted to have direct access from interior common area space(s).
296 Access shall be limited to private rooms.

297
298 (3) (4) Fixed or retractable awnings on buildings located in B districts where front or
299 side yards are provided:

301 (4) (5) Fixed or retractable awnings on buildings in B districts where no front yard is
302 provided or where the front yard is less than nine feet in depth, may be permitted
303 on said building closer to the official right-of-way than would otherwise be
304 permitted, subject to review and approval of the planning and zoning board and
305 under the following conditions:

307 (5) (6) Canopies in the CF, and P districts may encroach:

310 **Sec. 512. Projection of steps.**

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

317 **Sec. 516. Structures constituting accessory buildings.**

321 (7) *Air conditioning units, and mechanical equipment (including pool pumps, ~~and~~*
322 *generators and above ground propane gas tanks and similar equipment*). In the R
323 and PRO districts shall be setback a minimum of ten feet from the side plot line,
324 five feet from the rear plot line, and shall not be located in the front yard less than
325 25 feet from the front property line. Air conditioning units, and mechanical
326 equipment (including pool pumps and generators), are not permitted in the first 25
327 feet from the front property line in any land use district. Proposals which would
328 place mechanical equipment in the front yard more than 25 feet from the front
329 property line shall require planning and zoning board approval. Existing air
330 conditioning units, and mechanical equipment (including pool pumps, ~~and~~
331 *generators and above ground propane gas tanks and similar equipment*), that were
332 previously permitted and installed within the required yards may be replaced in

333 their current location.
334

335 ***
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337 **Sec. 518. Fences, walls and hedges.**

338 (12) *Temporary construction site fencing.*
339 ~~Temporary construction site fencing may be allowed on those sites for which an~~
340 ~~approved building permit has been issued by the building department and while the~~
341 ~~building permit remains active.~~

342 a. Prior to the issuance of any building permit for a new structure, major addition, or
343 complete or partial demolition, a temporary construction fence permit shall be
344 obtained by the property owner before a primary construction building permit is
345 issued by the Building Department.

346 b. Temporary construction site fencing shall be required on those sites for which an
347 approved building permit has been issued by the building department and while
348 the building permit remains active. Construction sites shall be enclosed with a six
349 (6) foot chain link fence with windscreen. A silt screen fence shall be installed at
350 the base of the chain link fence.

351 c. The temporary fencing shall be permitted only with the issuance of a fence permit.
352 Temporary fences shall be removed prior to expiration of the building permit or
353 finalizing the building permit whichever comes first. The building official may allow
354 construction fencing to remain in place if existing safety hazards on the site warrant
355 continued fencing of the site.

356 ***
357

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

359 (a) Schedule of off-street parking requirements.
360 ***

361
362 MINIMUM OFF-STREET PARKING SCHEDULE REQUIREMENTS BY USAGE*

RESIDENTIAL USES:	SPACES REQUIRED:	LOADING SPACES REQUIRED**:
Dwellings Single-Family (1 unit)	2 spaces/dwelling unit <u>with 1-3 bedrooms</u> 3 spaces/dwelling unit <u>with 4-5 bedrooms</u> <u>*One additional parking space shall be added per bedroom above five (5) bedrooms</u>	None

363 ***
364

365
366 (b) *Size, materials, and location of off-street parking spaces and access aisles.*
367

368 (2) *Single-Family uses.*

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

372 ***

373
374 8. The total of all paved areas within the right-of-way / driveway
375 approach and swale area(s) shall not occupy more than twenty
376 (20) percent of the required right-of-way area with at least eighty
377 (80) percent to be maintained as green space (pervious area).
378 The Public Works Director, or their designee, may allow an
379 alternative driveway design or impervious configuration where
380 site conditions or drainage requirements warrant such design
381 modifications, provided that the intent to minimize impervious
382 coverage is preserved.

383 ~~8.~~ 9. All driveways on the property that do not connect to a garage or
384 carport must be setback a minimum of five feet from any point on
385 any building.

386 ~~9.~~ 10. Parking areas in the front, side and rear yard must be setback
387 a minimum of ten feet from each side yard plot line.

388 ~~10.~~ 11. Driveway flares shall not exceed 5 feet in width.

389 12. Double frontage lots shall be limited to a total of three (3)
390 driveways. Alleyway frontage shall not be included.

391 13. No more than two (2) driveways shall be permitted on any one
392 street frontage. Properties with two (2) driveway approaches
393 along the same street frontage, each approach shall not be more
394 than 10 feet in width.

395 14. All spaces provided above three (3) parking spaces must use
396 permeable or semi-permeable surfaces for driveway areas.

397 ***
398

399 ~~**Sec. 522. Minimum building cubage.**~~

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

405
406 ***
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408 **Sec. 523.1. Construction.**

409 All buildings and structures shall be constructed of materials approved by and in a

410 manner consistent with the then most current version of the Florida Building Code:
411 (1) *Materials*. Interior structural walls shall be constructed of stone, wood, steel, brick,
412 or cement or cement products. Construction of all exterior walls and exterior
413 structural elements of a building shall be of stone, brick, tile, cement or cement
414 products with the following exceptions:

415 ***

416
417 g. *Garage Conversions*. An Applicant converting an existing garage space on
418 a residentially zoned property may remove or enclose the garage door opening,
419 provided the opening is fully enclosed with materials that meet the Florida
420 Building Code and create a finished exterior wall assembly. Where a garage
421 door facing a public street is removed, the resulting wall plane shall not consist
422 of a blank, uninterrupted façade exceeding one hundred (100) square feet
423 without fenestration or architectural articulation. Required off-street parking and
424 driveway standards shall adhere to code regulations as found within section
425 521(b) of this Code.

426 ***

427
428 ~~(6) *Roofing Materials*. All roofs with inclines of not less than two and one-half inches~~
429 ~~per foot and all mansard fascia's shall be limited to the following materials:~~

- 430 ~~a. Clay tile the color of which is impregnated with the same color intensity~~
431 ~~throughout;~~
432 ~~b. White concrete tile;~~
433 ~~c. Solid colored cement tile impregnated with the same color intensity~~
434 ~~throughout;~~
435 ~~d. Thick butt variegated slate;~~
436 ~~e. Metal with a factory finish and that has received a "notice of acceptance"~~
437 ~~from Miami Dade County and that is labeled "Miami Dade County Product~~
438 ~~Control Approved" may be used as roofing material for residences and~~
439 ~~commercial buildings subject to review and approval of the planning director,~~
440 ~~in accordance with the following:~~
441 ~~i. The subject residence is constructed in the high modern, post war~~
442 ~~modern, ranch or Key West architectural style, or a variation thereof.~~
443 ~~ii. The type of roof shall be limited to standing seam metal and shall~~
444 ~~specifically exclude metal roofing intended to replicate barrel tile or~~
445 ~~Spanish-S tile.~~
446 ~~iii. The metal roof shall be one solid color throughout the roof.~~
447 ~~iv. The color of the roof material shall be a non-reflective neutral color~~
448 ~~that shall not overwhelm or cause the roof to stand out in a significant~~
449 ~~manner. Primary colors and white are prohibited. No bright, electric~~
450 ~~or florescent colors shall be used.~~
451 ~~v. The metal roof shall have a finish that is non-reflective with an initial~~
452 ~~solar reflectance (IR) or (SR) of .50 or less or a solar reflective index~~
453 ~~(SRI) of 60 or less.~~
454 ~~vi. Paint applied to painted metal roof panels must be applied to the~~
455 ~~panels at the factory using materials and a baking or other process~~

456 that prevents the paint from cracking or chipping through normal
457 wear and tear of a residential roof. All unfinished metal roofing is
458 prohibited. Field applied painting of metal roofs is prohibited.
459 ~~vii. The details, color, and manner of installation shall be consistent with~~
460 ~~the architectural design, style, and composition of the residential or~~
461 ~~commercial structure and the character of the surrounding~~
462 ~~neighborhood.~~
463 ~~viii. An applicant for a metal roof shall submit a metal sample and color~~
464 ~~chart to the building department along with a completed building~~
465 ~~permit application for a roof.~~
466

467 ***
468

469 **Sec. 534. Development.**

470 Any new development on land adjacent to Biscayne Bay, Biscayne Canal or other
471 tributaries of the bay shall be subject to special approval under Article VI of this
472 ordinance. The site plans shall be reviewed with respect to:
473
474

475 (5) Flood-Resilient Understory Design for Single-family Development.

- 476 a. New single-family development adjacent to Biscayne Bay, Biscayne Canal,
477 or other tributaries of the Bay may incorporate flood-resilient design
478 practices within flood-prone areas of the village, including elevated
479 construction with understory designs that reduce reliance on fill, preserve
480 natural drainage patterns, and allow for the free flow of floodwaters, while
481 maintaining neighborhood compatibility and public safety. This provision
482 applies to all new single-family residential construction and substantial
483 improvements located within flood-prone areas as delineated on the most
484 current Flood Insurance Rate Maps (FIRM) in compliance with the latest
485 adopted FEMA regulations
- 486 b. Where elevation of the first habitable floor is required to meet minimum flood
487 elevation and freeboard requirements, such elevation should be achieved,
488 to the maximum extent practicable, using an elevated building design
489 incorporating an open or enclosed understory.
- 490 c. Elevation of a structure primarily through the placement of structural or non-
491 structural fill for the purpose of meeting minimum finished floor elevation is
492 discouraged.
- 493 d. Understory areas are limited to the following non-habitable uses:
- 494 i. Parking and vehicle storage;
 - 495 ii. Building access, including stairs, ramps, and elevators;
 - 496 iii. Storage incidental to residential use;
 - 497 iv. Mechanical, electrical, and plumbing equipment; and
 - 498 v. Other similar non-habitable uses that are compatible with flood
499 exposure.
- 500 e. Floodplain Performance Standards:

- i. Understory areas shall be designed to allow for the free flow of floodwaters in compliance with FEMA regulations and the Florida Building Code.
- ii. Any enclosed portions of the understory located below the minimum flood elevation may utilize flood-damage-resistant materials and, where applicable, breakaway walls or openings as required by code.
- iii. The ground plane within non-air-conditioned portions of the understory shall consist of pervious or semi-pervious materials to the maximum extent practicable.
- iv. Fill within flood-prone areas shall be minimized and limited to that necessary for structural stability, utilities, access, or life-safety requirements.
- v. The use of fill to elevate large portions of a lot for the sole purpose of meeting minimum finished floor elevation requirements is discouraged.

518 **Sec. 536. Design standards.**

519 (1) Landscaping Regulations: The minimum standards and requirements for all
520 development requests within the village shall conform to the minimum
521 requirements of chapter 18A, Code of Miami-Dade County Landscaping
522 Ordinance and Landscape Manual, as may be amended from time to time.

523 (2) (4) Green space:

524 a. Must be planted with living plant material including, but not limited to, one
525 or a mix of shrubs, lawn, turf grass, sod or living ground cover, that provides
526 complete ground coverage, except:

527 1. Up to ten percent of the green space area in the front yard may be
528 covered with decorative landscaping stone of not less than one-
529 half inch in diameter when used for decorative purposes as an
530 adjunct to planting beds.

531 2. Up to 20 percent of the green space area in the side and up to 20
532 percent of the green space area in the rear yard may be covered
533 with decorative landscaping stone of not less than one-half inch in
534 diameter when used for decorative purposes as an adjunct to
535 planting beds.

536 b. Not less than two trees must be planted ~~on a~~ within the private plot.

537
538 (3) (2) The use of impervious material in the front, side and rear yards is prohibited
539 except for areas dedicated to approved patios, pool decks tennis courts, village
540 play fields and vehicular driveways where brick, concrete and asphalt must be
541 used for the driveway and where the spaces between driveway slabs not more
542 than six inches in width may be filled with minimum three-quarter inch dimension
543 natural colored rock including crushed rock, slate, river rock and pebbles.
544 Chattahoochee stone or similar materials must not be substituted for grass, sod or
545 living ground cover.

546 (4) ~~(3)~~ A boat storage area of 260 square feet surfaced by gravel rock of one-half inch
547 diameter, or greater, is permitted.

548 (5) ~~(4)~~ Use of mulch or decorative landscaping stone as ground cover to enhance the
549 growth of an adjacent shrub or tree is permitted in green spaces; however cypress
550 mulch, shell, crushed stone pebbles, inorganic mulch, plastic, rubber and glass
551 must not be used.

552 (6) ~~(5)~~ Vegetable gardens are permitted in rear yards only.

553 (7) ~~(6)~~ Safe site distance/triangle driveways. Hedges and all landscaping plants and
554 material are subject to the driveway safe site distance/triangle requirements of
555 subsection 521(b)(1)f. Hedges and other landscaping plants and material must not
556 exceed two and one-half feet in height within the safe site distance/triangle.

557 (8) ~~(7)~~ *Synthetic turf standards for the rear and side yards:*

558 ***
559 b. Applicability to properties one acre or less.

560
561 1. Notwithstanding any other provisions in this section, for single-family residential
562 properties one acre or less in size, synthetic turf shall not be prohibited and shall
563 be governed only by the minimum standards adopted by the Florida Department
564 of Environmental Protection (DEP) pursuant to Fla. Stat. §125.572, as may be
565 amended. Any village requirements concerning material type, pile length, infill,
566 coverage, setbacks, drainage, or installation methods shall not apply to properties
567 one acre or less if such requirements conflict with DEP standards.

568 2. Compliance with DEP standards shall be verified during the permitting process,
569 but a permit may not be denied solely because the synthetic turf installation meets
570 the DEP minimum standards.

571 3. All other provisions of this section remain applicable to properties greater than
572 one acre in size.

573 (9) ~~(8)~~ *Synthetic turf standards for the driveway:*

574
575 f. Applicability to properties one acre or less.

576
577 1. Notwithstanding any other provisions in this section, for single-family residential
578 properties one acre or less in size, synthetic turf shall not be prohibited and shall
579 be governed only by the minimum standards adopted by the Florida Department
580 of Environmental Protection (DEP) pursuant to Fla. Stat. §125.572, as may be
581 amended. Any village requirements concerning material type, pile length, infill,
582 coverage, setbacks, drainage, or installation methods shall not apply to properties
583 one acre or less if such requirements conflict with DEP standards.

584 2. Compliance with DEP standards shall be verified during the permitting process,
585 but a permit may not be denied solely because the synthetic turf installation meets
586 the DEP minimum standards.

587 3. All other provisions of this section remain applicable to properties greater than
588 one acre in size.

589
590 ***

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

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

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

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

607
608 PASSED AND ADOPTED this ___ day of _____, 2026.

609
610 First Reading: _____, 2026
611 Second Reading: _____, 2026



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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.

DRAFT