

- 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 grade elevation of a plot

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, supporting a roof

72 structure, on the top floor for any other type of the roof in the case of roofs of any other

73 type.

74 ***

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

76 principal structure located on a lot that contains the primary permitted use of the property

77 as allowed by the applicable zoning district. Accessory structures, including but not limited

78 to garages, sheds, pergolas and similar structures, shall not be considered main

79 buildings.

80 ***

81 Established grade. The finished grade of a plot shall be not less than four inches

82 above street grade. For those properties located in areas identified as flood zones:

- 83 (1) The established finished floor of a plot shall be at or above the minimum FEMA
- 84 base flood elevation.
- 85 (2) For residential dwellings the maximum permitted height in all districts shall be
- 86 28 feet from the finished grade, or minimum finished floor established by FEMA
- 87 (if located in a flood zone plus any additional mitigation requirements).

88 ***

89 Guest house. A detached or attached structure located on the same plot as a main

90 dwelling that is intended, designed, or used for the temporary or permanent

91 accommodation of persons not permanently residing in the main dwelling. A guest house

92 may include sleeping, cooking, or sanitary facilities and is not permitted in any zoning

93 district.

94 ***

95 Projection. A building feature permitted to encroach within the setback distance

96 requirements as established by the applicable zoning district(s). Projections shall be

97 permitted within any yard. Projections may include but are not limited to awnings, roof

98 eaves, terraces, balconies, canopies, chimneys, planters, walkways and steps.

99 ***

100

101

102
103 Structure. Anything constructed, erected, or installed, the use of which requires
104 location on the ground or attachment to something having a location on the ground,
105 including but not limited to buildings, walls, fences, signs, towers, decks, and similar
106 improvements.
107

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

113 ***

114 Synthetic turf. A manufactured product that resembles natural grass and is used as
115 a surface for landscaping and recreational areas.
116

117 ***

118
119 Understory. The non-habitable space located below the first elevated habitable floor
120 of the main building structure, where the finished floor elevation (F.F.E.) of the first
121 habitable level is constructed in compliance with the latest adopted FEMA regulations.
122 Understory areas are limited by square footage and those certain non-habitable uses in
123 accordance with the provisions of Section 534(d) of this Code.

124 ***

125
126 Yard, front. A yard extending across the full width of the plot and lying between the
127 front line of the plot and the building or group of buildings. The setback area of a plot
128 extending across the full width of the front plot line, measured between the two side
129 property lines. The required front yard depth shall be the minimum perpendicular distance
130 from the front plot line to the nearest point of the main building, as required by the
131 applicable zoning district.

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

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

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

149 ***

150

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

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

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

154 ***

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

158

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	

159

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

162

163 ***

164

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

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

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

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

177

178

179

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

181

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

183

SCHEDULE OF REGULATIONS

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

185

186 See Exhibit “A,” which shows the deleted portions of this section of the Code.

187 R District Schedule of Regulations.

188

<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-1 District</u>	<u>Site plan review and approval by the planning and zoning board is required for the following:</u> <u>1. New dwellings.</u> <u>2. Additions to dwellings, except for additions to dwellings less than 400 square feet, not visible from a public right-of-way (alleyways excluded).</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</u>

		<p>Article V.</p> <p>6. The following is a partial list of <u>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>a. <u>Guest houses.</u></p> <p>b. <u>Accessory dwellings.</u></p> <p>c. <u>Kitchens or bedrooms in accessory structures.</u></p> <p>d. <u>More than one kitchen per dwelling, except outdoor kitchen(s) are permitted.</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 28 ft. measured from the established grade of the plot.</u></p> <p><u>Other buildings not within the “R” district: 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 in “R” District: Not to exceed 15 ft. measured from the established grade of the 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 be a minimum 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>
--	--	---	--	--	---	---------------------------------

196

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

198

199 Accessory Buildings:

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

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

202 than fifty (50) percent covered or otherwise obstructed from the sky. Fences, walls and hedges shall comply with the

203 provisions of Article V.

204

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

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

207

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

209

210 Setbacks. Not less than 10 ft. from the main building and not less than 10 feet from any plot line abutting a side,

211 secondary frontage or front yard and not less than 5 feet from any rear plot line adjacent to an alleyway or not less than

212 7-½ feet from any other rear plot line.

213

214 Corner plot. On a corner plot where the rear lot line abuts the side lot line of an adjacent plot, no accessory structure

215 shall be located closer to the side street property line than the required front yard setback applicable to the adjacent

216 plot. Notwithstanding the foregoing, a swimming pool enclosure may be located in any side yard but not less than 10

217 feet from the side plot line.

218

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

220
221 Swimming Pools. Swimming pools are not allowed within any required front yard, except where the applicant
222 demonstrates to the satisfaction of the Planning and Zoning Board that unique or peculiar site conditions justify such
223 placement.

224
225 Alley Access. No door of an accessory building opening on an alley shall be located less than 20 feet from the centerline
226 of the alley.

227
228 ***

229 **Sec. 412. Development standards.**

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

232 (1) Maximum lot coverage for lots consisting of one-story and two-story structures:
233 ~~40 percent for a one-story structure and 30 percent for a two-story structure.~~

<u>Lot Size</u>	<u>One-story Structures</u>	<u>Two-story Structures</u>
<u>7,500 square feet and above</u>	<u>42%</u>	<u>32%</u>
<u>12,000 square feet and above</u>	<u>40%</u>	<u>30%</u>
<u>15,000 square feet and above</u>	<u>38%</u>	<u>28%</u>
<u>21,000 square feet and above</u>	<u>38%</u>	<u>28%</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, provided that adopted impervious regulations are maintained.

235
236 (2) Maximum impervious surface: 55 percent impervious, ~~45 percent pervious.~~
237 Synthetic turf shall be counted toward impervious surface coverage in accordance
238 with Sec. 536(7) of this Code.

239 (3) Maximum floor area ratio: 0.45.

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

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

247 This subsection shall not be applicable to:

248
249 ~~(1) Additions to one-family dwellings that were in existence as of the date of adoption~~
250 ~~of this section, if those additions total less than 50 percent of the existing floor area~~
251 ~~of the one-family dwelling.~~

252 ~~(2) A front or side façade of any one-family dwelling that is at least six feet back from~~
253 ~~the applicable yard depth.~~

254
255 ***

256 **Sec. 501. Prohibited uses.**

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

260 ***

261
262 (30) Roof Decks within all residential districts.

263
264 ***

265 **Sec. 505. Water tanks, Air Conditioning Equipment and other Mechanical** 266 **Appurtenances, etc. Towers, gables, water tanks, etc.**

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

- 272 1. Cover at any level more than 15 percent of the roof on which it is located;
- 273 2. For non-residential district(s), Exceed an overall height of six (6) feet above
274 the roof slab for a flat roof or above the top of the tie beam for a pitched roof
275 equal to the least distance from such structure to the line of any plot in an
276 R, A or PRO district;
- 277 3. Be used for sleeping or housekeeping purposes;
- 278 4. Be used for any commercial purpose other than may be incidental and
279 subordinate to the permitted use of the main building.
- 280 5. For residential district(s), Shall be located at grade where feasible and
281 designed to minimize visual, and noise impacts on adjacent properties,
282 streets, and public rights-of-way.

283 6. Where compliance with the aforementioned regulations result in a practical
284 hardship due to floodplain regulations, site constraints or other conditions
285 not self-created by the property owner, an exception may be granted by the
286 Planning and Zoning Board pursuant to site plan approval. In granting such
287 exception, the Planning and Zoning Board shall make the following findings:

288 i. For two-story residential structures, whether newly constructed or
289 substantially improved, the combined height of the structure and all
290 mechanical equipment, including any platforms, curbs, screening, or
291 enclosures, shall not exceed the maximum building height permitted
292 by the applicable zoning district;

293 ii. No reasonable alternative location or configuration exists that would
294 allow compliance with the maximum building height;

295 iii. The proposed equipment location and placement represents the
296 minimum deviation necessary to address the hardship;

297 iv. The installation will not result in adverse visual, noise, or safety
298 impacts to surrounding properties or adjacent public rights-of-way.

299 ***

300 **Sec. 508. Established grade of plot.**

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

303 For those properties located in areas identified as flood zones-₁

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

307 ~~(2) For residential dwellings the maximum permitted height in all districts shall be 30~~
308 ~~feet from the finished grade, or minimum finished floor established by FEMA (if~~
309 ~~located in a flood zone plus any additional mitigation requirements).~~
310
311
312

313 ***

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

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

317 (1) Not more than 48 inches from the front face of a building into any front yard
318 setback. Not less than eight feet of clear headroom including the frame, cover and
319 valance shall be provided under such projection.

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

323 (3) Second-story balconies and terraces located within residential zoning districts
324 shall not be permitted to have direct access from interior common area space(s).
325 Access shall be limited to private rooms.
326

327 ~~(3)~~ (4) Fixed or retractable awnings on buildings located in B districts where front or
328 side yards are provided:

330 (4) (5) Fixed or retractable awnings on buildings in B districts where no front yard is
331 provided or where the front yard is less than nine feet in depth, may be permitted
332 on said building closer to the official right-of-way than would otherwise be
333 permitted, subject to review and approval of the planning and zoning board and
334 under the following conditions:

336 ~~(5)~~ (6) Canopies in the CF, and P districts may encroach:

339 **Sec. 512. Projection of steps.**

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

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

347 Accessory buildings shall be deemed to include the following or any combination
348 thereof:

- 349 (1) Private garages, carports, pergolas, garden toolhouses and similar buildings.
- 350 (2) Children's playhouses.
- 351 (3) A dish antenna, as hereinafter defined, when constructed in accordance with the
352 following criteria:

355 (4) Structures for raising plants, subject to approval by the planning and zoning board
356 for any such structure exceeding 80 square feet in area of ground coverage.

357 (5) *Utility sheds*. Notwithstanding any other provisions of this ordinance, a utility shed
358 may be constructed of construction material permitted under the Florida Building
359 Code and having Miami-Dade product approval, provided that:

- 360 a. The utility shed is located in the rear yard.
- 361 b. The utility shed must not be located in front of a door or window.
- 362 c. The utility shed complies with the setback requirements for an accessory
363 structure except that a utility shed as regulated under Subsection 516(5) is
364 not required to maintain a 10-15-foot separation distance from the main
365 building as required for accessory structures under Section 400, Schedule
366 of Regulations, or from other accessory structures.

- d. The utility shed does not exceed 120 square feet in area.
 - e. The utility shed does not exceed eight feet in height as measured from the adjacent grade measured to the center line of the roof.
 - f. A building permit is obtained from Miami Shores Village prior to the erection of the utility shed.
 - g. Utility sheds must not contain electric, water or telephone service, and must not be used for a commercial purpose.
 - h. An accessory building shall not be used for human habitation and must not contain any household facilities or sleeping accommodations of any kind.
- (6) A basketball goal, as herein defined, when constructed in accordance with the following criteria, which shall be excluded from criteria set forth in the Schedule of Regulations being a part of Article IV of said ordinance.

- (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, provided they are screened from view from the public right-of-way and adjoining properties.

Sec. 518. Fences, walls and hedges.

(12) Temporary construction site fencing.

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

- a. A temporary construction fence permit shall be obtained prior to the commencement of any site work, including demolition, new construction, or major additions. Temporary fencing may be installed only after all applicable development approvals have been granted. The issuance of a temporary fence permit shall not authorize demolition or construction activity in the absence of required development approvals or building permits.
- b. Temporary construction site fencing shall be required on those sites for which a building permit or demolition permit has been issued and remains active.

412 Construction sites shall be enclosed with a six (6) foot chain link fence with
 413 windscreen. A silt screen fence shall be installed at the base of the chain link fence.
 414 c. The temporary fencing shall be permitted only with the issuance of a fence permit
 415 in accordance with the allowed fencing materials pursuant to Code Sec. 518(16).
 416 Temporary fences shall be removed prior to expiration of the building permit or
 417 finalizing the building permit whichever comes first. The building official may allow
 418 construction fencing to remain in place if existing safety hazards on the site warrant
 419 continued fencing of the site.

420 ***

421
 422 **Sec. 520. Applicability; general provisions.**

423 ~~(g) *Impervious surfaces.* All parking spaces shall be considered impervious for the~~
 424 ~~purpose of calculating required green space pursuant to district requirements~~
 425 ~~established in the Code for pervious and impervious areas.~~

426 ***

427
 428
 429 **Sec. 521. Required off-street parking.**

430 (a) Schedule of off-street parking requirements.

431 ***

432
 433
 434 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 with 4-5 bedrooms <u>*One additional parking space shall be added per bedroom above five (5) bedrooms</u>	None

435 ***

436
 437
 438 (b) *Size, materials, and location of off-street parking spaces and access aisles.*

439
 440 (2) *Single-Family uses.*

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

444 ***

445
 446 8. The total of all paved areas within the public right-of-way /
 447 driveway approach and swale area(s) shall not occupy more than

448 twenty (20) percent of the required right-of-way. The Public
449 Works Director, or their designee, may allow an alternative
450 driveway design or impervious configuration where site
451 conditions or drainage requirements warrant such design
452 modifications, provided that the intent to minimize impervious
453 coverage is preserved.

454 8. 9. All driveways on the property that do not connect to a garage or
455 carport must be setback a minimum of five⁵ feet from any point
456 on any building.

457 9. 10. Parking areas in the front, side and rear yard must be setback
458 a minimum of ten¹⁰ feet from each side yard plot line.

459 ~~10.~~ 11. Driveway flares shall not exceed 5 feet in width.

460 12. Double frontage plots shall be limited to a total of three (3)
461 driveways. Alleyway frontage shall not be included.

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

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

468 ***
469

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

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

476 ***
477
478

479 **Sec. 523.1. Construction.**

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

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

486 ***
487

488 g. *Garage Conversions.* An Applicant converting an existing garage space on
489 a residentially zoned property may remove or enclose the garage door opening,

490 provided the opening is fully enclosed with materials that meet the Florida
491 Building Code and create a finished exterior wall assembly. Where a garage
492 door facing a public street is removed, the resulting wall plane shall not consist
493 of a blank, uninterrupted façade exceeding one hundred (100) square feet
494 without fenestration or architectural articulation. Required off-street parking and
495 driveway standards shall adhere to code regulations as found within section
496 521(b) of this Code.
497

- 498 (2) *Decks.* Decks in the rear and side yards designed by a registered architect or
499 professional engineer, meeting setback requirements and situated to the rear of
500 the main building or to the side of the main building, may be framed in wood and
501 may utilize wood or wood composite materials for decking.
- 502 (3) *Carports.* A carport, every part of which is situated to the rear of the building and
503 between the prolongations of the side lines thereof, may be framed in metal with a
504 metal or fabric roof, subject to section 523.1(9).
- 505 (4) *Covered passageways.* A covered passageway, with sides unenclosed, between
506 a main building and an accessory building shall be constructed with materials
507 identified in the first sentence of section one above.
- 508 (5) *Trellises, arbors, and pergolas.* A heavy framework of cross members in an
509 ornamental openwork construction serving as a protective screen, not to exceed
510 in height the roof eave line on a single-story residence to which it is attached, or
511 not to exceed ten feet in height on a detached structure; in rear yards not to exceed
512 more than 20 percent of the area of the yard; with minimum required setbacks as
513 follows: No minimum separation distance is required between structures; Front
514 yard, 25 feet; side yard, ~~ten~~ 10 feet; and rear yard, ~~five~~ 5 feet; to be designed by a
515 registered architect and constructed of a material approved by the Florida Building
516 Code.
- 517 ~~(6) *Roofing Materials.* All roofs with inclines of not less than two and one-half inches~~
518 ~~per foot and all mansard fascia's shall be limited to the following materials:~~
- 519 ~~a. Clay tile the color of which is impregnated with the same color intensity~~
520 ~~throughout;~~
 - 521 ~~b. White concrete tile;~~
 - 522 ~~c. Solid colored cement tile impregnated with the same color intensity~~
523 ~~throughout;~~
 - 524 ~~d. Thick butt variegated slate;~~
 - 525 ~~e. Metal with a factory finish and that has received a "notice of acceptance"~~
526 ~~from Miami Dade County and that is labeled "Miami Dade County Product~~
527 ~~Control Approved" may be used as roofing material for residences and~~
528 ~~commercial buildings subject to review and approval of the planning director,~~
529 ~~in accordance with the following:~~
 - 530 ~~i. The subject residence is constructed in the high modern, post-war~~
531 ~~modern, ranch or Key West architectural style, or a variation thereof.~~
 - 532 ~~ii. The type of roof shall be limited to standing seam metal and shall~~
533 ~~specifically exclude metal roofing intended to replicate barrel tile or~~
534 ~~Spanish S tile.~~
 - 535 ~~iii. The metal roof shall be one solid color throughout the roof.~~

- 536 iv. ~~The color of the roof material shall be a non-reflective neutral color~~
537 that shall not overwhelm or cause the roof to stand out in a significant
538 manner. Primary colors and white are prohibited. No bright, electric
539 or florescent colors shall be used.
540 v. ~~The metal roof shall have a finish that is non-reflective with an initial~~
541 solar reflectance (IR) or (SR) of .50 or less or a solar reflective index
542 (SRI) of 60 or less.
543 vi. ~~Paint applied to painted metal roof panels must be applied to the~~
544 panels at the factory using materials and a baking or other process
545 that prevents the paint from cracking or chipping through normal
546 wear and tear of a residential roof. All unfinished metal roofing is
547 prohibited. Field applied painting of metal roofs is prohibited.
548 vii. ~~The details, color, and manner of installation shall be consistent with~~
549 the architectural design, style, and composition of the residential or
550 commercial structure and the character of the surrounding
551 neighborhood.
552 viii. ~~An applicant for a metal roof shall submit a metal sample and color~~
553 chart to the building department along with a completed building
554 permit application for a roof.
555

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557 **Sec. 529. Level-of-service standard.**

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

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

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

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

594 ***

596 **Sec. 534. Development.**

597 Any new development on land adjacent to Biscayne Bay, Biscayne Canal or other

598 tributaries of the bay shall be subject to special approval under Article VI of this

599 ordinance. The site plans shall be reviewed with respect to:

600 ***

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

- 602 a. New single-family development adjacent to Biscayne Bay, Biscayne Canal,
- 603 or other tributaries of the Bay may incorporate flood-resilient design
- 604 practices within flood-prone areas of the village, including elevated
- 605 construction with understory designs that reduce reliance on fill, preserve
- 606 natural drainage patterns, and allow for the free flow of floodwaters, while
- 607 maintaining neighborhood compatibility and public safety. This provision
- 608 applies to all new single-family residential construction and substantial
- 609 improvements located within Special Flood Hazard Zoned Areas such as
- 610 VE, V and similar Floodway zones and as delineated on the most current
- 611 Flood Insurance Rate Maps (FIRM) in compliance with the latest adopted
- 612 FEMA regulations
- 613 b. Where elevation of the first habitable floor is required to meet minimum flood
- 614 elevation and freeboard requirements, such elevation should be achieved,
- 615 to the maximum extent practicable, using an elevated building design
- 616 incorporating an open or enclosed understory.
- 617 c. Elevation of a structure primarily through the placement of structural or non-
- 618 structural fill for the purpose of meeting minimum finished floor elevation is
- 619 discouraged.
- 620 d. Enclosed non-habitable understory areas shall not exceed forty (40%) of
- 621 the total understory footprint. Any air-conditioned portion of the understory
- 622 is limited to building access and shall not exceed ten (10%) percent of the
- 623 total understory area. Understory areas are limited to the following non-
- 624
- 625

- 626 habitable uses:
 - 627
 - 628 i. Parking storage;
 - 629 ii. Building access, including stairs, ramps, and elevators;
 - 630 iii. Mechanical, electrical, and plumbing equipment.
 - 631 e. Floodplain Performance Standards:
 - 632
 - 633 i. Understory areas shall be designed to allow for the free flow of
 - 634 floodwaters in compliance with FEMA regulations and the Florida
 - 635 Building Code.
 - 636 ii. Any enclosed portions of the understory located below the minimum
 - 637 flood elevation may utilize flood-damage-resistant materials and,
 - 638 where applicable, breakaway walls or openings as required by code.
 - 639 iii. The ground plane within non-air-conditioned portions of the
 - 640 understory shall consist of pervious or semi-pervious materials to the
 - 641 maximum extent practicable.
 - 642 iv. Fill within flood-prone areas shall be minimized and limited to that
 - 643 necessary for structural stability, utilities, access, or life-safety
 - 644 requirements.
- ***

Sec. 536. Design standards.

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

(2) (4) 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 two (2) trees must be planted on at consisting of a minimum of 7,500 square feet in size.~~

Minimum Tree Requirements for Single-Family Lots. Each single-family residential private lot shall provide a minimum number of trees based on total lot area, as follows:

<u>Minimum Number of Trees</u>	<u>Minimum Lot Area Square Feet (sf)</u>
<u>Not less than two (2) trees</u>	<u>7,500sf to 9,999sf</u>

<u>Not less than three (3) trees</u>	<u>10,000sf to 14,999sf</u>
<u>Not less than four (4) trees</u>	<u>15,000sf to 20,999sf</u>
<u>Not less than five (5) trees</u>	<u>21,000sf and above</u>

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~~(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.~~

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

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

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

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

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

~~Synthetic turf installed within permitted yard areas shall be included in the calculation of impervious surface; however, only thirty-five (35%) of the area of such synthetic turf shall be counted toward the maximum allowable impervious surface coverage for a residential plot in conformance with sec. 412(2) of this code.~~

~~Synthetic turf is permitted in the rear and side yards of any lot in any residential zoning district, provided it complies with the following:~~

b. Applicability to properties one acre or less.

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

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

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

711 (8) *Synthetic turf standards for the driveway:*

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713 f. Applicability to properties one acre or less.

714
715 1. Notwithstanding any other provisions in this section, for single-family residential
716 properties one acre or less in size, synthetic turf shall not be prohibited and shall
717 be governed only by the minimum standards adopted by the Florida Department
718 of Environmental Protection (DEP) pursuant to Fla. Stat. §125.572, as may be
719 amended. Any village requirements concerning material type, pile length, infill,
720 coverage, setbacks, drainage, or installation methods shall not apply to properties
721 one acre or less if such requirements conflict with DEP standards.

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

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

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728 ***

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

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

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

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

745 PASSED AND ADOPTED this ____ day of _____, 2026.

746 First Reading: _____, 2026

747 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.