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

Building height. ~~The vertical distance from the established grade elevation of a plot building level to (a) to the top of the roof in the case of for flat roofs, or (b) the mean level between the eaves and the highest point of the top of tie-beam, supporting a roof structure, on the top floor for any other type of the roof in the case of roofs of any other type.~~

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

Established grade. ~~The finished grade of a plot shall be not less than four inches above street grade. 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, plus free board requirements.~~
- ~~(2) For residential dwellings the maximum permitted height in all districts shall be 28 feet from the established grade, or minimum finished floor established by FEMA (if located in a flood zone plus any additional mitigation requirements).~~

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

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

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 ***

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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

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

ARTICLE III. - DISTRICTS AND DISTRICT MAP

Sec 300.- Classes of districts.

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

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

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	

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

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

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

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

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

ARTICLE IV. - ESTABLISHMENT OF REGULATIONS

Sec. 411. – Schedule of Regulations.

SCHEDULE OF REGULATIONS

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

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

R District Schedule of Regulations.

<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>

		Article V. 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: a. Guest houses. b. Accessory dwellings. c. Kitchens or bedrooms in accessory structures. d. More than one kitchen per dwelling, except outdoor kitchen(s) are permitted.
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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>

<u>One-Family “R” District</u>	Width: 75 feet Area: 7,500 square feet	For dwellings: 2 stories, and shall not exceed 28 ft. measured from the established grade of the plot. 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. Accessory buildings in “R” District: Not to exceed 15 ft. measured from the established grade of the 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 greater than 35 ft.; or 25 ft. if not more than one building exists within said 100 ft. on each side.	Interior Side: 10 ft. Side Street (secondary frontage): 15 ft. For swimming pools: From inside face of pool wall to the lot line shall be: 12-1/2 ft. From pool deck or screen enclosure to the lot line: 10 ft.	For dwellings: shall be a minimum 15 ft. For swimming pools: From inside face of pool wall to the lot line shall be: 7-1/2 ft. From pool deck or screen enclosure to the lot line: 5 ft. The shoreline setback for accessory structures shall not apply to pools, their decks or screen enclosures.	<u>*See below</u>
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***Accessory buildings for one-family residential “R” district.**

Accessory Buildings:

Coverage. Roofed accessory structures shall not cover more than twenty percent (20%) of the required rear yard area. For purposes of this section, coverage shall include pergolas or similar detached structures with roofs that are more than fifty (50) percent covered or otherwise obstructed from the sky. Fences, walls and hedges shall comply with the provisions of Article V.

Maximum Floor Area. The total floor area of all roofed accessory buildings shall not exceed the floor area of the main building on the same plot and may be further restricted by coverage regulations.

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

Setbacks. Not less than 10 ft. from the main building and not less than 10 feet from any plot line or front yard and not less than 5 feet from any rear plot line adjacent to an alleyway or not less than 7-½ feet from any other rear plot line.

Corner plot. On a corner plot where the rear lot line abuts the side lot line of an adjacent plot, no accessory structure shall be located closer to the side street property line than the required front yard setback applicable to the adjacent plot. Notwithstanding the foregoing, a swimming pool enclosure may be located in any side yard but not less than 15 feet from the side plot line.

Accessory building shoreline setback. Not less than 15 feet.

Swimming Pools. Swimming pools are not allowed within 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.

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

Sec. 412. Development standards.

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

- (1) Maximum lot coverage for lots consisting of one-story and two-story structures:
~~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>36%</u>	<u>26%</u>
<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.</u>		

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

- (3) Maximum floor area ratio: 0.45.

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

- (5) Step backs:

- (a) Additional step back of six (6) feet for second story on both front and side

yards. The vertical plane of the front façade(s) of the second story, including balconies, shall not exceed 65 percent of the allowable façade width.

(b) In addition to the requirements of subsection (5)(a), new principal structures with flat roofs shall provide a minimum upper-story front step back of ten (10) feet. The required front step back shall increase by one (1) additional foot for each one (1) foot by which the height of the upper wall plane, measured vertically from the finished floor elevation of the second story to the top of the parapet or highest point of the exterior wall, exceeds ten (10) feet.

(c) This subsection shall not be applicable to:

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

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

(6) Certificate of Occupancy Requirement: Prior to the issuance of a Certificate of Occupancy approval for single-family residential new construction or substantial home additions subject to the thresholds set forth in Section 529, the applicant shall submit a signed and sealed as-built survey and a drainage certification prepared by a licensed professional engineer of record, certifying that the drainage improvements have been constructed in substantial conformance with the approved plans.

Sec. 501. Prohibited uses.

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

(30) Roof Decks within all residential districts.

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

(a) Towers, gables, penthouses, scenery lofts, cupolas, and similar structures and (b) wWater tanks, and necessary air conditioning equipment 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 A or PRO district;
3. Be used for sleeping or housekeeping purposes; or
4. Be used for any commercial purpose other than may be incidental and subordinate to the permitted use of the main building.

(b) Water tanks, necessary air conditioning equipment, and other mechanical appurtenance in residential district(s), shall be located at grade where feasible in no event on rooftops and designed to minimize visual, and noise impacts on adjacent properties, streets, and public rights-of-way. Except that solar water heaters and associated tanks may be located on a rooftop in a manner that is not visible from public rights-of-way, excluding any alleyway.

Sec. 508. Established grade of plot.

The established 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 in accordance with FEMA regulations regarding base flood elevation plus freeboard requirements.~~

~~(2) For residential dwellings the maximum permitted height in all districts shall be 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 districts 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:

(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:

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

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.

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

(1) Private garages, carports, pergolas, garden toolhouses and similar buildings.

(2) Children's playhouses.

(3) A dish antenna, as hereinafter defined, when constructed in accordance with the following criteria:

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

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

a. The utility shed is located in the rear yard.

b. The utility shed must not be located in front of a door or window.

c. The utility shed complies with the setback requirements for an accessory structure except that a utility shed as regulated under Subsection 516(5) is not required to maintain a ~~10~~15-foot separation distance from the main building as required for accessory structures under Section 400, Schedule 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

- 369 of the utility shed.
- 370 g. Utility sheds must not contain electric, water or telephone service, and must
- 371 not be used for a commercial purpose.
- 372 h. An accessory building shall not be used for human habitation and must not
- 373 contain any household facilities or sleeping accommodations of any kind.
- 374 (6) A basketball goal, as herein defined, when constructed in accordance with the
- 375 following criteria, which shall be excluded from criteria set forth in the Schedule of
- 376 Regulations being a part of Article IV of said ordinance.

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- 380 (7) *Air conditioning units, and mechanical equipment (including pool pumps, ~~and~~*
- 381 *generators and above ground propane gas tanks and similar equipment*). In the R
- 382 and PRO districts shall be setback a minimum of ten feet from the side plot line,
- 383 five feet from the rear plot line, and shall not be located in the front yard less than
- 384 25 feet from the front property line. Air conditioning units, and mechanical
- 385 equipment (including pool pumps and generators), are not permitted in the first 25
- 386 feet from the front property line in any land use district. Proposals which would
- 387 place mechanical equipment in the front yard more than 25 feet from the front
- 388 property line shall require planning and zoning board approval. Existing air
- 389 conditioning units, and mechanical equipment (including pool pumps, ~~and~~
- 390 *generators and above ground propane gas tanks and similar equipment*), that were
- 391 previously permitted and installed within the required yards may be replaced in
- 392 their current location, provided they are screened from view from the public right -
- 393 of-way and adjoining properties.
- 394

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

- 398 (12) *Temporary construction site fencing.*
- 399 ~~Temporary construction site fencing may be allowed on those sites for which an~~
- 400 ~~approved building permit has been issued by the building department and while the~~
- 401 ~~building permit remains active.~~
- 402 a. A temporary construction fence permit shall be obtained prior to the commencement
- 403 of any site work, including demolition, new construction, or major additions.
- 404 Temporary fencing may be installed only after all applicable development
- 405 approvals have been granted. The issuance of a temporary fence permit shall not
- 406 authorize demolition or construction activity in the absence of required
- 407 development approvals or building permits.
- 408 b. Temporary construction site fencing shall be required on those sites for which a
- 409 building permit or demolition permit has been issued and remains active.
- 410 Construction sites shall be enclosed with a six (6) foot chain link fence with
- 411 windscreen. A silt screen fence shall be installed at the base of the chain link fence.
- 412 c. The temporary fencing shall be permitted only with the issuance of a fence permit
- 413 in accordance with the allowed fencing materials pursuant to Code Sec. 518(16).

Temporary fences shall be removed prior to expiration of the building permit or finalizing the building permit whichever comes first. The building official may allow construction fencing to remain in place if existing safety hazards on the site warrant continued fencing of the site.

Sec. 520. Applicability; general provisions.

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

Sec. 521. Required off-street parking.

(a) Schedule of off-street parking requirements.

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 3 spaces/dwelling unit with 4-5 bedrooms *One additional parking space shall be added per bedroom above five (5) bedrooms	None

(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.

8. The total of all paved areas within the public right-of-way / driveway approach and swale area(s) shall not occupy more than twenty (20) percent of the required right-of-way. The Public Works Director, or their 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~~ 5 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~~ 10 feet from each side yard plot line.

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

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

13. No more than two (2) driveways shall be permitted on any one street frontage. Properties with two (2) driveway approaches along the same street frontage, each approach 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.

~~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:

g. *Garage Conversions.* An Applicant converting an existing garage space on a residentially zoned property may remove or enclose the garage door opening, provided the opening is fully enclosed with materials that meet the Florida Building Code and create a finished exterior wall assembly. Where a garage door facing a public street is removed, the resulting wall plane shall not consist of a blank, uninterrupted façade exceeding one hundred (100) square feet

without fenestration or architectural articulation. Required off-street parking and driveway standards shall adhere to code regulations as found within section 521(b) of this Code.

- (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~~ 10 feet; and rear yard, ~~five~~ 5 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. 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:
 - i. The subject residence is constructed in the high modern, post-war modern, ranch or Key West architectural style, or a variation thereof.
 - ii. 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.
 - iii. The metal roof shall be one solid color throughout the roof.
 - iv. 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.

- v. 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.
- vi. 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.
- vii. 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.
- viii. 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 10-year, 1-hour storm event, with no discharge permitted onto adjacent properties or public rights-of-way.

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 Drainage Engineering Plan that demonstrates no water run-off unto adjacent properties during from a 10-year, 1-hour storm event and Stormwater Pollution Prevention Plan (SWPPP) shall be submitted. The SWPPP shall identify stabilization measures and erosion sediment control practices designed to minimize sediment transport and off-site impacts during construction activities. Compliance shall be demonstrated with all of the following standards as may be applicable:

- i. 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.
- ii. The area located between the property line and the required impervious setback shall remain pervious in order to prevent runoff and prevent discharge to neighboring properties.
- iii. Unless otherwise required by FEMA regulations, finished grade

- elevations along all property boundaries shall be designed to avoid adverse drainage impacts to adjacent properties.
- iv. Where proposed grading results in a grade differential exceeding 1.5 feet at any property line, 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.
- v. 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.
- vi. Acceptable methods for meeting on-site retention and drainage requirements include, but are not limited to: landscaped green areas, pervious pavers, permeable pavement systems, shallow dry exfiltration trenches, underground retention systems, drainage wells or comparable best management practices.

Sec. 534. Development.

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

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

- a. New single-family development adjacent to Biscayne Bay, Biscayne Canal, or other tributaries of the Bay may incorporate flood-resilient design practices within flood-prone areas of the village, including elevated construction with understory designs that reduce reliance on fill, preserve natural drainage patterns, and allow for the free flow of floodwaters, while maintaining neighborhood compatibility and public safety. This provision applies to all new single-family residential construction and substantial improvements located within Special Flood Hazard Zoned Areas such as VE, V and similar Floodway zones and as delineated on the most current Flood Insurance Rate Maps (FIRM) in compliance with the latest adopted FEMA regulations
- b. Where elevation of the first habitable floor is required to meet minimum flood elevation and freeboard requirements, such elevation should be achieved, to the maximum extent practicable, using an elevated building design incorporating an open or enclosed understory.
- c. Elevation of a structure primarily through the placement of structural or non-structural fill for the purpose of meeting minimum finished floor elevation is discouraged.
- d. Enclosed non-habitable understory areas shall not exceed thirty (30%) of the total understory footprint. Understory areas are limited to the following

non-habitable uses:

- i. Parking;
- ii. Building access, including stairs, ramps, and elevators;
- iii. Mechanical, electrical, and plumbing equipment.
- 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 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.

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 shade 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>7,500 sf to 9,999 sf</u>

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

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

~~(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.~~

~~(56) 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 classified as partially pervious with only twenty-five (25%) of the area counted towards the minimum required pervious surface and seventy-five (75%) of the area counted towards the maximum allowable impervious surfaces in accordance with section 412(2) of this code. Notwithstanding this classification, synthetic turf shall remain subject to all stormwater retention requirements applicable to impervious surfaces under section 529 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:

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 _____, 2026.

First Reading: _____, 2026

Second Reading: _____, 2026



Mayor Jerome Charles

ATTEST:

Ysabely Rodriguez, CMC Village Clerk

739 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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744 Village Attorney

745 Weiss Serota Helfman Cole & Bierman P.L.

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