

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE VILLAGE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA, AMENDING APPENDIX A, "ZONING" OF THE VILLAGE'S CODE OF ORDINANCES BY AMENDING SECTION 201, "TENSE AND NUMBER; CERTAIN WORDS, TERMS DEFINED," TO CREATE DEFINITIONS FOR "FLOOR AREA RATIO," "IMPERVIOUS AREA," AND "LOT COVERAGE," AMENDING SECTION 404, "COMPLIANCE WITH SPACE AND AREA RESTRICTIONS" AND SECTION 406, "REDUCTION OF PLOT AREA SO AS TO PROVIDE FOR SMALLER YARD OR OPEN SPACE PROHIBITED" BOTH FOR CONSISTENCY AND CLARITY, AND CREATING SECTION 411, "DEVELOPMENT STANDARDS" TO RELOCATE THE VILLAGE'S SCHEDULE OF REGULATIONS; CREATING SECTION 412 TO ESTABLISH REGULATIONS FOR MAXIMUM LOT COVERAGE, FLOOR AREA RATIO, MAXIMUM IMPERVIOUS AREA, AND SUPPLEMENTAL YARD DEPTH AND STEP BACK REQUIREMENTS FOR PROPERTIES LOCATED WITHIN THE ONE-FAMILY RESIDENTIAL (R) DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of Miami Shores Village, Florida (the "Village") finds it periodically necessary to amend its Code of Ordinances (the "Village Code") in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the Village has long been recognized for its unique charm and character, which is cherished by residents and visitors alike; and

57 **WHEREAS**, Village staff has proposed amendments to the Zoning Code that
58 provide development standards for maximum lot coverage, floor area ratio, maximum
59 impervious area, supplemental yard depth and step back, applicable to the R Districts;
60 and

61 **WHEREAS**, the Village Council wishes to amend the Zoning Code in order to
62 implement the proposed amendments; and

63 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency,
64 reviewed the Ordinance, and voted to recommend approval of the Ordinance by a 3-2
65 vote at its June 27, 2024 meeting; and

66 **WHEREAS**, the Village Council has reviewed the Ordinance at a duly noticed
67 public hearing in accordance with law and determined that it is consistent with the Village
68 Comprehensive Plan.

69 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND VILLAGE**
70 **COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA, AS FOLLOWS:**¹

71 **Section 1.** **Recitals Adopted.** That each of the above stated recitals is hereby
72 confirmed, adopted, and incorporated herein and made a part hereof by reference.

73 **Section 2.** **Amendment to the Village Code.** That Appendix A, “Zoning” of the
74 Village Code of Ordinances is hereby amended as follows:

75 **Appendix A – Zoning**

76

77 **ARTICLE II. – DEFINITIONS**

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

35 **WHEREAS**, the Village’s charm and character are largely attributed to its well-
36 preserved residential areas, featuring single-family homes that harmonize with the
37 Village’s aesthetics and scale; and

38 **WHEREAS**, the Village Planning and Zoning Board determined that recent
39 development trends within the One-Family Residential (R) zoning districts (“R Districts”)
40 have included the construction of new single-family homes and significant additions to
41 existing single-family homes that are incompatible and not in harmony with the Village’s
42 established character; and

43 **WHEREAS**, the Village Planning and Zoning Board determined that the
44 regulations of single family residential uses in the R Districts in Appendix “A,” “Zoning” of
45 the Village Code (“Zoning Code”) do not adequately address the impact of these
46 developments on the Village’s charm and character; and

47 **WHEREAS**, due to the need to amend the Zoning Code to establish development
48 standards that ensure new construction and substantial additions to existing single-family
49 homes in the R Districts are compatible and harmonious with the Village’s scale and
50 overall aesthetic, the Village Council declared a zoning in progress, pursuant to
51 Resolution No. 2024-15, which deferred the acceptance, processing, and approval of
52 applications on properties located in the R Districts for the development of (1) new single-
53 family homes; and (2) additions to existing single family homes in excess of 50% square
54 footage for a period of 60 days, or until the Village Council adopts on second reading the
55 amendments under review and such amendments become effective, whichever occurs
56 earlier unless relief is sought; and

78

79 **Sec. 201. - Tense and number; certain words, terms defined.**

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

82

83 *Dwelling.* A building containing dwelling units. The term “one-family dwelling” or
84 “multifamily dwelling” shall not be deemed to include hotel, motel, rooming house or other
85 accommodation used for more or less transient occupancy.

86

87

88

89 *Dwelling unit.* Living accommodations with cooking facilities for one family.

90

91

92 *Floor Area.* The enclosed space of a building as measured to the exterior face of
93 exterior walls which shall include all floor area therein, including any atrium or double
94 height space(s) as if a floor plane existed therein.

95

96 *Floor Area Ratio (FAR).* The ratio of a building’s total floor area to the size of the
97 plot upon which the building is built. For the purposes of this definition, a building is
98 defined as enclosed space with a roof. Open or roofed terraces shall not be included
99 when calculating FAR.

100

101

102 *Impervious Surface.* A measure of the area of the plot that does not absorb water.
103 The impervious surface includes, but is not limited to, all areas covered by buildings with
104 enclosed space, roofs, covered balconies and terraces, parking structures, driveways,
105 swimming pools, roads, sidewalks, and any concrete or asphalt area. Raised wood decks
106 without concrete or other impervious pads underneath them shall not be included when
107 measuring maximum impervious surface.

108

109

110 *Lot Coverage.* A measure of land use intensity that represents the portion of a plot
111 covered by the building(s). The square footage of the footprint of the building(s). For the

112 purposes of this definition, a building is defined as enclosed space with a roof and shall
113 include any covered terrace or balcony.

114

115 *Plot.* A parcel of land, not necessarily coinciding with a lot or lots shown on a map
116 of record, which is occupied or to be occupied by a building and, if any, its accessory
117 buildings, or by a group of buildings having any yard or court in common and, if any, the
118 buildings accessory to such group, together with the open spaces appurtenant to such
119 building or group, and which parcel has frontage on a platted street.

120

121

122 *Step Back.* A requirement that the vertical plane of the second story of a building
123 be recessed a certain distance from the yard depth.

124

125 *Vertical Plane.* The continuous surface of a wall or building façade, including any
126 protrusions such as balconies, and vertical plane of a front or side façade of any one-
127 family dwelling that is at least six feet back from the applicable yard depth.

128

129 *Yard.* An open space of uniform width or depth on the same plot with a building or
130 a group of buildings, which open space lies between the building or group of buildings
131 and the nearest plot line and is unoccupied and unobstructed from the ground upward
132 except for certain features specified in Article V. If the chord of the arc of a curved plot
133 line lies within the plot, the measurement of a yard shall be taken from the nearest point
134 of the building or group of buildings to a line parallel to the chord and lying midway
135 between the chord and a line parallel thereto and tangent to the arc of the chord.

136 *Yard, front.* A yard extending across the full width of the plot and lying between the
137 front line of the plot and the building or group of buildings.

138 *Yard, rear.* A yard extending across the full width of the plot and lying between the
139 rear line of the plot and the building or group of buildings.

140

141

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

143

144 **Sec. 404. - Compliance with space and area restrictions.**

145 No building shall hereafter be erected, nor any existing building be structurally altered,
146 except in conformity with the regulations regarding space and area as set forth herein,
147 provided that the minimum plot width and area regulations shall not apply to any platted
148 lot having less than the required width of 75 feet where permanent improvements have
149 been erected on both side lots contiguous thereto, and such lot is, upon the adoption date
150 of this ordinance, owned by someone other than the then owner of a side contiguous lot.
151 Any such platted lot in the One-family Residential (R) zoning districts shall comply with
152 section 412 of Appendix A.

153 ***

154 **Sec. 406. - Reduction of plot area so as to provide for smaller yard or open space**
155 **prohibited.**

156 No plot area shall be reduced or diminished so that the yards or other open spaces
157 thereon will be smaller than prescribed by this ordinance. Any vacant ~~land~~ plot subject to
158 new construction shall have no more than 10% impervious surface and at least ten
159 percent 90% of the required yard area pervious surface on the plot to rainfall whether by
160 grass, landscaping or other techniques acceptable to the director of planning and zoning.
161 Properties located in the One-family Residential (R) zoning districts shall adhere to the
162 maximum impervious surface regulations set forth in section 412 of Appendix A.

163 ***

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

165 SCHEDULE OF REGULATIONS*
166 Being a Part of Article IV of the Miami Shores Village Zoning Ordinance No. 270

167 **See attached EXHIBIT “A” Schedule of Regulations**

168 * Properties located in the One-family Residential (R) districts shall also be subject to the
169 regulations established in section 412 of Appendix A.

170 **Sec. 412. – Development Standards.**

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

173 (a) Maximum lot coverage: 40% for a one-story structure and 30% for a two-story
174 structure.

175
176 (b) Maximum impervious surface: 55% impervious, 45% pervious.

177
178 (c) Maximum floor area ratio: 0.45.

179
180 (d) Required Yard: Maximum 80% of front façade is allowed to be built to the minimum
181 front yard depth, with the front yard depth of the remaining 20% of the front façade set
182 back an additional 5 feet.

183
184 (e) Step Backs: Additional step back of six feet for second story on both front and side
185 yards. The vertical plane of the front façade(s) of the second story, including balconies,
186 shall not exceed 65% of the allowable façade width.

187

188 This subsection shall not be applicable to:

189

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

193

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

196

197 **Secs. 4113—420. - Reserved.**

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

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

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

212 **Section 6. Effective Date.** This Ordinance shall become effective ~~immediately~~
213 ~~upon adoption on second reading~~ July 26, 2024. None of the regulations contained in this
214 Ordinance shall be deemed to require any change in the plans, construction or designated
215 use of any building or in any work on an existing building for which development approvals
216 have been obtained from the Planning and Zoning Board prior to the effective date of this
217 ordinance. However, if such approvals require amendments that result in a rehearing
218 before the Board, this Ordinance shall apply.

219 **PASSED and ADOPTED** this 16 day of July, 2024.

220

221 First Reading: July 2, 2024

222 Second Reading: July 16, 2024

223

224 Attest:

225

226

227

228 _____
Ysabely Rodriguez, CMC

229 Village Clerk

230

231

232

George Burch, DMV

Mayor



233 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

234

235

236



237 Weiss, Serota, Helfman, Cole + Bierman, P.L.

238 Village Attorney

239

240

241

242

243

FINAL VOTES AT ADOPTION

Council Member Neil Cantor	<u>Yes</u>
Council Member Jerome Charles	<u>Yes</u>
Council Member Sandra Harris	<u>Absent</u>
Vice Mayor Jesse Valinsky	<u>Yes</u>
Mayor George Burch	<u>Yes</u>