



MIAMI SHORES VILLAGE

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PLANNING BOARD HEARING			
Miami Shores Village Town Hall Council Chambers 10050 NE 2nd Avenue Miami Shores			
Workshop Date		April 24, 2014	
Subject	Review and Consideration of Zoning Code Amendments to Address FAR, Open Space and Green Space.		
Action Required	Recommendation to Village Council on Zoning Code Amendments to Address FAR, Open Space and Green Space Based on the Planning Board's Review and Analysis.		
Staff Report	David A. Dacquisto AICP, Director, Planning and Zoning	Report Date	April 8, 2014

Executive Summary

The Planning Board considered the information summarized in this staff report and the information heard at numerous workshops held on FAR, Open Space and Green Space regulation.

The Planning Board reviewed the actual FAR for a sampling of existing residences in Miami Shores and concluded FAR was not the issue when reviewing residences. Residences that appeared to be very large had relatively low FARs based on what was permissible. The Planning Board found that design was a more significant issue than FAR with the design of the residence including size, shape and relationship to the plot contributing more to the sense of scale and massing than the FAR. The Planning Board determined that consideration of the general scale, proportion, massing and detailing of the residence through site plan and architectural review would be the best way to promote design that respects the existing neighborhood and maintains a sense of place and community.

The Planning Board found that Open Space was not an issue and that the existing code was sufficient to regulate Open Space provided given setbacks and the limitation that restricted roofed accessory structures to not more than 20% of the rear yard. The Planning Board clarified that only roofed structures would be considered accessory structures for the purpose of calculating the accessory structures limitation in the rear yard.

The planning board determined that neither an Open Space nor Green Space requirement was necessary for the rear yard. The side and rear yard setbacks provided Green Space in the rear yard without specifying it. Open Space although impervious was open to the sky and as it is without roofs did not contribute to massing on the site. The Planning Board found that as more of the plot was covered with impervious surfaces it was essential when developing properties to maintain all water on site to prevent runoff to neighboring properties. Drainage would be regulated through the existing zoning code and the Planning Board's site plan review.

The Green Space calculation is the reverse of the Impervious Coverage calculation, impervious surfaces being anything that prevents or slows the infiltration of water into the soil. This includes

compacted gravel or pavers that some would otherwise consider pervious as well as asphalt and concrete. The existing zoning code uses both calculations noting that not more than 50% of the front yard and swale may be impervious surface (paved) and not less than 50% of the front yard or swale shall be green space.

The Planning Board supported the existing Green Space requirement that limits impervious surfaces in the front yard and in the swale. Green Space is the area of the plot left in a natural or vegetated state with no buildings or impervious/hard surface of any kind. There is a difference in the two Green Space requirements in that the Green Space requirement in the front yard is on private property and the limit on impervious surface in the swale applies to public property used by the adjoining property owner with the permission of the village. The schedule of Regulations generally regulates what property owners may do on and with their properties. Development on the swale is better regulated by Sec. 521 and Sec. 537 dealing with parking and landscaping where the property owner who is the village, defines what private individuals may do on public property, i.e. the swale.

The current zoning code does not have a definition of a swale. By definition, a swale is the area without a curb between the edge of road pavement, and edge public sidewalk or edge of right-of-way if there is no public sidewalk. Additional clarification in the would include language that the public sidewalk is included in the calculation of impervious surface within a swale in addition to the parking areas.

The grassed area is not a swale by definition and parking is not permitted where there is a curb present between the road pavement, and the sidewalk or edge of right-of-way if there is no public sidewalk.

The Planning Board has not established limits on the design of parking and driveways in the front yard. The Planning Board may choose to limit the design to circular driveways and parking pads or may choose not to limit the design but to let the 50% green space requirement serve as the only limitation.

The Planning Board did find that additional regulation was desirable to better define and explain what the Open Space and Green Space requirements were. Clarification would include: what restrictions there are to development as a result of Green Space and Open Space requirements; and would clarify what is included in the calculation of Open Space and Green Space.

New Code Language:

~~Strikethrough Deleted words; Underline Proposed new Language~~

The Planning Board proposed adding new language to the Schedule of Regulations to emphasize that the minimum green space (pervious surface) requirement is 50% of the front yard and further clarifies that for the purposes of this calculation impervious areas include parking areas, driveways, sidewalks, patios and similar impermeable surfaces.

Adding the Green Space provision to the Schedule of Regulations allows the requirement to stand alone so the Green Space requirement relates to impervious surface in the front yard in general and covers not only parking that has its own requirement but is clear that it includes patios and sidewalks in the total calculation. The Green Space provision would not have to rely on the Parking and Landscape sections of the code for regulation.

Swales are different from front yards in that swales are the property of the village and rather than regulation being restrictive as is seen with front yard Green Space requirements, development in the swale is permissive as the village outlines what development will be allowed on public property.

The Planning Board has seen an increase in the number of elevated pools proposed. The Planning Board has not proposed changes to the Open Space requirement in rear yards however, the Planning Board is proposing to add language to the Schedule of Regulations to require that any pool and/or pool deck elevated more than 3 ft. above the natural grade of the rear yard, be subject to Planning Board review. Elevated pools and pool decks create issues with site drainage including runoff onto neighboring properties, and issues with fences and privacy walls as residents seek privacy after elevating a pool and pool deck to where the neighbors can see them.

Schedule of Regulations

District	Site Plan Review Required By the Planning Board as Provided in Article VI.	Reserved <u>Minimum Open Space and Green Space</u>
R-35 R-30 R-28 R-26 R-25 R-23 R-22.5 R-21 R-20 R-18.5 R-17.5 R-16.5 R-15.5 R-15 R-14.25 R-13 R-12.5	Site plan review and approval by the planning board is required for the following: <u>11. Pools and pool decks in the rear yard that are elevated greater than 3 feet above the natural grade of the plot and that are otherwise permitted by this ordinance.</u>	<u>Open Space: As provided in this code;</u> <u>Green Space: 50 % of the front yard. For the purpose of this calculation, impervious areas shall include parking areas, driveways, sidewalks, patios, pavers and similar impervious surfaces. Pavers or similar material on a sand base shall be considered impervious.</u>

Section 201. Tense and number; certain words, terms defined.

Swale. The area within any right-of-way, used for the conveyance and/or retention of stormwater run-off, which has no curb or gutter section lying between the edge of the street pavement and the nearest edge of a sidewalk or bike path; or, if there is no such sidewalk or bike path, then lying between the edge of the street pavement and the edge of the right-of-way.

Sec. 521. - [Required off-street parking.]

(b) (1) General requirements.

- i. Not less than 50 percent of the front yard or swale/parkway shall be maintained as green space (pervious area).

Sec. 521. - [Required off-street parking.]

(b) (2) Single-family uses.

a. Driveway / parking spaces on the single-family plot.

- 7. The total of all paved areas in the front yard shall not occupy more than 50 percent of the required front yard with at least 50 percent of the front

yard to be maintained as green space (pervious area). For the purpose of this calculation, paved areas shall include parking areas, driveways, sidewalks, patios and similar impermeable surfaces.

Sec. 521. - [Required off-street parking.]

(b) (2) Single-family uses.

b. Driveway / parking spaces on right-of-way.

2. Swale/parkway areas may be paved for driveways or parking if the design is approved by the planning and zoning director as being consistent with the standards of this Code and the area to be paved does not exceed 50 percent of the swale/parkway area on the particular front elevation (or side, if on corner) with at least 50 percent of the particular front elevation (or side, if on corner) of the swale/parkway to be maintained as green space (pervious area). For the purpose of this calculation, paved areas and impervious area shall include parking areas, driveways and all other impermeable surfaces including the public sidewalk.

Background

The present code is unclear, complex and confusing when it comes to green space, open space, pervious surface and impervious surface. Clarity is need to better define what limitations there are on constructing accessory structures, ground level patios, driveways, raised decks, etc.

The complexity of the current code and FAR, Open Space and Green Space in general is demonstrated by the calculations shown in this report and in the graphics provided.

The Planning Board may consider zoning code amendments to regulate FAR, Open Space and Green Space for the following:

Main building

Accessory buildings, by type

Open roofed structures, pergolas

Roofed structures

Raised decks, wood/open bottom, solid concrete or tile top

Driveways

Patios no pool

Pools/decks, raised or ground level

All accessory structures have 15 ft. setback from main building

Should all above ground structures have 15 ft. waterfront setback, same as roofed structures, raised patios and raised decks

The board may consider regulating site development and massing of buildings through:

- 1) Maximum Floor Area Ration (FAR);
- 2) Minimum green space requirements;
- 3) Minimum open space requirements;
- 4) Maximum impervious are;
- 5) Site plan review; or
- 6) The Board may find that no additional regulation is required to control development.

Examples of Current Miami Shores Single-Family Home Development

Floor area ratios are used as a measure of the intensity of the site being developed. The ratio is generated by dividing the building area by the parcel area, being sure to use the same units.

Buildings of varying numbers of stories can have the same FAR, because the FAR counts the total floor area of a building, not just the building's footprint. On a 4,000 square-foot lot, a 1,000 square-foot, one-story building would have the same FAR (0.25) as a two-story building where each floor was 500 square feet.

The planning board was interested in finding out the FAR for certain existing homes in Miami Shores and provided staff with the addresses of these homes. Staff reviewed the information on file and generated approximate FAR for each as indicated.

The range of FAR for the dwellings studied runs from a low of .19 to a high of .64. The high of .64 represents a residence that has a main floor covering 32% of the plot.

The zoning code allows a residence to be built to the setback lines. This covers approximately .50 (50%) of the plot. The current FAR in Miami Shores is effectively 1.00 (100%) for a 2 story residence built to the setback lines.

FAR Calculations for Existing Miami Shores Residences

Address	Lot Area	Residence	FAR	
9550 Bayshore Dr	12,000	1st 3,800	.32	Plot Coverage
		2nd 3,800 7,600	.64	FAR 2 Floors
10090 NE 12 th Ave	16,000	1st 3,700	.23	Plot Coverage
		2nd 2,300 6,000	.38	FAR 2 Floors
9215 N Bayshore Dr	13,800	1st 1,900	.14	Plot Coverage
		2nd 1,900 3,800	.28	FAR 2 Floors
9300 N Bayshore Dr	27,600	1st 4,200	.15	Plot Coverage
		1st 1,100 5,300	.19	FAR 2 Floors
9325 N Bayshore Dr	29,000	1st 3500	.12	Plot Coverage
		2nd 3,500 7,000	.24	FAR 2 Floors
1201 NE 100 th St	9,300	1st 1,500	.16	Plot Coverage
		2nd 1,200 2,700	.29	FAR 2 Floors
1263 NE 101 st St	13,000	1st 1,700	.13	Plot Coverage
		2nd 1,200 2,900	.22	FAR 2 Floors
1285 NE 101 st St	26,800	1st 3,100	.12	FAR 1 Floor
		2nd 2,000 5,100	.19	FAR 2 Floors
1401 NE 101 st St	11,400	2,600	.23	PC & FAR

1430 NE 101 st St	12,400	1st 3,600 2nd 3,600 7,200	.29 .58	Plot Coverage FAR 2 Floors
1285 NE 102 nd St	19,200	4,700	.24	PC & FAR
530 NE 96 th St	7,200	1st 1,900 2nd 1,700 3,600	.26 .50	Plot Coverage FAR 2 Floors
1092 NE 94 th St	9,300	1st 2,600 2nd 1,300 3,900	.28 .42	Plot Coverage FAR 2 Floors

Examples from other communities doing:

Miami Dade: FAR .35

Miami: Far (0.60) times the gross lot area. Building footprint (0.40) times the gross lot area.

Aventura: FAR .35

Miami Lakes: FAR .40 single story; .35 two story

Analysis of Site Development Under Current Code

The plot analyzed is an average 75 ft. wide and 119 ft. long Miami Shores plot. Two plots were analyzed, one plot with the residence covering all the lot except for setbacks, and one plot that would accommodate a residence and an accessory structure.

The diagrams show the maximum area of the plot that may be occupied by residential structures, accessory structures and paved surfaces given the current regulations.

FAR/Plot Coverage

FAR may refer to the main building only (but can refer to all buildings on a plot) and includes upper floor areas in the calculation. For example, an FAR of 50% (also referred to as an FAR of .50) would be one-story covering 50% of the plot, or two-stories covering 25% of the plot each for a total of 50% of the plot.

A residence constructed under the village's current code that is built to the setback lines (25 ft. front, 10 ft. side, 15 ft. rear) would cover an area 55 ft. wide by 79 ft. long for a total area of 4345 sq. ft. This will cover 48.9 % of a plot with an effective FAR of .97 based on a 2 story structure. [48.9% (.489) coverage * 2 floors = .978 FAR]

When Plot Coverage is regulated as opposed to FAR it refers to the main floor plot coverage of the main building and all accessory structures.

Plot coverage would include the main building at 4345 sq. ft. plus the roofed accessory structure at 225 sq. feet for a total plot coverage of 4570 sq. ft.; 51%.

Recently the code was changed to say the 20% rear plot coverage refers to roofed accessory structures only. Previously the definition of structure was anything located on the ground,

anything would count towards plot coverage including driveways, patios raised decks, etc. in the broadest sense. The language of the code must be clear as to what we include and what we exclude in our calculations so there is no question and it is easier to calculate for staff and the public. Some communities include raised decks with solid floors in plot coverage and exclude raised decks where the floor boards have a gap. Presently the zoning code does not apply the rear plot coverage rule to decks unless there is a roof over it.

Accessory Structure Rear Yard Coverage

Accessory structures may not occupy more than 20% of the rear yard and in this case at maximum residential build out the rear yard is 75 feet wide and 15 feet deep for a total area of 1125 square feet.

Note: This calculation is for information only. An accessory building will not fit in the rear yard on a plot where the residence has been built to the setback lines. The minimum separation distance between the residence and accessory buildings is 15 feet and the rear yard will only be 15 feet deep. This brings up the development tradeoffs as a residence would have to be reduced in size in order to construct a roofed accessory structure on site.

It is important to clearly define what an accessory building is for the purpose of calculating coverage. Does the village want to make any changes to the current definition of an accessory building as a building with a roof? For example, a raised wood deck is sometimes included in plot coverage. It is also important to be clear if an attached deck requires a 15 ft. rear setback like the residence. This would include decks immediately adjoining but not physically attached to the residence. This affects the possible location of accessory structures if the raised deck is considered an extension of the residence and the 15 ft. setback between the residence and accessory structures is measured from the deck.

There was an obscure reference in the old code that said any part of a pool installation that was not over 3 feet in height did not count towards the 20% plot coverage limitation. This was taken to mean that a pool and its surrounding deck were not limited to the 20% rear yard coverage limitation. You may conclude from this that a deck/patio that was not part of a pool installation was limited along with all other accessory structures to 20% of the rear yard. Under the new code this reference to pools was eliminated and there is no limit to rear plot coverage for pools, patios, uncovered decks, parking areas, pools and pool decks.

Plot Development Version #1, Without Accessory Structure

Plot 75 ft. wide and 119 ft. long; 8925 sq. ft.

FAR

55 ft. wide by 79 ft. deep for a total area of 4345 sq. ft. This will cover 48.9 % of a plot with an effective FAR of .97 based on a 2 story structure. [48.9% (.489) coverage * 2 floors = .978 FAR]

Residence plot coverage:

Plot area minus required setbacks = maximum allowable residential ground floor footprint:

55 ft. * 79 ft. = 4345 sq. ft. / 8925 sq. ft. (area of plot) = 48.6 %

Open space:

Open space is that part of the plot left after the areas of the residence and all roofed accessory structures are subtracted from the total plot area. Uncovered patios and driveways are considered open space. The open space calculations are based on a 75 ft. wide plot that is 119 feet deep:

Front Yard: Required front yard is 75 ft. wide and 25 ft. deep.
75 ft. * 25 ft. = 1875 sq. ft.; 21% of total plot area

Rear Yard: Required rear yard is 75 ft. wide and 15 feet deep. A maximum 20% of the rear yard may be covered by roofed accessory structures. However, if the residence is built to the setback lines, there is no room to construct an accessory building under our code.
75 ft. * 15 ft. = 1125 sq. ft.; 12.6 % of total plot area

Side Yards: There are 2 required 10 ft. wide side yards. A 3 ft. wide sidewalk is permitted in each side yard but is considered open space. For this calculation the side yard excludes the areas that extend into the front yard and the rear yard. They are accounted for above.
(10 ft. * 79 ft. = 790 sq. ft.) * 2 (side yards) = 1580 sq. ft.; 17.7% of total plot area

Open Space Total: Front 21% + Rear 12.6% + Side 17.7% = 51.3 % of Total Plot Area.

Green space:

Green space refers to the space on the plot left after the areas of the residence, all roofed accessory structures and all impervious surfaces are subtracted from the total plot area.

Front Yard: Required front yard is 75 ft. wide and 25 ft. deep. A maximum 50% of the front yard may be covered by impervious surface:
(75 ft. * 25 ft. = 1875 sq. ft.) - 50% = 937 sq. ft.; Green Space is 10.5% of total plot area

Rear Yard: Required rear yard is 75 ft. wide and 15 ft. deep. A maximum 20% of the rear yard may be covered by accessory structures. Another estimated 38% of the rear yard may be covered in a combination of driveway, pool and deck due to various provisions of the code.

In our example with a 15 ft. deep rear yard no accessory structure would be allowed as it would not have sufficient separation distance from the residence as a result the calculation is based on a pool/deck/driveway combination covering the entire rear yard with the exception of the required 10 ft. side yards, 5 ft. rear yard and a driveway across the rear setback.

$(75 \text{ ft.} * 15 \text{ ft.} = 1125 \text{ sq. ft.}) - 650 \text{ sq. ft.} (550 \text{ sq. ft. pool/deck and } 100 \text{ sq. ft. driveway access}) = 475 \text{ sq. ft.};$ Green Space is 5% of total plot area

Side Yards: Required side yard is 10 ft. wide and 79 ft. deep excluding the front and rear yards accounted for above. A maximum 3 ft. wide sidewalk is permitted in each side yard.

$(10 \text{ ft.} * 79 \text{ ft.} = 790 \text{ sq. ft.}) - (3 \text{ ft. sidewalk} * 79 \text{ ft.} = 237 \text{ sq. ft.}) = 553 \text{ sq. ft.} * 2 \text{ (side yards)} = 1106 \text{ sq. ft.};$ Green Space is 12% of total plot area

Green space total: Front 10.5% + Rear 5% + Side 12% = 27.5% of Total Plot Area

Impervious coverage

Some codes limit impervious coverage as opposed to requiring a percentage of green space. It is the reverse of green space and is all that land covered by buildings and impervious surfaces of any kind. If green space covers 28 % of the plot we would say impervious coverage is 72%.

Plot Development Version #2, With Accessory Structure

Plot 75 ft. wide and 119 ft. long; 8925 sq. ft.

FAR

55 ft. wide by 54 ft. = total area of 2970 sq. ft. / 8925 sq. ft. (area of plot) = 33 %. This will cover 33 % of a plot with an effective FAR of .33. A 2 story structure would have an FAR of .66 [33 % (.33) coverage * 2 floors = .66 FAR]

Residence and Accessory structures:

Maximum residential building footprint is plot area minus required setbacks:

55 ft. * 54 ft. = 2970 sq. ft. / 8925 sq. ft. (area of plot) = 33 %

Accessory structure is 20% of rear yard. Rear yard must be deep enough to provide 15 ft. separation between main and accessory building and a 5 ft. rear plot line setback. For this calculation a rear yard of 40 ft. in depth was used. That would allow a 20 ft. deep accessory structure:

75 ft. * 40 ft. = 3000 sq. ft. *20% = 600 sq. ft. (maximum footprint)

600 sq. ft. / 8925 = 6.7%

Total plot coverage of the main and accessory buildings measured at ground floor:

33% + 6.7 % = 39.7%

Open space:

Open space under the current Miami Shores code.

Open space is that part of the plot left after the areas of the residence and all roofed accessory structures are subtracted from the total plot area. Uncovered patios and driveways are considered open space. The open space calculations are based on a 75 ft. wide plot that is 119 feet deep:

Front Yard: Required front yard is 75 ft. wide and 25 ft. deep.
75 ft. * 25 ft. = 1875 sq. ft.; 21% of total plot area

Rear Yard: To fit a 20 ft. long accessory structure in a rear yard the rear yard would have to be at least 40 ft. long. A 5 ft. rear yard setback is required, 20 ft. for the accessory structure and 15 ft. to separate the accessory structure from the residence. This would make the rear yard 75 ft. * 40 ft. = 3000 sq. ft.
A maximum 20% of the rear yard may be covered by roofed accessory structures.
75 ft. * 40 ft. = 3000 sq. ft. - 20% = 2400; 26.8 % of total plot area

Side Yards: There are 2 required 10 ft. wide side yards. For this calculation the side yard excludes the areas that extend into the front yard and the rear yard. They are accounted for above.
(10 ft. * 54 ft. = 540 sq. ft.) * 2 (side yards) = 1080 sq. ft.; 12% of total plot area

Open Space Total: Front 21% + Rear 26.8% + Side 12% = 59.8 % of Total Plot Area

Green space:

Green space refers to the space on the plot left after the areas of the residence, all roofed accessory structures and all impervious surfaces are subtracted from the total plot area.

Front Yard: Required front yard is 75 ft. wide and 25 ft. deep. A maximum 50% of the front yard may be covered by impervious surface:
(75 ft. * 25 ft. = 1875 sq. ft.) - 50% = 937 sq. ft.; Green Space is 10.5% of total plot area

Rear Yard: Rear yard is 75 ft. wide and 40 ft. deep. A maximum 20% of the rear yard may be covered by roofed accessory structures.
A pool/deck/driveway combination may cover the entire rear yard not occupied by an accessory structure with the exception of the required 10 ft. side yards, 5 ft. rear yard. A 20 ft. wide driveway may cross the rear setback.

75 ft. * 40 ft. = 3000 sq. ft. (rear yard)
- 600 sq. ft. (Accessory structure; 20% of entire rear yard)
- 1325 sq. ft. (Pool/deck; Rear yard minus setbacks is 55 ft. wide and 35 ft. deep
= 1925 sq. ft. minus 600 sq. ft. accessory structure = 1325 sq. ft.)
- 100 sq. ft. driveway access)
= 975 sq. ft.; Green Space is 10.9% of total plot area

Side Yards: Required side yard is 10 ft. wide and 54 ft. deep excluding the front and rear yards accounted for above. A maximum 3 ft. wide sidewalk is permitted in each side yard.
(10 ft. * 54 ft. = 540 sq. ft.) - (3 ft. sidewalk * 54 ft. = 162 sq. ft.) = 378 sq. ft. *
2 (side yards) = 756 sq. ft.; Green Space is 8.4% of total plot area

Green space total: Front 10.5% + Rear 10.9% + Side 8.4% = 29.5% of Total Plot Area

Impervious coverage

It is the reverse of green space and is all that land covered by buildings and impervious surfaces of any kind. If green space covers 29.5 % of the plot we would say impervious coverage is 70.5%.

Plot coverage

Plot coverage is often used by cities to set a limit on how much of a plot may be developed.

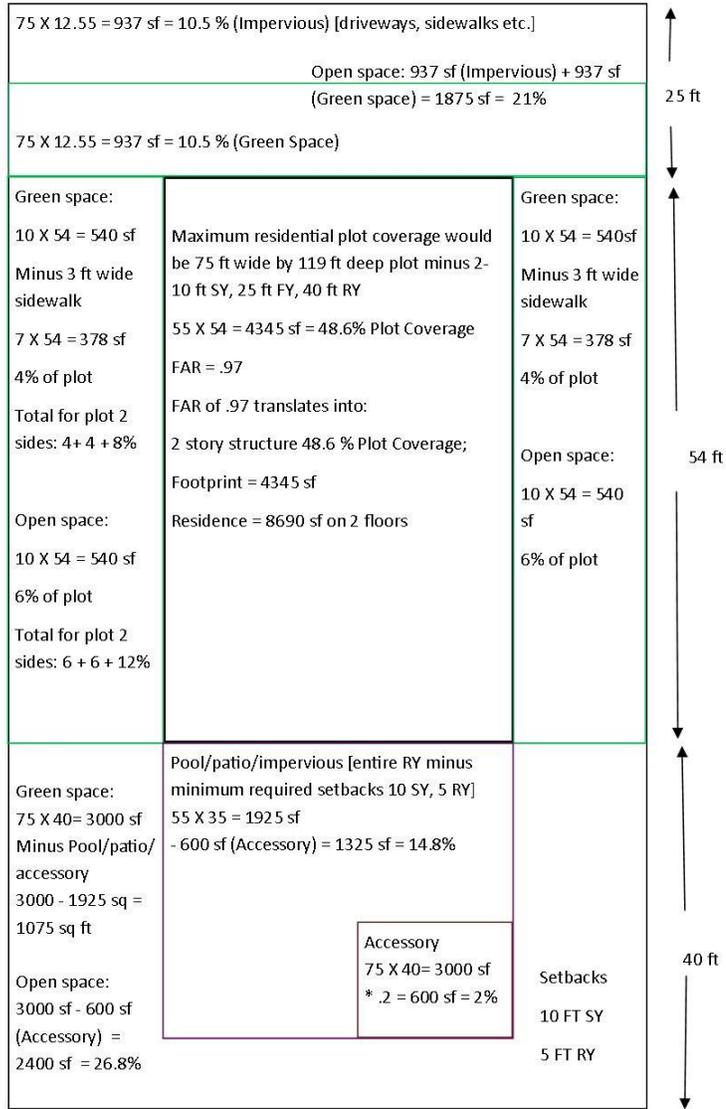
Plot coverage generally refers to the main structure and roofed accessory structures. In our example an open space of 59.5% would translate into a plot coverage of 40.1%. A plot coverage limit of 35% is common in our area.

Plot with Residence and Accessory Structure 75 ft. wide 119 ft. deep

CHART SHOWS
PLOT COVERAGES
UNDER CURRENT
REGULATIONS

FY = front yard
SY = side yard
RY = rear yard
sf = square feet
ft = feet

Roofted Accessory
structure max 20%
of rear yard.
Rear yard must be
40 feet deep to al-
low a 20 ft. deep
structure 15 ft. from
residence and 5 t.
from rear plot line.



Version #2 with Accessory Structure.

Existing Relevant Code Provisions

Below are the existing code sections that are most relevant to the discussion:

<p>EXISTING</p> <p>Accessory Buildings</p>
<p>The floor area of all roofed accessory structures shall not exceed the floor area of the dwelling on the same plot and may be further restricted by plot coverage regulation.</p> <p>Location: In rear yard only as defined in Sec. 201, not less than 15 ft. from the main building and not less than 10 ft. from any plot line of contiguous plot that bounds a side or front yard or not less than 5 ft. from any other plot line; provided that on a corner plot the rear line of which adjoins a side line of a plot to the rear, no accessory building shall be located nearer to the side street line than a distance equal to the depth of front yard required on the plot to the rear, provided further, that a swimming pool enclosure may be located in any side yard but not less than 10 ft. from the side plot line; provided further, that no door of an accessory building opening on an alley shall be located not less than 20 ft. from the center thereof.</p> <p>Accessory building shoreline setback; 15 ft.</p> <p>Coverage: Not more than 20% of the area of a rear yard, shall be covered by roofed structures with roofs that are more than 50 percent open to the sky, except that fabric or metal roofed structures permitted under Sec. 523.1 (i) that are attached to the dwelling need not be included in computing said coverage. Fences, walls and hedges shall conform to the provisions of Article V.</p>

Sec. 516 (i)

- (4) Walkways are permitted in all yards, subject to lot coverage regulations, provided that if any part of the sidewalk is located within ten feet of the side plot line or within five feet of the rear plot line they shall not exceed three feet in width.

Sec. 521. - [Required off-street parking.]

(b) (1)

- i. Not less than 50 percent of the front yard or swale/parkway shall be maintained as green space (pervious area).

DIVISION 17. - LANDSCAPING [46]¹

Sec. 536. - [Design standards.]

- (a) All green space shall be planted with grass, sod or living ground cover and a minimum of two trees.
- (b) The use of impervious material as ground cover shall be prohibited except for areas dedicated to vehicular driveways, patios, tennis courts or pool decks. Chatahoochie stone or similar materials shall not be substituted for grass, sod or living ground cover.

- (c) A boat storage area of 200 square feet surfaced by gravel rock of one-half inch diameter, or greater, shall be permitted.
- (d) Use of mulch as ground cover to enhance the growth of an adjacent shrub or tree is permitted in ~~open~~ green spaces however; cypress mulch, shell, crushed stone pebbles, inorganic mulch, plastic, rubber and glass shall not be used.
- (e) Vegetable gardens are permitted in rear yards only.

(Ord. No. 554, § 1, 12-1-92)

Sec. 537. - [Maintenance standards.]

- (a) Property owners are responsible for the proper maintenance of landscaping on their property in accordance with the ordinances of Miami Shores Village. Maintenance shall include watering, mowing and trimming on a regular basis as required in each instance to keep said landscaping in healthy, attractive and growing condition. Fertilizing, treating, mulching, removal or replacement of dead or diseased plants and removal of refuse and debris shall be done as required to maintain the health and appearance of landscaping as follows:
 - (1) The length of the grass and lawn shall be that necessary to provide a neat, well-kept appearance, but in no case shall exceed eight inches.
 - (2) Ground cover used in lieu of grass shall be of one uniform type through a given lawn area and shall not be permitted to become adulterated with weeds.
 - (3) Grass and ground cover areas shall be kept free of weeds and the total of all non-growth areas shall not exceed 25 percent thereof.
 - (4) Property owners are responsible for maintaining the landscaping on parkway areas with the exception of trees. (See Section 20-17 of Code of Ordinances.)
- (b) Shrubs and trees shall be trimmed in accordance with the Miami Shores Village Code of Ordinances. (See Section 10-10.)
- (c) Maximum allowable heights for hedges parallel to property lines shall be maintained as provided by Section 518(a) of Zoning Ordinance 270, as amended.
- (d) All required planting shall be a minimum grade of Florida No. 1, or better.
- (e) The removal of living trees from property within the Village shall be governed by Sections 24-60 through 24-60.9, Miami-Dade County Code, except in the case of properties designated as "Historic Landmarks," in which case Section 11-6 of this Code shall govern.
- (f) Dead trees shall be removed, and damaged or diseased trees shall be treated.
- (g) Prohibited and controlled tree species, controlled plant species and prohibited plant species, that are listed in the Miami-Dade Landscape Manual and prohibited by Miami-Dade County shall not be planted in the village.

- (h) The Miami-Dade County Landscape Ordinance and Landscape Manual shall be utilized to identify recommended and approved trees and ground cover except as otherwise provided by provisions of the village code.
- (i) All landscaping, mulch or impervious material proposed to be placed in the swale/parkway, with the exception of grass, must be reviewed and approved by the Public Works Director before it may be installed. Driveways or parking areas must be reviewed and approved by the planning director before they are installed.

(Ord. No. 554, § 1, 12-1-92)

Sec. 538. - [Landscaping descriptions and definitions.]

Florida Number One. The minimum standards for plant quality and acceptable method for installation and culture as established by the State of Florida Department of Agriculture in the publication, Grades & Standards for Nursery Plants, Part I and II.

Green space. All areas of plot not occupied by buildings or impervious surfaces of any kind and that is located at ground level.

Ground cover. A planting of low growing plants that provide a complete cover over an area in one growing season and including the area of lawful mulch around the plant.

Landscaping. Living plant material purposely installed for functional or aesthetic reasons at ground level and open to the sky.

Landscape maintenance. The irrigation and cultivation of landscaping to keep a neat and orderly appearance, including removal of debris, replacement of required plantings and the control of growth thereof.

Lawn, turf and sod. The surface layer of soil that is bound by a solid cover of grassy plants and roots.

Mulch. An organic soil additive or decorative topping such as chipped bark or wood chips used for reducing evaporation, weed control, soil enrichment or decorative purposes.

(Ord. No. 554, § 1, 12-1-92)