

<b>PLANNING BOARD HEARING</b>			
<b>Miami Shores Village Town Hall Council Chambers 10050 NE 2<sup>nd</sup> Avenue Miami Shores</b>			
Workshop Date		January 26, 2017	
Subject	Amend the Comprehensive Plan, the Village Code of Ordinances and the Zoning Map to include the annexed land in the north-west corner of the village, and Barry University campus land currently designated Multi-Use Residential / Institutional in the Miami Shores Comprehensive Plan		
Action Required	Provide village council with recommendation.		
Staff Report	David A. Dacquisto AICP, Director, Planning and Zoning	Report Date	December 27, 2016

Council Request: Consider amending, the comprehensive plan, Appendix A, Zoning and zoning map to include new or modified zoning district(s) and zoning map amendment to replace the Miami-Dade Designations and to bring the annexed area under the comprehensive plan and zoning regulations of Miami Shores Village:

The annexed area currently has the Miami-Dade Future Land Use Designations of Low Density, Low-Medium Density and Institutions, Utilities and Communications.

The annexed area currently has the Miami-Dade zoning designations of RU1, RU2 and BU-3.

Staff discussed the following proposal with Barry University and Barry University had no objection to this proposal.

**Barry University:**

Comprehensive Plan Designation

The Barry University property that was annexed to Miami Shores is shown as Institutions, Utilities and Communications on the Miami-Dade County future land use map.

Staff recommends that the annexed area owned by Barry University, be designated as Institutional on the 2025 Miami Shores Village Comprehensive Plan Future Land Use Map. This designation will match the Institutional designation on two easterly sections of the campus.

There is a parcel of Barry University land that was already part of the village that has a current future land use map designation of Multi-Use Residential / Institutional (Map #1).

Staff recommends that this opportunity be used to amend the future land use map designation of this parcel from the current village designation of Multi-Use Residential / Institutional to a future land use designation of Institutional as above.

The remainder of the Barry University campus within Miami Shores is designated Institutional (Map #1).

### Zoning Designation

The annexed area owned by Barry University has mixed Miami Dade zoning, RU-1 (Single Family Residential), RU-2 (Two Family Residential) and BU-3 (Liberal Business District) (Map #3).

Staff recommends that the Barry University land annexed from Miami-Dade County be designated S-1 on the Miami Shores zoning map to match the designation on the rest of the campus (Map #4).

### **Annexed Area not part of Barry University:**

#### Comprehensive Plan Designation

The annexed area lying outside the Barry University campus has current Miami-Dade County future land use designations of Low Density and Low Medium Density.

Staff recommends that this area be reclassified on the 2025 Miami Shores Village Comprehensive Plan Future Land Use Map with two existing Miami Shores future land use designations that are consistent with existing and proposed zoning for the area (Map #2).

Amend the future land use designation for the RU-1 and RU-2 zoned lands (Map #3) having a Miami-Dade County future land use designation of Low Density (Map #1) to the Miami Shores future land use designation of Single Family (Map #3).

Amend the future land use designation for RU-2 zoned lands (Map #3) having a Miami-Dade County future land use designation of Low Medium Density (Map #1) to the Miami Shores future land use designation of Multi Family Residential (Map #2).

### Zoning Designation

The annexed area lying outside the Barry University campus has a current Miami-Dade County zoning designation of RU-1 and RU-2 (Map #3). There are currently no comparable zones in Miami Shores. In addition to the differences noted below these zoning designations conflict with Miami Shores setback, parking and fence requirements to name a few.

The RU-1 is a single family zoning designation with smaller older platted plots that allows smaller houses (interior cubic dimension) than allowed in the rest of Miami Shores.

The RU-2 is a two-family zoning designation that permits duplexes and 2 detached single family residences on a single plot. There is no comparable Miami Shores zoning designation although technically a duplex could be built in a Miami Shores A1 or A district.

Staff recommends amending the zoning code to create 2 new zoning code districts (RO-1 and RM-2) that accommodate the annexed area while bringing them into compliance to the greatest extent possible with the Miami Shores zoning code.

Amend the zoning map to designate the land shown on the map provided, from the Miami-Dade County zoning designation of RU-1 (Map #3) to the Miami Shores zoning code designation of RO-1 (Map #4).

Amend the zoning map to designate the land shown on the map provided, from the Miami-Dade County zoning designation of RU-2 (Map #3) to the Miami Shores zoning code designation of RM-2 (Map #4).

<b>PLANNING BOARD HEARING</b>			
<b>Miami Shores Village Town Hall Council Chambers 10050 NE 2<sup>nd</sup> Avenue Miami Shores</b>			
Hearing Date	January 26, 2017		
Subject	Create new zoning district designations to accommodate the annexed land in the north-west corner of the village.		
Action Required	Provide village council with recommendation.		
Staff Report	David A. Dacquisto AICP, Director, Planning and Zoning	Report Date	December 27, 2016

Land that is annexed by Miami Shores Village retains the comprehensive plan and zoning district designations it held under the former jurisdiction. The land remains subject to the former jurisdictions comprehensive plan and code of ordinances until such time as the comprehensive plan designation is amended and the land is rezoned to a Miami Shores zoning district designation at which time the Miami Shores regulations apply.

Miami Shores does not have zoning designations that are comparable to the county RU-1 and RU-2 zoning designations of the annexed land.

Staff created 2 new zoning districts for the annexed area that incorporate Miami-Dade County and Miami Shores Village zoning regulations to create new zoning designations while minimizing the conflicts with the current zoning regulations and the creation of non-conformities.

The RO-1 as proposed is a one-family dwelling district and replaces the county's RU-1 one-family dwelling district zoning. The RM-2 is a two-family dwelling district and replaces the county's RU-2 two-family dwelling district zoning and allows 2 dwellings on a plot, a duplex or 2 unattached one-family dwellings.

The new zoning code language keeps the basic zoning regulations of the RU-1 and RU-2 for existing properties and applies a mix of Miami-Dade County and Miami Shores zoning to new development.

The RU-2 continues to allow 2 dwellings on a plot and increases the minimum size of the units to (8,500 cubic feet each). This is less than the smallest Miami Shores dwelling size of 12,500 cubic feet but higher than the existing Miami-Dade County requirements.

The new provisions recognize the proximity of Barry University and allows University uses in dwellings.

Any Miami Shores zoning code regulation that refers to an "R district" in general would also apply to the RO1 and RM2 in the same way it would apply to all other R districts unless the village provides more specific regulation for the RO-1 or RM-2.

Zoning must be consistent with the Comprehensive Plan and staff has recommended comprehensive plan amendments in a separate report that would be consistent with the new RO-1 and RM-2.

The RO-1 and RM-2 zoning districts contain provisions that are not immediately applicable such as waterfront development however they are consistent with other R districts.

Sec. 300 only underlined words are new. Sec. 400 is entirely new.

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

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

- (1) One-family and two-family residential districts (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 ordinance:

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	<u>RO-1</u>
	<u>RM-2</u>

**Sec. 400 Schedule of regulations.**

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

District	Minimum Building Cubage for Dwellings (See Sec. 206)	Construction	Site Plan Review Required	Permitted Uses
RO-1	Dwellings existing on the date of adoption of this ordinance: 8,500 cubic feet  Dwellings constructed after the date of adoption of this	Masonry	Site plan review and approval by the planning board is required for the following: 1. New dwellings. 2. Additions to dwellings. 3. Cabanas. 4. Garages, storage buildings and similar structures except utility sheds permitted under Sec. 516. (5). 5. Conversion of attached or detached garage to habitable space. 6. Changes to the façade of single-family dwellings.	1. One-family dwelling—not more than one dwelling on any one plot. 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

District	Minimum Building Cubage for Dwellings (See Sec. 206)	Construction	Site Plan Review Required	Permitted Uses
	ordinance: 12,500 cubic feet		<p>7. Metal roofs and metal roof color on single-family dwellings and accessory buildings.</p> <p>8. Docks, davits and boat lifts.</p> <p>9. Any permitted accessory structure located within the required 15 feet shoreline setback.</p> <p>10. Pools and pool decks in the front yard that are otherwise permitted by this ordinance.</p> <p>11. Any permitted non-residential principal use.</p> <p>12. Site plan review and approval by the planning board shall be required for universities.</p> <p>Development that is consistent with a campus master plan approved by the planning board shall not require further review by the planning board at the time of actual construction.</p>	<p>equipment for use other than on the same parcel of land.</p> <p>3. Home occupations and professional offices.</p> <p>4. Incidental signs as provided in Article V.</p> <p>5. Commercial picture origination of television or films, including both motion and still pictures, when authorized by license from Miami Shores Village Ordinances with reference to license costs, hours of permitted activities, and other appropriate conditions.</p> <p>6. University uses located in a dwelling subject to the requirements of the RO-1 District for dwellings unless otherwise specified in this Code of Ordinances.</p> <p>The following is a partial list of uses deemed to be not included in the foregoing authorized uses nor in the list of permitted uses in the RO1 district, as hereinafter set forth, unless expressly authorized:</p> <ol style="list-style-type: none"> <li>1. Guest houses.</li> <li>2. Accessory dwellings</li> <li>3. Kitchens or bedrooms in accessory structures.</li> <li>4. More than one kitchen per one-family dwelling.</li> </ol>
RM-2	<p>Dwellings existing on the date of adoption of this ordinance:</p> <p>One- family single or front residence: 8,500 cubic feet</p> <p>One-family, rear residence: 3,000 cubic feet</p> <p>Two-family attached: 8,750 cubic feet</p> <p>Dwellings constructed after the date of adoption of this ordinance:</p>	Masonry	<p>Site plan review and approval by the planning board is required for the following:</p> <ol style="list-style-type: none"> <li>1. All new dwellings.</li> <li>2. Additions to dwellings.</li> <li>3. Cabanas.</li> <li>4. Garages, storage buildings and similar structures except utility sheds permitted under Sec. 516. (5).</li> <li>5. Conversion of garages, cabanas or storage structures to living space.</li> <li>6. Changes to the façade of one and two-family dwellings.</li> <li>7. Metal roofs and metal roof color on single-family dwellings and accessory buildings.</li> <li>8. Docks, davits and boat lifts.</li> <li>9. Any permitted accessory structure located within the required 15 feet shoreline setback.</li> <li>10. Pools and pool decks in the front yard that are otherwise permitted by this ordinance.</li> <li>11. Any permitted non-residential principal use.</li> <li>12. Site plan review and approval by the planning board shall be required for universities.</li> </ol> <p>Development that is consistent with a campus</p>	<ol style="list-style-type: none"> <li>1. One, one-family dwelling - on any one plot.</li> <li>2. One, two-family dwelling – on any one plot.</li> <li>3. Two, one-family dwellings - on any one plot. Where two (2) separate one-family dwellings are erected on a single lot, one (1) shall be placed to the rear of the other and not side by side within the minimum lot width required herein, and there shall be a separation distance of not less than 10 ft. between units.</li> <li>4. 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</li> </ol>

District	Minimum Building Cubage for Dwellings (See Sec. 206)	Construction	Site Plan Review Required	Permitted Uses
	<p>One- family: 12,500 cubic feet.</p> <p>Two-family attached or two detached residences on same plot: 8,500 cubic feet for each dwelling, attached or detached.</p>		<p>master plan approved by the planning board shall not require further review by the planning board at the time of actual construction.</p>	<p>than passenger vehicles, or of construction materials or equipment for use other than on the same parcel of land.</p> <p>5. Home occupations and professional offices.</p> <p>6. Incidental signs as provided in Article V.</p> <p>7. Commercial picture origination of television or films, including both motion and still pictures, when authorized by license from Miami Shores Village Ordinances with reference to license costs, hours of permitted activities, and other appropriate conditions.</p> <p>7. University uses located in a dwelling subject to the requirements of the RM-2 District for dwellings unless otherwise specified in this Code of Ordinances.</p> <p>The following is a partial list of uses deemed to be not included in the foregoing authorized uses nor in the list of permitted uses in the RM2 district, as hereinafter set forth, unless expressly authorized:</p> <ol style="list-style-type: none"> <li>1. Guest house, except as otherwise allowed as a permitted use.</li> <li>2. Accessory dwellings.</li> <li>3. Kitchens or bedrooms in accessory structures.</li> <li>4. More than one kitchen per one-family dwelling or one kitchen per dwelling unit in a two-family dwelling.</li> </ol>

District	Minimum Plot Size	Green Space and Max. Plot Coverage (% of Plot Area)	Maximum Building Height	Required Front Yard Depth,	Required Side Yards: Two required (except as otherwise specified below) each having the minimum width specified below.	Required Rear Yard Depth	Accessory Buildings
RO-1	<p>Subdivisions existing on the date of adoption of this ordinance: Width: 50 ft. Area: 5,000 sq. ft.</p> <p>Subdivisions plotted after the date of adoption of this ordinance: Width: 75 ft. Area: 7,500 sq. ft.</p> <p>Subdivisions without municipal sanitary sewer plotted after the date of adoption of this ordinance: Width: 75 ft. Area: 15,000 sq. ft.</p>	<p>Green space min: 10% of gross plot area</p> <p>Plot coverage max: 35% of plot area (applies to dwelling only).</p>	<p>Dwellings existing on the date of adoption of this ordinance: 2 stories and shall not exceed 35 ft. in height.</p> <p>Dwellings and accessory structures constructed after the date of adoption of this ordinance: Same as specified for R districts.</p>	<p>For dwellings: 25 ft.</p> <p>For swimming pools and other buildings: Same as specified for R districts.</p>	<p>Dwellings existing on the date of adoption of this ordinance: 10% of plot width, min. 5 ft., max. 7.5 ft., except that on a corner plot the street side shall have a width of not less than 15 ft.</p> <p>Dwellings constructed after the date of adoption of this ordinance: Same as specified for R districts.</p> <p>For swimming pools and other buildings: Same as specified for R districts.</p>	<p>For dwellings: 15 ft.</p> <p>For swimming pools and other buildings: Same as specified for R districts.</p>	Same as specified for R districts.
RM-2	<p>Subdivisions existing on the date of adoption of this ordinance: Width: 50 ft. Area: 7,500 sq. ft.</p> <p>Subdivisions plotted after the date of adoption of this ordinance: Width: 75 ft. Area: 7,500 sq. ft.</p> <p>Subdivisions without municipal sanitary sewer plotted after the date of adoption</p>	<p>Green space min: 10% of gross plot area</p> <p>Plot coverage max: 35% of plot area (applies to dwelling only).</p>	<p>For dwellings and non-residential buildings: 2 stories and shall not exceed 35 ft. in height.</p> <p>Dwellings constructed after the date of adoption of this ordinance: Same as specified for R districts.</p> <p>Accessory buildings: Same as specified for R districts.</p>	<p>For one-family dwellings: 25 ft.</p> <p>For second one-family dwelling on single plot: 50 ft.</p> <p>For swimming pools and other buildings: Same as specified for R districts.</p>	<p>Dwellings existing on the date of adoption of this ordinance: 7.5 ft., except that on a corner plot the street side shall have a width of not less than 15 ft.</p> <p>Dwellings constructed after the date of adoption of this ordinance: Same as specified for R districts.</p> <p>For swimming pools and other buildings: Same as specified for R districts.</p>	<p>For dwellings: 25 ft.</p> <p>For swimming pools and other buildings: Same as specified for R districts.</p>	Same as specified for R districts.



District	Minimum Plot Size	Green Space and Max. Plot Coverage (% of Plot Area)	Maximum Building Height	Required Front Yard Depth,	Required Side Yards: Two required (except as otherwise specified below) each having the minimum width specified below.	Required Rear Yard Depth	Accessory Buildings
	of this ordinance: Width: 75 ft. Area: 15,000 sq. ft. per residential unit.						

New Driveway and Parking Space Requirements for RO1 and RM2 Districts, Subsection (j) is entirely new.

**DIVISION 5. - OFF-STREET PARKING REQUIREMENTS [45]**

**Sec. 520. - Applicability; general provisions.**

(j) *Driveway/parking spaces in areas annexed to Miami Shores.* Driveway/parking spaces for single-family, multi-family and non-residential districts in areas annexed by Miami Shores Village and that have been rezoned to Miami Shores Village zoning districts shall be regulated by the Miami Shores Village Code of Ordinances with the following exceptions:

- (1) Existing driveway/parking spaces that were legally conforming to the driveway/parking space regulations of Miami-Dade County in place at the time of the annexation may continue in their existing location or may be replaced in their existing location.
- (2) New driveway/parking spaces shall conform to the requirements of Sec. 521 herein with the following exception.
  - a. The planning director may administratively approve a side yard setback down to one (1) ft. for driveway/parking space location for new driveway/parking spaces where full compliance with the requirements of Sec. 520 and 521 is not practicable due to existing conditions onsite or off that are the result of prior Miami-Dade Code of Ordinance regulation.

ARTICLE XIV. - RU-1, SINGLE-FAMILY RESIDENTIAL DISTRICT<sup>14</sup>

Footnotes:

--- (14) ---

**Cross reference**— Height of fences, walls and hedges in RU District, § 33-11; location of swimming pools in RU-1 Districts, § 33-20(c); maximum setback of principal residential building in RU-1 Districts, § 33-45.

Sec. 33-199. - Uses—Permitted.

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose in a RU-1 District which is designed, arranged or intended to be used or occupied for any purpose other than the following, unless otherwise specifically provided herein:

- (1) Every use as a one-family residence, including every customary use not inconsistent therewith, including a private garage.
  - (1.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.
- (2) Municipal recreation building, playgrounds, parks or reservations owned and operated by a municipality, County, State or the United States Government.
  - (2.1) Private recreation area, private recreation building or playground owned and maintained by a homeowner's or tenant association, provided same is approved in conjunction with approval of the subdivision at time of site plan approval or plat.
- (3) Golf courses.
- (4) Business telephone will be permitted in a residence provided no truck, heavy equipment, or similar vehicle is kept on the property and no storage or any other business activity is carried on.
- (5) Noncommercial boat piers or slips for docking of private watercraft incidental to an existing residential use, except houseboats without power.
- (6) Reserved.
- (7) Servants' quarters, only upon approval after public hearing.
- (8) Noncommercial pigeon lofts, provided the pigeons shall be housed in a structure meeting the requirements of the building code and the requirements of these regulations for accessory buildings; the activity shall be conducted in a manner meeting the requirements of the Health Department, provided birds shall not be exercised later than two (2) hours after sunrise and more than two (2) hours before sunset.
- (9) Notwithstanding anything to the contrary in this Code, family day care and after-school care for children is permitted upon compliance with the following conditions:
  - (a) That the total number of children on the premises does not exceed five (5) in number, including in the count only preschool children of the resident family. Preschool children shall consist of children five (5) years of age or younger.
  - (b) That the age of the children, excluding those of the resident family, shall not exceed eleven (11) years of age.

- (c) That the applicant secure a license from the Florida Department of Health and Rehabilitative Service to operate a family day care home at the subject property.
  - (d) Where applicable, compliance with the requirements of this Code pertaining to educational and child care facilities.
  - (e) Upon compliance with all conditions enumerated, a certificate of use and occupancy is secured from the Department.
  - (f) That the facility shall comply with the safety barrier requirements and restrictions enumerated in Section 33-151.18(j).
- (10) A group home shall be permitted in a dwelling unit provided:
- (a) That the total number of resident clients on the premises not exceed six (6) in number.
  - (b) That the operation of the facility be licensed by the State of Florida Department of Health and Rehabilitative Services and that said Department or sponsoring agency promptly notify the Director of the Building and Zoning Department of said licensure no later than the time of home occupancy.
  - (c) That the structure used for a group home shall be located at least one thousand (1,000) feet from another existing, unabandoned legally established group home. The 1,000-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.

(11) Reserved.

(Ord. No. 57-19, § 8(A), 10-22-57; Ord. No. 58-41, § 2, 10-21-58; Ord. No. 63-16, § 3, 5-7-63; Ord. No. 68-1, § 3, 1-9-68; Ord. No. 79-78, § 1, 10-2-79; Ord. No. 80-28, § 1, 4-15-80; Ord. No. 81-25, § 1, 3-17-81; Ord. No. 81-26, § 3, 3-17-81; Ord. No. 81-60, § 1, 6-2-81; Ord. No. 90-115, § 2, 10-16-90; Ord. No. 90-117, § 1, 10-16-90; Ord. No. 91-51, §§ 2, 3, 5-7-91; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 99-122, § 2, 9-21-99; Ord. No. 07-05, § 2, 1-25-07; Ord. No. 08-51, § 1, 5-6-08)

Sec. 33-200. - Same—Prohibited.

The following uses shall be prohibited in any RU-1 District, Single-family Residential District:

- (1) Bee hives or the breeding or raising of any insects, reptiles or animals other than customary pets.
- (2) The keeping, breeding, or maintaining of horses, cattle or goats.
- (3) The raising of poultry or fowl.

(Ord. No. 57-19, § 8(B), 10-22-57)

ARTICLE XV. - RU-2, TWO-FAMILY RESIDENTIAL DISTRICT<sup>16</sup>

Footnotes:

--- (16) ---

**Cross reference**— Height of fences, walls and hedges in RU Districts, § 33-11; location of swimming pools in RU-2 Districts, § 33-20(c); maximum setback for principal residential buildings in RU-2 Districts, § 33-45.

Sec. 33-201. - Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered for any purpose in an RU-2 District which is designed, arranged, or intended to be used or occupied for any purpose, unless otherwise provided for, excepting for one (1) or more of the following uses:

- (1) Every use permitted in RU-1, RU-1M(a) and RU-1M(b) Districts.
  - (1.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.
- (2) On lots meeting the requirements for two-family use, every use as a duplex or two-family residence, including two (2) private garages. Where two (2) separate buildings are erected to house separate families on a single lot, one (1) shall be placed to the rear of the other and not side by side within the minimum lot width required herein.
- (3) Every use as a secondary or subordinate single-family residence or one-family garage apartment on the rear portion of a lot where there is only one (1) single-family residence on the front portion of said lot.

(Ord. No. 57-19, § 9(A), 10-22-57; Ord. No. 95-135, § 9, 7-25-95; Ord. No. 07-05, § 3, 1-25-07; Ord. No. 08-51, § 1, 5-6-08)

Sec. 33-201.1. - Subdivision of RU-2 lots.

Duplex uses which comply with the minimum standards of Chapter 33 of the Zoning Code for such uses in the RU-2 District and other districts where duplex uses are permitted may be subdivided so as to create one (1) lot for each dwelling unit, provided that the following conditions are met:

- (1) Each individual lot must be subdivided in accordance with Chapter 28 of the Code of Miami-Dade County.
- (2) Lot frontage. Each individual lot shall have a minimum frontage of thirty-seven and five-tenths (37.5) feet at the front property line and at the required twenty-five-foot front setback line.
- (3) Lot area. Each individual lot shall have a minimum area of three thousand seven hundred fifty (3,750) square feet.
- (4) Lot coverage. For each individual lot, the percentage of lot covered by structures shall not exceed thirty (30) percent.
- (5) Parking. For each individual lot, a minimum of two (2) parking spaces per lot shall be provided.
- (6) Height. The maximum height shall be thirty-five (35) feet and two (2) stories.

- (7) Setbacks. Building setbacks, as applied to lot lines prior to lot division in accordance with this section, shall be as follows:

	<i>Front</i>	<i>Rear</i>	<i>Between Units</i>	<i>Interior Side</i>	<i>Side Street</i>
Duplex structure	25'	25'	0'	7.5'	15'
Accessory building	75'	5'	10'	7.5'	20'
			(0' between accessory buildings on different lots if provided in homeowner's documents)		
Two single-family structures (front to back), rear unit	50'	5'	10'	7.5'	20'

- (8) Utilities and services. Each individual unit shall be independently served by separate heating, air conditioning, sewer, water, electric power, gas, and other facility and utility services, wherever such utilities and services are provided, and no individual unit shall be in any way dependent upon such services or utility lines located within another unit.
- (9) Walls. The individual units in a fee-simple duplex arrangement shall be separated by a party wall meeting all requirements of the South Florida Building Code. Where units are offset from one (1) another and a common party wall is used, the wall may be placed equidistant on each side of the lot line not exceeding the length of the offset.
- (10) Maintenance of lot and structure. Provisions shall be made to assure that the structures and grounds in a development of this type are maintained in a satisfactory manner, without expense to the general taxpayer of Miami-Dade County. The instrument incorporating such provisions shall include methods to ensure the consistency and compatibility of the maintenance of all structures, parking areas, common walls, fences, and grounds. If necessary, said instrument shall include four-foot wall-maintenance easement provisions. The instrument incorporating such provisions shall be approved by the Department and shall be recorded in the public records of Miami-Dade County at the time of the subdivision. A unity of title or other similar agreement or covenant must be filed on a form approved by the Department at the time of subdivision of the property in accordance with the provisions of this section; said instrument may be released by the Director upon assurance that the construction of the duplex structure(s) will proceed in accordance with the provisions of this section. Building permits will only be issued for both duplex units. Construction on each unit in the duplex must proceed concurrently.

- (11) No appeal rights. Individual unit owners may not appeal any development matters via the administrative variance process or to appropriate hearing boards if written agreement on building alterations, additions, etc., cannot be reached with the abutting unit owner. If agreement is reached, normal regulations pursuant to permits, public hearings, etc. must be adhered to. No variances from this subsection may be applied for or granted.
- (12) Duplex lots that do not have seventy-five (75) feet of frontage and/or seven thousand five hundred (7,500) square feet of area, but are legally grandfathered or otherwise approved, may be subdivided in accordance with the provisions herein, provided that:
  - (a) Each lot in a subdivided pair shall have equal frontage at the front property line and at the required twenty-five-foot front setback line, except as follows: On corner lots, the corner lot in a subdivided pair may have up to fifty-five (55) percent of the frontage of the original lot prior to its subdivision. The other lot in this subdivided pair must have a minimum of forty-five (45) percent of the frontage of the lot.
  - (b) Each lot in a subdivided pair shall have equal lot area, except as follows: On corner lots, the corner lot in a subdivided pair may have up to fifty-five (55) percent of the area of the original lot prior to its subdivision. The other lot in this subdivided pair must have a minimum of forty-five (45) percent of the area of the original lot.
  - (c) Building setbacks, as applied to lot lines prior to lot division in accordance with this section, shall be as enumerated in Section 33-201.1(7) above, except that interior side setbacks shall be a minimum of five (5) feet.

(Ord. No. 83-13, § 1, 3-15-83; Ord. No. 95-215, § 1, 12-5-95)

Sec. 33-202. - Uses prohibited.

The use of any lot in a subdivision platted and recorded prior to the adoption of this chapter for more than a one-family residence is prohibited where the area of the lot is smaller than specified in Section 33-7.

(Ord. No. 57-19, § 9(B), 10-22-57)

Sec. 33-49. - Table of minimum widths, area of lots; maximum lot coverage, and minimum building sizes.

The minimum width and area of lots, the maximum lot coverage, and minimum building sizes shall be in effect for the districts enumerated in the following table:

<i>District</i>	<i>Families</i>	<i>Min. Width</i>	<i>Min. Lot Area (Sq. Ft.)</i>	<i>Max. Lot Coverage (% of Lot Area)</i>	<i>Min. Bldg. Size (Cu. Ft.)</i>
RU-1	1	New sub.-75'	7,500	35% for subdivisions platted on or before March 8, 2002; 40% for subdivisions platted after March 8, 2002	8,500
		Old sub.-50'	5,000	35%	8,500
RU-1M(a)	1	50'	5,000	40% for subdivisions platted on or before March 8, 2002; 45% for subdivisions platted after March 8, 2002	8,500
RU-1M(b)	1	60'	6,000	40% for subdivisions platted on or before March 8, 2002; 45% for subdivisions platted after March 8, 2002	8,500
RU-1Z	1	New sub.-45'	4,500	50%	8,500
		Old sub.*			
*as approved by public hearing or administrative site plan review					
RU-2	1	New sub.-75'	7,500	35%	8,500
		Old sub.-None	3,750	30%	8,500
	2 singles	New sub.-75'	7,500	30%	8,500 front res.

					5,000 rear res.
		Old sub.-50'	5,550	30%	8,500 front res.
					3,000 rear res.
	duplex	New sub.-75'	7,500	30%	8,500
		Old sub.-50'	5,550	30%	8,500
RU-3	1	Same as single-family residence in RU-2 District.			
	2 singles	Same as two single-family residences in RU-2 District.			
	duplex	Same as duplex in RU-2 District.			
	3 or 4 unit	75'	7,500	40%	7,500
	Multi-family housing development	100'	2 acres net lot area	30%	
RU-3B	1	Same as single-family residence in RU-2 District.			
	2 singles	Same as two single-family residences in RU-2 District.			



	duplex	Same as duplex in RU-2 District.			
	3 or 4 unit	Same as 3 or 4 unit in RU-3 District.			
	bungalow	100'	2000 per fam.	40%	See RU-3B
	court		10,000 min.		
RU-4	1 or 2 singles	Same as 1 or 2 single-family residences in RU-2 District.			
	duplex	Same as duplex in RU-2 District.			
	3 or 4 unit	Same as 3 or 4 unit in RU-2 District.			
	5 or more units	100'	500 per fam. 10,000 min.	See RU-4	
RU-4A	1 or 2 singles	Same as 1 or 2 single-family residences in RU-2 District.			
	duplex	Same as duplex in RU-2 District.			
	3 or 4 unit	Same as 3 or 4 unit in RU-2 District.			

	5 or more units	100'	500 per fam. 10,000 min.	See RU-4	
	bungalow villa	See RU-4A			
EU-M	1	Prior to 5-9-57 100'	15,000	30%	12,500
		New sub.-120' (Min. depth 115')	15,000	30%	12,500
EU-S	1	125' (Min. depth 135')	25,000 (inc. r/w)	30%	15,000
EU-1	1	Prior to 4-17-51 100'	1 ac. (inc. r/w)	15%	15,000
		New sub.-125'	1 ac. (inc. r/w)	15%	15,000
EU-1C	1	150'	2½ ac. (inc. r/w)	15%	17,500
EU-2	1	200'	5 ac. (inc. r/w)	15%	17,500
AU	1	Prior to 2-13-51 100'	10,000	25%	7,500
		New sub.-200'	5 ac. (inc. r/w)	15%	7,500

---

<i>BU Districts</i>		<i>Minimum lot frontage</i>	<i>Minimum lot area</i>
---------------------	--	-----------------------------	-------------------------

BU use	Old sub.	50'	5000 sq. ft.
	New sub.	50', 75' corner	5000 sq. ft., 7500 sq. ft.
RU or BU & RU use	Old sub. & New sub.	1, 2, 3 or 4 residential units—75'	1, 2, 3 or 4 residential units—7500 sq. ft.
		5 or more residential units—100' See Note 3	5 or more residential units—10,000 sq. ft. See Note 3
<i>IU Districts</i>			
BU or IU use	Old sub.	50'	5000 sq. ft.
	New sub.	75'	7500 sq. ft.
<i>KU Districts</i>	Same as RU-1 Districts		

NOTE 1. Percentage of lot coverage allowed applied to principal structure. Lot coverage for accessory buildings such as guest houses, secondary residences, etc., shall be as provided in other applicable Sections.

Lot coverage requirements shall in no way affect existing setback or spacing requirements, or the requirements that residential uses must conform to residential setbacks when established in business or industrial districts.

NOTE 2. Unless otherwise stated, figures in this column are for single-family residential use. Duplex structure shall be one and one-half (1½) times minimum cubic content. Three (3) or four (4) units shall be twice the minimum cubic content.

NOTE 3. Where a lot is to be used exclusively for commercial purposes, the number of store units shall not be dependent on any square foot area requirements; however, where it is desired to combine a residential use of any type with a commercial use, necessary lot area shall first be provided for the residential use and, if there is any surplus area, the commercial use will be permitted, providing all setback, spacing, parking, and other requirements are met.

NOTE 4. Unless otherwise stated herein or shown on the district maps, the cubic content specified shall refer to a one (1) story, single-family dwelling. Proportional increases in size or value shall be required for two (2) story or more than one (1) family use.

NOTE 5. Minimum width of lots in new subdivisions in the RU-1Z, RU-1, RU-1M(a), RU-1M(b), EU-M, EU-S and EU-1 Districts may be decreased from the amount required under the following conditions:

- (a) The decrease shall be applicable to lots containing a portion of their frontage along the curvilinear streets and cul-de-sacs.
- (b) The minimum lot frontage as defined elsewhere for the various zoning districts must be provided at the minimum building setback line of curvilinear lots.
- (c) That the minimum frontage requirement at street right-of-way line and radius requirements of exterior street right-of-way line along curvilinear streets and cul-de-sacs shall meet the following requirements:

<i>Zoning District</i>	<i>Minimum Frontage (feet)</i>
RU-1Z	31
RU-1	50
RU-1M(a)	33
RU-1M(b)	40
EU-M	80
EU-S	85
EU-1	85

- (d) Lot area must comply with all other minimum zoning requirements.
- (e) The design of the streets where the lot frontage occurs must conform to standards of the Public Works Department.

(Ord. No. 57-19, § 29(C), (D), 10-22-57; Ord. No. 59-43, § 2, 11-24-59; Ord. No. 61-2, 1-17-61; Ord. No. 63-28, § 1, 7-9-63; Ord. No. 64-19, § 1, 5-5-64; Ord. No. 68-22, § 1, 4-16-68; Ord. No. 72-59, § 1, 9-19-72; Ord. No. 82-30, § 1, 4-20-82; Ord. No. 94-201, § 1, 11-1-94; Ord. No. 95-135, § 5, 7-25-95; Ord. No. 02-32, § 1, 2-26-02; Ord. No. 03-132, § 2, 6-3-03; Ord. No. 05-189, § 1, 11-3-05)

Sec. 33-50. - Table of setback lines in residential and estate districts.

The minimum setback distances and spacing requirements in residential and estate districts shall be as follows:

<i>District/Families</i>	<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Between Buildings (Ft.)</i>	<i>Interior Side (Ft.)</i>	<i>Side Street (Ft.)</i>
RU-1: One	25 for subdivisions platted on or before March 8, 2002; for subdivisions platted after March 8, 2002, 15 for 50% of the lineal footage of the width of the house and 25 for balance; except 20 for attached garages	25 for subdivisions platted on or before March 8, 2002; for subdivisions platted after March 8, 2002, 15 for 50% of the lineal footage of the width of the house and 25 for balance	—	10% lot width min.—5' max.—7½'	15
Acc. bldg.	75	5	10	same as RU-1 res.	equal to front setback requirements for principal structure on key lot, plus 5'; 20' where there is no key lot.
Canopy carport	5	5	—	2	5
RU-1M(a):	25 for subdivisions platted on or before March 8, 2002; for subdivisions platted after March 8, 2002, 15 for 50% of the lineal footage of the width of the house and 25 for balance; except 20 for attached garages	25 for subdivisions platted on or before March 8, 2002; for subdivisions platted after March 8, 2002, 15 for 50% of the lineal footage of the width of the house and 25 for balance	—	5	10

Acc. bldg.	75	5	10	5	15
Canopy carport	5	5	—	2	5
RU-1M(b):	25 for subdivisions platted on or before March 8, 2002; for subdivisions platted after March 8, 2002, 15 for 50% of the lineal footage of the width of the house and 25 for balance; except 20 for attached garages	25 for subdivisions platted on or before March 8, 2002; for subdivisions platted after March 8, 2002, 15 for 50% of the lineal footage of the width of the house and 25 for balance	—	6	10
Acc. bldg.	75	5	10	6	15
Canopy carport	5	5	—	2	5
RU-2: One			—same as RU-1 res.—		
Two singles: Front			—same as RU-1 res.—		
Rear			—same as RU-1 acc. bldg.—		
Duplex			—same as RU-1 res.—		
Acc. bldg.			—same as RU-1 acc. bldg.—		
Canopy carport	5	5	—	2	5

RU-3: One			—same as RU-1 res.—		
Two singles			—same as two singles in RU-2—		
Duplex			—same as RU-1 res.—		
Three or four	25	25	—	15	25
Acc. bldg.	75	5	10	7½	30
Canopy carport	5	5	—	2	5
RU-3B: One			—same as RU-1 res.—		
Two singles			—same as two singles in RU-2—		
Duplex			—same as RU-1 res.—		
Three or four			—same as 3 or 4 unit in RU-3—		
Bungalow court			—see RU-3B—		
Acc. bldg., 1 to 4 units	75	5	10	7½	30
RU-4 & RU-4A: One			—same as RU-1 res.—		
Two singles			—same as two singles in RU-2—		
Duplex			—same as RU-1 res.—		

Three or four			—same as 3 or 4 units in RU-3—		
Five or more			—see RU-4 and RU-4A—		
Acc. bldg.	75	5	10	7½	30
EU-M: One	25	25	—	15	25
Acc. bldg.	75	7½	10	20	30
Canopy carport	5	5	—	2	5
EU-S: One	35	25	—	15	25
Acc. bldg.	75	7½	10	20	30
Canopy carport	13	5	—	2	5
EU-1: One	50	25	—	15	25
Acc. bldg.			—same as EU-M accessory buildings—		
Canopy carport	28	5	—	2	5
EU-1C			—same as EU-1—		
EU-2			—same as EU-1— principal building and entrance lodge same as principal building in EU-1—all other buildings not closer than 85' to the highway right-of-way		



Canopy carport	28	5	—	2	5
AU			—same as EU-1 unless otherwise specified in AU District—		

NOTE 1. Refer to Section 33-20(b)(l) for additional utility shed setback regulations. Sheds in townhouse developments shall be regulated by Section 33-202.3(2)(q).

(Ord. No. 57-19, § 30(E), 10-22-57; Ord. No. 59-43, § 3, 11-24-59; Ord. No. 76-82, § 1, 9-21-76; Ord. No. 79-19, § 3, 3-6-79; Ord. No. 95-135, § 6, 7-25-95; Ord. No. 97-19, § 3, 2-25-97; Ord. No. 01-77, § 1, 4-24-01; Ord. No. 02-32, § 2, 2-26-02; Ord. No. 03-132, § 2, 6-3-03; Ord. No. 13-33, § 2, 4-2-13)