



## MIAMI SHORES

DEPARTMENT OF PLANNING & ZONING  
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PLANNING BOARD MEETING			
Miami Shores Village Town Hall Council Chambers 10050 NE 2 <sup>nd</sup> Avenue Miami Shores			
Meeting Date		March 26, 2015	
Subject		Amendment of Section 404 [Compliance with space and area restrictions.] and Schedule of Regulations	
Action Required		Review code requirements, consider amendment and make a recommendation to the Village Council.	
Staff Report		David A. Dacquisto AICP, Director, Planning and Zoning	Report Date March 19, 2015

### **Background**

The Planning and Zoning Board voted at their December 11, 2014 meeting to hold a workshop to study the subject of subdivision and the splitting of one-family residential plots into multiple plots.

This issue was originally referred to the Planning and Zoning Board at a public meeting on April 4, 2006, where the Village Council passed a motion to refer amendment of Section 404 [Compliance with space and area restrictions.] and Schedule of Regulations of the Zoning Appendix Contained in the Village Code of Ordinances, to the Village Planning Board:

*Discussion on plot width requirements:  
Sponsored by Council Member Stephen Loffredo*

*Mr. Loffredo introduced the item for discussion, indicating that the Village's zoning code includes a loophole with respect to building lot frontage and his concern with future development of residential lots within the Shores. Mr. Loffredo offered an example to demonstrate the particular circumstance to which he refers, i.e. an individual who owns a 150' lot and their home is built on one side of the lot on 75' and they have a tennis court or vacant land as the other 75' lot, would be able to sell the lot and a new house could be built on that 75' lot. However, a property owner that owns a 150' lot and the house is located in the middle of the 150' lot, they would not be able to demolition their home and sell off two 75' lots for development. A discussion ensued regarding various scenarios which may arise and clarification was provided by Mr. Loffredo on his intent. Following the discussion, Mr. Loffredo moved that the matter be sent to the Planning & Zoning Board to see if they can craft an ordinance which will address*

*the issue of tearing down one home centrally situated on a 150' lot and building two homes, one on each 75' of lot frontage. Mrs. Holly seconded the motion and the vote was 4 to 1 with Mayor Davis dissenting. The Clerk requested clarification and it was the consensus of the Council to review the draft ordinance prior to any public hearing being scheduled at the Planning & Zoning Board level.*

The planning board at that time after review and consideration voted to recommend to the village council that the minimum plot width be increased to 80 feet from 75 feet. The village council at that time after considering the recommendation decided not to amend the code.

### **Analysis**

The Planning Board considered issues and concerns resulting from subdivision and plot splits at workshops held on February 18, 2015 and on March 18, 2015 and found:

1. Creating new plots increases neighborhood and community residential densities increasing the need for services and increasing costs to the community.
2. Creating new plots through subdivision or splitting plots results in 2 plots that are smaller than the whole and that reduce the area available for septic systems. Larger lots provide additional area for septic systems and reduce the number of septic systems in an area improving ground water quality and helping to preserve Biscayne Bay water quality.
3. The Miami Shores comprehensive plan requires plots of 15,000 sq. ft. for septic systems. Septic systems may continue in use on existing plots. Newly created plots shall meet the 15,000 sq. ft. requirement as stated under the Comprehensive Plan. The comprehensive plan is the controlling document and the zoning code must follow the comprehensive plan.
4. The minimum plot size for the use of septic systems under the Miami-Dade County zoning code is 15,000 sq. ft. (approximately 100 ft. wide by 150 ft. deep) for plots served by public water.

Current Zoning Code Regulations:

*Sec. 404. [Compliance with space and area restrictions.]*

*No building shall hereafter be erected, nor any existing building be structurally altered, except in conformity with the regulations regarding space and area as set forth herein, provided that the minimum plot width and area regulations shall not apply to any platted lot having less than the required width of 75 feet where permanent improvements have been erected on both side lots contiguous thereto, and such lot is, upon the adoption date of this ordinance, owned by someone other than the then owner of a side contiguous lot.*

*Sec. 400 Schedule of regulations.*

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

*Minimum Plot Size: all R Districts:*

*Width: 75 feet*  
*Area: 7,500 sq. ft.*

There is currently a conflict between the Comprehensive Plan and the Zoning Code.

Under the present code you may build a new home on a plot that is 75 feet in width or greater with some exceptions.

If you have two adjoining 50 foot lots under single ownership you are not allowed to tear down an existing residence and build two new residences one on each of the 50 foot lots, or if the house meets setback requirements on a single lot you are not able to sell off the adjoining lot and construct an additional house on it.

The language allows you to tear down an existing residence on a 50 foot lot and build a new residence, or build a new residence on a vacant 50 foot lot, if permanent improvements have already been constructed on the plots on either side and the owner of the lot in question does not own a contiguous lot.

You cannot build on a vacant 50 foot lot if the owner of the 50 foot lot also owns one of the adjoining lots.

The present code allows owners of plots made up of multiple 75 foot original platted lots to remove the existing improvements on the plot and seek Planning Board approval to authorize Miami-Dade County to grant a "Release of Unity of Title." This would allow the property owner to sell the individual 75 foot lots as separate buildable plots. Owners of 2-50 foot lots could not divide the plot into 2 individual 50 foot lots because the minimum plot width of 75 feet would not be met by the new configuration.

Another method to meet the 75 foot plot width requirement would be through a subdivision involving Tentative Plat and Final Plat approval by both the Miami Shores Village Planning and Zoning Board and Miami-Dade County.

If you have a plot of 150 ft. or more consisting of 3 or more 50 ft. lots or that does not consist of original platted lots [a plot made up of parts of multiple lots (e.g. 55 ft. of Lot 1 and 75 ft. of Lot 2 and 60 ft. of Lot 3)] a property owner may seek a subdivision to create two or more plots of 75 ft. or more. Subdivisions alter the original plat and require Miami Shores Village Planning and Zoning Board approval and Miami-Dade County approval. In most cities, City Council approval is required and the Council will pass a resolution approving the subdivision. In Miami Shores, the Village Council granted Planning and Zoning authority to the Planning and Zoning Board except where otherwise stipulated in the zoning code.

The comprehensive plan is the guiding document for development and the zoning code must be consistent with the comprehensive plan. A zoning code amendment is required to bring the zoning code into compliance with the comprehensive plan plot area requirements. The zoning code may be amended to require any new plot have a plot area of not less than 15,000 square feet.

The existing exception language in Section 404 would protect existing platted lots of less than 15,000 sq. ft. in area. It would not permit replatting 3 – 50 ft. lots into 2 plots of 75 ft. as previously permitted.

Subdivision involving Tentative Plat and Final Plat approval by both the Planning and Zoning Board and Miami-Dade County would still be available to plots of not less than 30,000 sq. ft. in area.

Should the Planning Board consider amendment of the code of ordinances, the following language would be added to Appendix A Zoning, Contained in the Village Code of Ordinances:

The following language is added or ~~deleted~~:

Amend by adding new Section:

Sec. 405. [New plots created after the adoption of this ordinance.]

Notwithstanding anything to the contrary contained in the Miami Shores Village Code of Ordinances, for new plots created through subdivision or other means after the adoption date of this ordinance, the minimum plot area shall be not less than 15,000 square feet.

### **Recommendation of the Planning and Zoning Board**

Having considered amending the code to increase required plot area for one-family dwellings; the Planning and Zoning Board recommends to the Village Council the following zoning code text amendment:

New language is underlined, no language has been ~~deleted~~.

Sec. 405. [New plots created after the adoption of this ordinance.]

Notwithstanding anything to the contrary contained in the Miami Shores Village Code of Ordinances, for new plots created through subdivision or other means after the adoption date of this ordinance, the minimum plot area shall be not less than 15,000 square feet.