



MIAMI SHORES

DEPARTMENT OF PLANNING & ZONING
10050 NE 2nd Avenue
Miami Shores FL 33037-2304
www.miamishoresvillage.com

Main Number: 305-795-2207

Fax Number: 305-756-8972

STAFF REPORT

TO: Planning Board

FROM: David A. Dacquisto AICP, Director, Planning and Zoning

DATE: January 22, 2013

SUBJECT: Summary of proposed changes to Zoning Code

The following Page numbers are based on the November 27, 2012 code rewrite with DRAFT written on the cover.

The following changes and additional clarification resulting from the December 13 and January 17 meetings are in red. Outstanding questions are in green.

Page	Section	Change
8	200	Removed numbering from definitions to make it easier to amend in future.
Definition Section	200	Added definitions that were either missing before, canopy, awning, green space, open space or to add greater clarify including home occupations.
11	200	Added household pet.
13	200	Yard definition was changed to clarify when we are talking about a required yard setback and a yard in general i.e. the area in front of a house is the front yard, the 25 foot setback is the required yard.
15-16	302	Provides that when streets or alleys are vacated the adjoining zoning districts apply automatically.
16-17	406	Changes building official to planning director as appropriate. The old code referred to the director of building and zoning or building inspector where today it should refer to planning director in many cases.
17	409	Clarifies that required yards are the minimum setback required the term front yard would then mean all that area

		between the front façade of the residence and the front lot line.
18	R Districts	Added clarification to list of required site plan reviews. Site plan review has always been carried out however it was not clearly spelled out when it would be required. This section clarifies when we will require site plan review including all additions to residences including those in the rear yard.
18	R Districts	Permitted uses: Use 4 (old 7) refers the reader to Sec 501 (y) a new section that contains restrictions to pet ownership and pet businesses.
18	R Districts	Took out reference to permitted uses 2, 3 and 9 and their references in yard setbacks.
18	R Districts	Added list of prohibited uses including guest houses for clarity.
19	A1 Districts	Site plan review added and clarified as we have required it but not been clear about when.
19	A2 Districts	Site plan review added and clarified as we have required it but not been clear about when. Also added multifamily dwellings as permitted somehow missing from current code
19	A2	Specific hotel regulations moved to Sec 553
19	PRO	Removed #3 multifamily dwellings from list of permitted uses.
20	B1	Site plan review clarified. Responsibility also transferred from Village Council to Planning Board who actually does it now.
21	B1	Deleted package store from list of permitted uses in B1.
23	B2	Site plan review clarified. Responsibility also transferred from Village Council to Planning Board who actually does it now.
24	B2	Added package stores to list of permitted uses in B2.
24	C	Site plan review added and clarified as we have required it but not been clear about when. Responsibility also transferred from Village Council to Planning Board who actually does it now.
25	S2	Deleted district, only applied to dog tracks.
25	CF	Site plan review added and clarified as we have required it but not been clear about when.
26	CF	Permits an accessory parsonage, rectory, convent, office, etc., in conjunction with a church or other place of worship.
27	R	Clarify that pools and pool enclosures need not comply with accessory structure shoreline setback requirement.
27	R	Deletes 15 ft. separation distance between residence and accessory structure. Was always in draft but not

		highlighted here.
27	R	Accessory structures cannot exceed the height of the dwelling on the plot. Was always in draft but not highlighted here.
27	R	The total floor area of all roofed accessory structures with roofs cannot exceed the floor area of the dwelling on the plot. Was added for clarification.
27-32	Schedule	Staff is requesting opinion of Board; Should the code include a green space and a separate open space requirement.
27	Schedule	R district Pools not permitted in front yard, clarified to mean 25 ft. required front yard so you may have a pool in front yard if there is enough space. <i>Pool will require a 4 ft high fence so will need to allow 4 ft high fence in front of the residence but not less than 25 ft. from the front plot line, in order to permit the pool.</i>
27	Schedule	Board has clarified that in R district where it says accessory structures are only permitted in the rear yard this is not to be interpreted as the required yard, this means accessory structures are permitted in the rear yard defined as located between the dwelling and rear plot line.
27	Schedule	Changed lot to plot
28	R	15 ft. shoreline setback measured as per Sec. 534
27-28	Schedule	Staff is requesting opinion of Board; Does accessory structure 20% coverage apply to driveways as well as buildings as everything with a location on the ground is a structure.
27-32	All Districts	<i>Specifically spelled out in B2 however, existing code Sec. 531 requires a 25 ft. setback for new development on all arterial and collector streets and in all districts. NE 2nd Ave is a collector and Biscayne is an arterial. Sec. 531 applies and as a result the language of the B2 district has not been included in the other districts to date although this may lead to confusion.</i>
32	X	Deleted this Parking district as it is not used.
32	XX	Changed name to PK this is the actual parking district we use.
34	501 (c)	Deleted S-2 as no longer exists. This section may be overruled by council under Sec 610 to allow beer and wine sales in B1 and B2.
35	501 (r)	Allowed boat length 26 ft. was 20 ft. Based on length as established by manufacturer rather than requiring staff to measure boats.
35	Sec 501 (y)	Adds prohibition on commercial breeding of reptiles dogs etc., comes from Miami-Dade code.
35	Sec 501 (z)	Add limit of 4 pets.

35	Sec 501 (aa)	Prohibits sales from vehicles etc.
35	Sec 501 (bb)	Restricts businesses to fully enclosed buildings.
37	Sec 504	And elsewhere, O District is actually the PRO district and has been changed accordingly.
43	504.4	Adds Master Sign Agreements.
45	509	Differentiates between awnings and canopies. Clarified how to calculate projections into yards. Added sections on awnings and canopies to clarify the regulations. We do not have any provision in the current code that would allow awnings on NE 2 nd Ave. A section was added with language modified from the Miami-Dade code to address this oversight.
48	516 (e)	<i>Allows PVC storage sheds and other plastic approved by the Florida Building Code.</i>
59	516 (g)	Adds section and clarifies that A/C units cannot be in front of residence. A legally permitted existing A/C unit that is located within a required side yard setback may be replaced with a new unit.
59	516 (h)	Fallout shelter taken from schedule of regulations and added here.
59	516 (i)	Staff is requesting opinion of Board; Added landscape structures to allow some in yards with restrictions. This section allows sidewalks in required yards where previously prohibited.
50-51	518 (a)	Planning Board voted against increasing fence height to 6 ft. for safety and ascetic reasons.
51	518 (a) (5)	Adds 7 foot hedges in rear and side yards in R districts as per referendum.
51	518 (a) (6)	Allows schools and playgrounds to have 8 ft. fences anywhere on property because of safety concern for children..
51	518 (b)	Planning Board voted to clarify the code and make it clear that the only style of wood fence allowed in the front yard is a picket fence. The code goes on to specify standards for picket fences.
51	518 (b)	Planning Board voted against allowing PVC fences. Adds to and clarifies allowed fence material including adding composite wood. For greater clarity lists lattice, bamboo, metal board, barbed wire and razor wire among prohibited fence material.
51	518 (b)(2)	Clarifies that if your back yard abuts neighbor's front yard your fence cannot exceed 3.5 feet in height.
51	518 (c)	Add that trash area must be not less than 3 feet in depth to avoid 1 foot deep 40 foot long trash areas.
51	518 (d)	Good side of fence must be out towards neighbor or public.

52	518 (e)	Allows temporary construction fences around construction sites subject to approval by the building official of a fence permit.
52	518 (f)	Adds formula to calculate fence height based elevation at fence location and elevation of neighboring property.
52	520	Adds that parking shall be provided in multi-family districts where dwelling units are added, clarifies what is already required but was not clear.
59	521 (b) (1) g. h.	Clarifies the dimensions for required parking spaces in residential districts. The code has a table of parking space dimensions for parking lots but the code did not say what the dimensions were for parking spaces on private land. This amendment provides the minimum dimensions for a parking space on a parking pad or in a garage to qualify as required parking.
60-61	521 (2) a.	<i>Takes the regulation within the paragraph and converts it to a list.</i> Clarifies section on driveways for single family uses. Allows 5 ft. flares on driveways.
61	521 (2) a. 7	Board has determined green space in front yard is as defined in Sec 201 and not the required yard that is the first 25 feet in depth of the plot.
61	521 (2) b. 6	Clarifies section on driveways in swale. Allows 5 ft. flares on driveways.
64	521 (3) (c) (13)	Occupational license is changed to the current term of “business tax receipt” and this is carried on throughout the code.
68	521.61	Allows for collective provision of parking by more than one business when sufficient parking is provided for all the uses..
68	521.62	Allows for shared parking by a number of businesses under where the businesses have different business hours.
59	521.63	Describes how to calculate the parking requirement in general and adds how to calculate shared parking.
70	521.64	Allows for an alternative parking calculation based on a parking study. The alternative parking calculation would require the approval of the planning board.
72	523.1 (a)	Starts by describing what elements of a building do not need to be masonry, e.g. trusses and joists have always been wood or metal but as structural elements technically should have been of masonry construction. Allows all non-structural elements of decks to be made of composite materials. Clarifies that swimming pool enclosures and screened porches may have metal frames.
72	523.1 (b)	Board voted not to permit wood porches on the front of residences. Open wood decks are not specifically covered by the current code and are added to list of permitted

		structures as regulated.
72	523.1 (c)	Clarified language allowing metal framed, metal or fabric covered carports.
73	523.1 (f)	Removes list of suggested metal roof colors. Will be under the review of the planning board.
74	523.1 (j)	Removes Chickees as permitted structures returns chickees to prohibited class.
77-78	524, 525, 526, 527	Clarifies nonconforming section to differentiate amongst a nonconforming use, a nonconforming structure and a nonconforming use of land.
82	534	Adds method to calculate setback from shoreline for other than accessory structures.
82	534	Clarifies that we mean public sidewalks must be constructed if not existing where a new building is proposed
83	536 (a)	Staff is requesting opinion of Board; Refer to definitions of open space and green space. Green space refers to areas with no impervious surface open space is defined differently in other sections of the code and may include driveways so term was not appropriate here.
83	536 (d)	Adds cypress mulch to prohibited list as it is not considered renewable and is also prohibited by Miami-Dade.
83	536 (d)	Clarifies that as under (b) rock is not a permissible mulch material and lists other prohibited mulch material.
83	536 (e)	Clarifies that vegetable gardens are permitted in rear yards only.
83	537 (a) (3)	Section reworded to make clearer.
84	537 (g)	Clarifies prohibited plants.
84	537 (h)	Clarifies where to find recommended and approved tree and ground cover.
84	537 (i)	Gives Public Works Director authority to approve or deny landscape plans for planting in the swale.
84	538	Green space definition added and open space definition removed as it conflicts with open space as referred to elsewhere in code.
85	539	Adds regulation to home occupations.
85	539 (a)	Deleted list of home occupations. Now home occupations are limited by performance requirements.
85	539 (f)	Deleted renumbered following paragraphs
85	539 (g)	Allows one employee, is different from our current regulations
85	539 (h)	Unlawful to provide facilities to others.
85	539 (l)	Added signs
85	539 (o)	All vehicles must be parked on the plot

85	539 (s)	Added if not specifically permitted is prohibited
86	540	Deletes home professional offices they now fall under 539.
87	541 (j)	Changed premises to right-of-way
87	541 (o)	Requires 7.5 ft. clearance under café umbrellas in the right-of-way.
87-88	542	New section regulates portable storage units.
89	543	New section regulates hotels and specifically restricts occupancy to transient occupancy so no one can live there permanently or use the hotel as a permanent address.
89	544	Dumpster enclosure
93	609 & 610	Changed section names.
95	Article VII	The old code refers to the building inspector when the correct reference should be to the planning director. Building inspector was changed to Building Official where appropriate. The new code differentiates and divides authority appropriately.
95	701	Sets a time limit for appeals to 20 days.
95	702	Planning Board requested wording change to clarify basis for variance in preamble. Appeals are from planning decision only, building permits and certificates of occupancy are not appealable to the planning board and would be appealable only to the state board as specified in the building code.
96	800	Sets a time limit for appeals at 30 days.
96	900	Clarifies enforcement.
97	901	Old code mixes certificates of occupancy with certificates of re-occupancy and with certificates of use. Miami Shores does not have certificates of use.
97	901	This section only covers certificates of occupancy now and clarifies that they fall under the building official and the Florida Building Code.
97	901 (a) (2) (3)	Deleted reference to change of use in its entirety. Certificate of occupancy is only for changes to buildings that change the type of occupancy as regulated by the building code.
99	902	This section covers certificates of re-occupancy as currently used by Miami Shores. Incorporates sections of 901 and 902. Makes it clear that under 902 the certificate of re-occupancy is only used to make sure the use is a one-family residence and not a multi-family residence. Other zoning code provisions are not checked.
100	903	This is the old 902 (a) rewritten. (b) and (c) were deleted here and moved to 902.
100	904	This is the old 903, building inspector no longer responsible for enforcing ordinances, responsibility given to village manager who may delegate.

102	906	Removes level of service standards from zoning code they remain in the comp plan. Miami Shores must still consider them when approving development.
104	907, 908	Responsibility for monitoring level of service clarified.
106	1001	Clarifies who may initiate an amendment to the code and adds a restriction on reintroducing the same zoning map amendment.
107	1100	Clarifies what enforcement action may be taken for violation of code.
107	1101	Certificates of occupancy can only be revoked by building official and only under specific circumstances.