



Stephen R. Olmsted, AICP
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MEMORANDUM

Department of Building and Planning

DATE: December 6, 2021

TO: Yocelyn Galiano, ICMA-CM, LEED-GA
Village Manager

FROM: Stephen R. Olmsted, AICP, LEED-GA
Planning Director

RE: Village of Pinecrest Code of Ordinances:
Chapter 26 – Streets, Sidewalks and Other Public Places
Chapter 30, Land Development Regulations

Following review and discussion of the Village's Land Development Regulations at a Village Council Workshop meeting on September 21, 2021, staff has prepared an ordinance and proposed amendments for the Village Council's consideration at first reading on December 14, 2021.

A summary of proposed amendments to the Village's Code of Ordinances including Chapter 26, Streets, Sidewalks, and Other Public Places; and Chapter 30, Land Development Regulations is provided as follows:

CHAPTER 26 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Article V. – Articles in the Public Right-of-way and Other Public Places

Sec. 26-87. - Existing articles.

Presently, Chapter 26 of the Village's Code of Ordinances prohibits the placement of any articles in the public right-of-way except for "pre-cast concrete traffic buttons". A proposed amendment recommended by Councilmember Kraft would delete the traffic buttons as an exception and prohibit placement of the buttons in the right-of-way going forward.



CHAPTER 30 – LAND DEVELOPMENT REGULATIONS

Article 4 – Zoning District Regulations

Div. 4.2 – Residential Districts

A proposed amendment to the height restrictions of the Estate Residential zoning districts, recommended by Councilmember Kraft would increase the proposed height of two-story, flat roof residences from a maximum of 27 feet to the top of the roof or parapet to 28 feet to the top of the roof and 29.5 feet to the top of the parapet. The purpose of the proposed amendment would be to allow for taller ceilings, consistent with current market trends.

Div. 4.5 – Commercial Districts

General retail sales and services within the BU-1A, General Business Development and BU-2, Special Business Development zoning districts currently require substantial redevelopment of commercial properties larger than 1.25 acres in area to include more than one permitted use. The purpose of this requirement was meant to moderate the scale of potential “big box” commercial uses that could potentially locate on the larger parcels. Councilmember Doug Kraft has recommended that the requirement for more than one permitted use on the larger properties be removed.

Article 5. – Additional Regulations

Div. 5.25. - Tennis court/basketball court/outdoor recreational area lighting.

The maximum permitted height of lights in the PR, Parks and Recreation and PS, Public Service zoning districts is currently limited to 18 feet in height. This height limitation is proposed to be changed to allow installation at a higher height determined by the Village Council to be sufficient for the intended application, consistent with the criteria for approval of a Conditional Use Permit.

Div. 5.32. – Vacation Rentals.

(a) Definitions.

Correction of minor typographical errors is proposed.

Note: The Village Attorney is preparing a separate Ordinance for the regulation of Fractionally Owned residences.

ARTICLE 6. – Environmental Regulations

Div. 6.3 – Floodplain Management

Addition of a minor missing word is proposed to be added to Section 6.3.301-2 to improve and correct grammatical syntax.

ARTICLE 9. – Rules of Construction and Definitions

Div. 9.2. - Definition of terms.

Established Grade – A definition of “Established Grade” has been added to define a new term added to the definition of building height.

Floor Area Ratio - The maximum intensity permitted for residential and non-residential activities is stated in terms of floor area ratio (FAR). This is “a mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located”. Floor area ratio computations include all uses on the lot, parcel or site, including both residential and nonresidential floor area. The Land Development Regulations allow a maximum floor area ratio of 0.2 on the ground floor of a two-story residence in the Residential Estate zoning districts and 0.1 for the second story. Any open area that extends above the first floor (24 feet) of a residence is counted toward the second story floor area ratio limitation. Councilmember Kraft is recommending that open porches above the first floor height of 24 feet in the front of a house and the area within the stairwell above the first floor height of 24 feet be excluded from the second story floor area ratio limitation.

Building Height - An amendment to the reference point from which building height is measured has been recommended by Councilmember Kraft. Currently, building height is measured from the average elevation of the adjoining crown of road. This works well for the majority of lots in the Village of Pinecrest. However, there are instances where the grade of the building lot is substantially higher than the adjoining crown of road, such as certain lots adjacent to Rolling Road; and areas along Old Cutler Road where some building sites are lower than the adjoining crown of road. Measurement from the highest crown of the adjoining road instead of average crown of the road is proposed. Additionally, within the non-flood hazard areas, in instances where the established grade is more than 12 inches above the highest elevation of the adjoining crown of road, building height is proposed to be measured from 8 inches above the established grade, and in instances where the established grade is more than 12 inches below the highest elevation of the adjoining crown of road, building height is proposed to be measured from the elevation of the highest crown of road.

Following consideration of the proposed amendments at first reading, staff will revise the proposed amendments as necessary and schedule the ordinance for final consideration at second reading in January, 2022.

30 WHEREAS, the Village Council of the Village of Pinecrest, Florida adopted the
31 *Pinecrest Parkway (US 1) Vision Plan* on October 9, 2012 for the future development,
32 redevelopment, beautification, and enhancement of Pinecrest Parkway; and

33 WHEREAS, the Village Council has identified amendments to the Village’s Code
34 of Ordinances and Land Development Regulations necessary for implementation of the
35 goals, objectives, and policies of the Village’s Comprehensive Development Master Plan,
36 and Pinecrest Parkway (US 1) Vision Plan; and

37 WHEREAS, the Village Charter empowers the Village Council to adopt, amend or
38 repeal its ordinances and resolutions as may be required for the benefit of the residents of
39 the Village of Pinecrest; and

40 WHEREAS, the Local Planning Agency, held a duly advertised public hearing on
41 December 14, 2021; and

42 WHEREAS, after reviewing the Local Planning Agency’s recommendations, the
43 recommendations of Village staff, and comments from the public, the Village Council finds
44 that the proposed amendments to its Code of Ordinances and Land Development
45 Regulations are in compliance and consistent with Florida law, its adopted
46 Comprehensive Development Master Plan, and the Pinecrest Parkway (US 1) Vision Plan;
47 and

48 WHEREAS, the Village Council further finds it to be in the best interest of the public
49 health, safety and welfare of the citizens to adopt this ordinance amending the Village’s
50 Code of Ordinances and Land Development Regulations;

51 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE
52 VILLAGE OF PINECREST, FLORIDA:

53
54 **SECTION 1. Recitals.**

55 The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being
56 true, correct and reflective of the legislative intent underlying this Ordinance and are
57 hereby made a specific part of this Ordinance.

Note:
~~Strikethrough words~~ are deletions to the existing words in the Code of Ordinances and Land Development Regulations.
Underlined words are additions to the existing words in the Code of Ordinances and Land Development Regulations.

58 **SECTION 2. Amendment and Adoption.**

59 The amendments to the Village of Pinecrest Code of Ordinances and Land
60 Development Regulations, attached hereto and incorporated herein as Exhibit "A", are
61 hereby adopted.

62 **SECTION 3. Inclusion in the Code of Ordinances.**

63 It is the intention of the Village Council and it is hereby ordained that the
64 amendments to the Code of Ordinances and Land Development Regulations made by this
65 Ordinance as set forth in Exhibit "A" shall become part of the Code of Ordinances, and
66 that the sections of this Ordinance may be renumbered and relettered as necessary, and
67 that the word "Ordinance" may be changed to "Section, "Article" or other appropriate
68 word.

69 **SECTION 4. Conflicts.**

70 All ordinances or parts of ordinances and all resolutions or parts of resolutions in
71 conflict with the provisions of this Ordinance are hereby repealed.

72 **SECTION 5. Severability.**

73 If any section, clause, sentence or phrase of this Ordinance is for any reason held
74 invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect
75 the validity of the remaining portions of this Ordinance.

Note:
~~Strikethrough words~~ are deletions to the existing words in the Code of Ordinances and Land Development Regulations.
Underlined words are additions to the existing words in the Code of Ordinances and Land Development Regulations.

76 SECTION 6. Effective Date.

77 This Ordinance shall be effective immediately upon passage by the Village Council
78 on second reading.

79 PASSED on first reading this 14th day of December, 2021.

80 PASSED AND ADOPTED on second reading this ___th day of _____, 2022.

81
82 _____
83 Joseph M. Corradino, Mayor

84 ATTEST:
85
86
87 _____
88 Priscilla Torres., CMC
89 Interim Village Clerk

90
91 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
92
93
94 _____
95 Mitchell Bierman
96 Village Attorney

97
98 Motion on Second Reading by:
99 Second on Second Reading by:

100
101 Vote:

Note:
~~Strikethrough words~~ are deletions to the existing words in the Code of Ordinances and Land Development Regulations.
Underlined words are additions to the existing words in the Code of Ordinances and Land Development Regulations.

CHAPTER 26 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE V. - ARTICLES IN THE PUBLIC RIGHT-OF-WAY AND OTHER PLACES

* * *

Sec. 26-87. - Existing articles.

Owners of trees ~~and precast concrete traffic buttons~~ existing in the public right-of-way at the time this article V is adopted shall not be required to obtain permits under this section but shall be required to comply with all other standards set forth in the public works department manual. Owners of any other articles in the public right-of-way at the time this section is adopted shall have 90 days from the date this section becomes applicable to such article within which to obtain the permit or permits required by this section, or have the article removed.

* * *

CHAPTER 30 - LAND DEVELOPMENT REGULATIONS

ARTICLE 4. – ZONING DISTRICT REGULATIONS

* * *

Div. 4.2. - Residential districts.

* * *

(b) Residential estate (EU-1C) district.

1. *Uses permitted.* The following uses shall be allowed within an EU-1C district:
 - a. Single-family residential dwellings;
 - b. Foster care and group homes with fewer than seven residents; and
 - c. Government facilities following a public hearing conducted by the village council.
2. *Conditional uses.* Within the EU-1C district the following uses shall be approved by the village council but only as a conditional use.
 - a. Public utilities.
3. *Accessory uses.* Within the EU-1C district the administrative official may approve the following uses but only as an accessory use, pursuant to procedures set forth in this Code for the principal use of the property:
 - a. Accessory units. An affidavit stating the limited purpose of the unit shall be signed and the owner shall certify that the accessory unit shall remain compliant with the land development code;
 - b. Accessory structures;
 - c. Limited livestock;
 - d. Sale of homegrown produce limited to production and sale of produce grown on the premises; and
 - e. Bee keeping.
 - f. Accessory uses other than garages shall be located behind the rear wall or column of the principal structure or within an open courtyard screened from public view. Accessory structures may occupy no more than five percent of the total of 20 percent of the floor area ratio of the first story of the property.
4. *Prohibited uses.* All uses not specifically or provisionally provided for herein.
5. *Dimensional regulations.*
 - a. *Minimum lot area:* Lots in the EU-1C district shall contain a minimum of 2.5 gross acres in area, including one-half of the rights-of-way adjacent to the site.
 - b. *Maximum density:* One principal dwelling unit per 2.5 acres.
 - c. *Maximum height:*
 - i. Principal use: One-story structure or portion of the structure that is one story: 24 feet to the top of the parapet. If the roof of the one story structure has a pitch of at least 3/12, then the peak of such roof may be 28 feet in height, provided the height to the top of the tie beam does not exceed 24 feet.

Two-story structure or portion of the structure that is two stories: 35 feet. However, any portion of the building or structure with a flat roof, or sloped roof concealed by

a parapet, shall not exceed **27-28** feet to the top of the roof or **29.5 feet to the top of the** parapet.

Maximum height of the wall: 27 feet. Extensions or encroachments above the exterior wall(s) shall be limited to the roof, chimneys, and vents.

Maximum height of truss heel: 1 foot.

- ii. Accessory use: Accessory buildings that are detached or not physically and permanently attached to the principal building with a structurally interconnected roof that provides interconnectivity between the principal and accessory uses shall not exceed 14 feet in height at a minimum required setback of 15 feet and shall not exceed 18 feet in height at a minimum required setback of 20 feet.
- d. *Maximum lot coverage (applied to the net lot area, exclusive of public rights-of-way):*
 - i. Maximum building coverage (inclusive of all structures): 20 percent for two-story structures; 25 percent for one-story structures.
 - ii. Maximum impervious surface ratio: 45 percent.
 - iii. Minimum green space: 55 percent.
- e. *Minimum lot width and street frontage:* 150 feet.
- f. *Minimum lot depth:* 250 feet. The measurement shall be from the centerline of the abutting front right-of-way.
- g. *Minimum setbacks and maximum floor area ratios:* All development must comply with setbacks for wetlands. Also, the following setbacks and floor area ratios shall apply within the EU-1C district:

TABLE 4.3

Structure	Required Setbacks and F.A.R. in EU-1C District ⁽⁸⁾						
	Setbacks					Floor Area Ratio (F.A.R.)	
	Front	Rear	Between Buildings	Side	Side Street	Maximum 1st Floor	Maximum 2nd Floor
Principal one-story structure	50	25	N/A	20 ⁽³⁾	30 ⁽¹⁾⁽⁶⁾	0.25	N/A
Principal two-story structure	50	25	N/A	20 ⁽³⁾	30 ⁽¹⁾⁽⁶⁾	0.20	0.10
Accessory—General	⁽²⁾	15/20 ⁽⁷⁾	10	20 ⁽³⁾	30 ⁽¹⁾⁽⁶⁾	5 percent ⁽⁴⁾	N/A
Accessory—Sheds ⁽⁵⁾	⁽²⁾	5	10	5	30 ⁽⁶⁾	5 percent	N/A

Notes:

(1) See lot, corner (division 9.2).

(2) See accessory use regulations.

(3) Lots whose frontage is less than 135 feet in width shall have an interior side yard setback on each side of 15 percent of the width with a setback of not less than 15 feet.

(4) Uncovered swimming pools, pool patios and hard-surfaced tennis courts shall be excluded from F.A.R. calculations but shall be calculated as impervious surface.

(5) Less than 100 square feet and less than eight feet in height.

(6) Lots whose frontage is less than 150 feet in width shall have a side street setback of 25 feet.

(7) Detached accessory structures that are 14 feet or less in height shall be setback a minimum 15 feet from the rear property line; detached accessory structures that are more than 14 feet in height, and no more than the maximum permitted height of 18 feet, shall be setback a minimum of 20 feet from the rear property line.

(8) Required setbacks and floor area ratio shall apply to the net lot area, exclusive of public rights-of-way.

h. *Minimum size living area:* 2,000 square feet.

i. *Grandfather clause.* Existing structures in EU-1C zoning districts which conform to the Miami-Dade County Code as of March 12, 1996, a copy of which is on file in the Office of the village clerk, shall conform to that Code for setback lines for building additions.

(c) *Residential estate (EU-1) district.*

1. *Uses permitted.* The following uses shall be allowed within an EU-1 district:

- a. Single-family residential dwellings;
- b. Foster care and group homes with fewer than seven residents; and
- c. Government facilities following a public hearing conducted by the village council.

2. *Conditional uses.* Within the EU-1 district the following uses may be approved by the village council but only as a conditional use.

- a. Public utilities.
- b. Cluster developments, subject to the conditional use standards in division 3.3 and division 5.24.

3. *Accessory uses.* Within the EU-1 district the administrative official may approve the following uses as an accessory use, and shall be reviewed pursuant to procedures set forth in this Code for the principal use of the property:

- a. Accessory units. An affidavit stating the limited purpose of the unit shall be signed and the owner shall certify that the accessory unit shall remain compliant with the land development code;
- b. Accessory structures;
- c. Limited livestock;
- d. Sale of homegrown produce limited to production and sale of produce grown on the premises; and
- e. Bee keeping;
- f. Accessory uses other than garages shall be located behind the rear wall or column of the principal structure or within an open courtyard screened from public view. Accessory structures may occupy no more than five percent of the total of 20 percent of the floor area ratio of the first story of the property.

4. *Prohibited uses.* All uses not specifically or provisionally provided for herein.
5. *Dimensional regulations.*
 - a. *Minimum lot area:* One acre, including one-half of the rights-of-way adjacent to the site.
 - b. *Maximum density:* One principal dwelling unit per one gross acre.
 - c. *Maximum height:*
 - i. *Principal use:* One-story structure or portion of the structure that is one story: 24 feet to the top of the parapet. If the roof of the one story structure has a pitch of at least 3/12, then the peak of such roof may be 28 feet in height, provided the height to the top of the tie beam does not exceed 24 feet.

Two-story structure or portion of the structure that is two stories: 35 feet. However, any portion of the building or structure with a flat roof, or sloped roof concealed by a parapet, shall not exceed **27 28** feet to the top of the roof or **29.5 feet to the top of the** parapet.

Maximum height of the wall: 27 feet. Extensions or encroachments above the exterior wall(s) shall be limited to the roof, chimneys, and vents.

Maximum height of truss heel: 1 foot.
 - ii. *Accessory use:* Accessory buildings that are detached or not physically and permanently attached to the principal building with a structurally interconnected roof that provides interconnectivity between the principal and accessory uses shall not exceed 14 feet in height at a minimum required setback of 15 feet and shall not exceed 18 feet in height at a minimum required setback of 20 feet.
 - d. *Maximum lot coverage (applied to the net lot area, exclusive of public rights-of-way):*
 - i. Maximum building coverage (inclusive of all structures): 20 percent for two-story structures; 25 percent for one-story structures.
 - ii. Maximum impervious surface ratio: 45 percent.
 - iii. Minimum green space: 55 percent.
 - e. Minimum lot width and street frontage: 125 feet.
 - f. Minimum lot depth: 200 feet. The measurement shall be from the centerline of the abutting front right-of-way.
 - g. Minimum setbacks and maximum floor area ratios: All development must comply with setbacks for wetlands. Also, the following setbacks and floor area ratios shall apply within the EU-1 district:

TABLE 4.4

Structure	Required Setbacks and F.A.R. in EU-1 District ⁽⁸⁾						
	Setbacks					Floor Area Ratio (F.A.R.)	
	Front	Rear	Between Buildings	Side	Side Street	Maximum 1st Floor	Maximum 2nd floor
Principal one-story structure	50	25	N/A	20 ⁽³⁾	30 ⁽¹⁾⁽⁶⁾	0.25	N/A
Principal two-story structure	50	25	N/A	20 ⁽³⁾	30 ⁽¹⁾⁽⁶⁾	0.20	0.10
Accessory—General	⁽²⁾	15/20 ⁽⁷⁾	10	20 ⁽³⁾	30 ⁽¹⁾⁽⁶⁾	5 percent ⁽⁴⁾	N/A
Accessory—Sheds ⁽⁵⁾	⁽²⁾	5	10	5	30 ⁽⁶⁾	5 percent	N/A

Notes:

⁽¹⁾ See lot, corner (division 9.2).

⁽²⁾ See accessory use regulations.

⁽³⁾ Lots whose street frontage is less than 135 feet in width shall have an interior side yard setback on each side of 15 percent of the width with a setback of not less than 15 feet.

⁽⁴⁾ Uncovered swimming pools, pool patios and hard-surfaced tennis courts shall be excluded from F.A.R. calculations but shall be calculated as impervious surface.

⁽⁵⁾ Less than 100 square feet and less than eight feet in height.

⁽⁶⁾ Lots whose frontage is less than 125 feet in width shall have a side street setback of 25 feet.

⁽⁷⁾ Detached accessory structures that are 14 feet or less in height shall be setback a minimum 15 feet from the rear property line; detached accessory structures that are more than 14 feet in height, and no more than the maximum permitted height of 18 feet, shall be setback a minimum of 20 feet from the rear property line.

⁽⁸⁾ Required setbacks and floor area ratio shall apply to the net lot area, exclusive of public rights-of-way.

h. *Minimum size living area:* 1,800 square feet.

i. *Grandfather clause.* Existing structures in EU-1 zoning districts which conform to the Miami-Dade County Code as of March 12, 1996, a copy of which is on file in the office of the village clerk, shall conform to that Code for setback lines for building additions.

(d) *Residential suburban estate (EU-S) district.*

1. *Uses permitted.* The following uses shall be allowed within the EU-S district:

a. Single-family residential dwellings;

- b. Foster care and group homes with less than seven residents; and
 - c. Government facilities following a public hearing conducted by the village council.
2. *Conditional uses.* Within the EU-S district the following uses may be approved by the village council but only as a conditional use.
- a. Public utilities.
3. *Accessory uses.* Within the EU-S district administrative official may approve the following uses, but only as an accessory use, pursuant to procedures set forth in this Code for the principal use of the property:
- a. Accessory units. An affidavit stating the limited purpose of the unit shall be signed and the owner shall certify that the accessory unit shall remain compliant with the land development code;
 - b. Accessory structures; and
 - c. Other accessory uses. Accessory uses other than garages shall be located behind the rear wall or column of the principal structure or within an open courtyard screened from public view. Accessory structures may occupy no more than five percent out of the total of 30 percent of the floor area ratio of the property for a one-story.
4. *Prohibited uses.* All uses not specifically or provisionally provided for herein.
5. *Dimensional regulations.*
- a. *Minimum lot size:* Lots in the EU-S district shall contain a minimum of 25,000 gross square feet in area, including one-half of the rights-of-way adjacent to the site.
 - b. *Maximum density:* One principal unit per 25,000 square feet in area.
 - c. *Maximum height:*
 - i. Principal use: One-story structure or portion of the structure that is one story: 24 feet to the top of the parapet. If the roof of the one story structure has a pitch of at least 3/12, then the peak of such roof may be 28 feet in height, provided the height to the top of the tie beam does not exceed 24 feet.

Two-story structure or portion of the structure that is two stories: 35 feet. However, any portion of the building or structure with a flat roof, or sloped roof concealed by a parapet, shall not exceed **27 28** feet to the top of the roof or **29.5 feet to the top of the** parapet.

Maximum height of the wall: 27 feet. Extensions or encroachments above the exterior wall(s) shall be limited to the roof, chimneys, and vents.

Maximum height of truss heel: 1 foot.
 - ii. Accessory use: Accessory buildings that are detached or not physically and permanently attached to the principal building with a structurally interconnected roof that provides interconnectivity between the principal and accessory uses shall not exceed 14 feet in height at a minimum required setback of 15 feet and shall not exceed 18 feet in height at a minimum required setback of 20 feet.
 - d. *Maximum lot coverage (applied to the net lot area, exclusive of public rights-of-way):*
 - i. Maximum building coverage (inclusive of all structures): 30 percent.
 - ii. Maximum impervious surface ratio: 65 percent.
 - iii. Minimum green space: 35 percent.
 - e. *Minimum lot width and street frontage:* 125 feet.

- f. *Minimum lot depth:* 135 feet. The measurement shall be from the centerline of the abutting front right-of-way.
- g. *Minimum setbacks and maximum floor area ratios:* All development must comply with setbacks for wetlands. Also, the following setbacks and floor area ratios shall apply within the EU-S district:

TABLE 4.5

Structure	Required Setbacks and F.A.R. in EU-S district ⁽⁷⁾						
	Setbacks					Floor Area Ratio (F.A.R.)	
	Front	Rear	Between Buildings	Side	Side Street	Maximum 1st Floor	Maximum 2nd Floor
Principal one-story structure	35	25	N/A	20 ⁽³⁾	25 ⁽¹⁾	0.30	N/A
Principal two-story structure	35	25	N/A	20 ⁽³⁾	25 ⁽¹⁾	0.30	0.30
Accessory—General	⁽²⁾	15/20 ⁽⁶⁾	10	20 ⁽³⁾	25 ⁽¹⁾	5 percent ⁽⁴⁾	N/A
Accessory—Sheds ⁽⁵⁾	⁽²⁾	5	10	5	25 ⁽¹⁾	5 percent	N/A

Notes:

⁽¹⁾ See lot, corner (division 9.2).

⁽²⁾ See accessory use regulations.

⁽³⁾ Lots whose street frontage is less than 135 feet in width shall have an interior side yard setback on each side of 15 percent of the width with a setback of not less than 15 feet.

⁽⁴⁾ Uncovered swimming pools, pool patios and hard-surfaced tennis courts shall be excluded from F.A.R. calculations but shall be calculated as impervious surface.

⁽⁵⁾ Less than 100 square feet and less than eight feet in height.

⁽⁶⁾ Detached accessory structures that are 14 feet or less in height shall be setback a minimum 15 feet from the rear property line; detached accessory structures that are more than 14 feet in height, and no more than the maximum permitted height of 18 feet, shall be setback a minimum of 20 feet from the rear property line.

⁽⁷⁾ Required setbacks and floor area ratio shall apply to the net lot area, exclusive of public rights-of-way.

- h. *Minimum size living area:* 1,500 square feet.
- i. *Grandfather clause.* Existing structures in EU-S zoning districts which conform to the Miami-Dade County Code as of March 12, 1996, a copy of which is on file in the office of the village clerk, shall conform to that code for setback lines for building additions.

(e) *Residential modified estate (EU-M) district.*

1. *Uses permitted.* The following uses shall be allowed within an EU-M district:
 - a. Single-family residential dwellings;
 - b. Foster care and group homes with fewer than seven residents; and
 - c. Government facilities following a public hearing conducted by the village council.
2. *Conditional uses.* Within the EU-M district the following uses only may be approved by the village council but only as a conditional use.
 - a. Public utilities.
3. *Accessory uses.* Within the EU-M district the following uses shall but only as an accessory use, pursuant to procedures set forth in this Code for the principal use of the property:
 - a. Accessory units. An affidavit stating the limited purpose of the unit shall be signed and the owner shall certify that the accessory unit shall remain compliant with the land development code;
 - b. Accessory structures; and
 - c. Other accessory uses.
 - d. Accessory uses other than garages shall be located behind the rear wall or column of the principal structure or within an open courtyard screened from public view. Accessory structures may occupy no more than an additional five percent of the total 30 percent of the floor area ratio of the property.
4. *Prohibited uses.* All uses not specifically or provisionally provided for herein.
5. *Dimensional regulations.*
 - a. *Minimum lot area:* Lots in the EU-M district shall contain a minimum of fifteen thousand (15,000) net square feet in area.
 - b. *Maximum density:* One principal unit per 15,000 net square feet (i.e., shall not include any rights-of-way).
 - c. *Maximum height:*
 - i. Principal use: One-story structure or portion of the structure that is one story: 24 feet. If the roof of the structure has a pitch of at least 6/12, then the peak of such roof may be 28 feet in height.

Two-story structure or portion of the structure that is two stories: 35 feet. However, any portion of the building or structure with a flat roof, or sloped roof concealed by a parapet, shall not exceed **27-28** feet to the top of the roof or **29.5 feet to the top of the** parapet.
 - ii. Accessory use: Accessory buildings that are detached or not physically and permanently attached to the principal building with a structurally interconnected roof that provides interconnectivity between the principal and accessory uses shall not exceed 14 feet in height.
 - d. *Maximum lot coverage:*
 - i. Maximum building coverage (inclusive of all structures): 30 percent.
 - ii. Maximum impervious surface ratio: 65 percent.
 - iii. Minimum green space: 35 percent.
 - e. *Minimum lot width and street frontage:* 120 feet.
 - f. *Minimum lot depth:* 115 feet.

- g. *Minimum setbacks and maximum floor area ratios:* All development must comply with setbacks for wetlands. Also, the following setbacks and floor area ratios shall apply within the EU-M district:

TABLE 4.6

Structure	Required Setbacks and F.A.R. in EU-M District.						
	Setbacks					Floor Area Ratio (F.A.R.)	
	Front	Rear	Between Buildings	Side	Side Street	Maximum 1st Floor	Maximum 2nd Floor
Principal	25	25	N/A	15	25 ⁽¹⁾	0.30	0.30
Accessory—General	⁽²⁾	7.5	10	20	30 ⁽¹⁾	5 percent ⁽³⁾	N/A
Accessory—Sheds ⁽⁴⁾	⁽²⁾	5	10	5	25 ⁽¹⁾	5 percent	N/A

Notes:

⁽¹⁾ See lot, corner (division 9.2).

⁽²⁾ See accessory use regulations.

⁽³⁾ Uncovered swimming pools, pool patios and hard-surfaced tennis courts shall be excluded from F.A.R. calculations but shall be calculated as impervious surface.

⁽⁴⁾ Less than 100 square feet and less than eight feet in height.

h. *Minimum size living area:* 1,200 square feet.

Div. 4.3. - Commercial districts.

(e) *General business (BU-1A) district.*

1. *Intent.* Businesses within the BU-1A district are located within the US 1 linear commercial corridor and are intended to accommodate retail sales and services, including highway-oriented sales and services to residents and motorists along the US 1 corridor. The BU-1A district is not intended to accommodate manufacturing of goods or other activities which may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses. The BU-1A district is not intended to accommodate large-scale retail sales and trade activities generally serving a citywide or regional market, such as regional retail or wholesale trade and service centers, nor is it intended to attract warehousing, mini-storage, outside storage or light manufacturing activities.
2. *Uses permitted.* The following uses shall be allowed within a BU-1A district following village council approval of a site plan:

- a. Bakeries, retail only;
- b. Business and professional offices;
- c. Commercial recreation (excluding adult uses);
- d. Dry cleaning (with cleaning off premises);
- e. Financial institutions with or without drive-through;
- f. Funeral home and mortuary;
- g. General retail sales and services ~~provided any retail sales and service establishment on a lot or parcel that is 1.25 acres (54,450 square feet) or larger shall contain a mixture of permitted uses;~~
- h. Government facilities following a public hearing conducted by the village council;
- i. Medical services;
- j. Package stores;
- k. Personal services;
- l. Plant and garden center sales;
- m. Restaurants, with or without drive-through;
- n. Veterinary medical services with or without outside kennels;
- o. Retail sales of used merchandise, provided establishments offering such merchandise contain not more than 4,000 square feet of gross floor area; and
- p. And other similar uses as determined by the village council.

* * *

(f) *Special business (BU-2) district.*

1. *Intent.* Businesses within the BU-2 district are intended to accommodate retail sales and services, including highway oriented sales and service, to village residents and motorists along the US 1 corridor. In addition, the BU-2 district is intended to accommodate larger scale retail, discount, and regional facilities serving home and office markets within an area larger than the village. The BU-2 district also includes a land use regulatory program for managing the site location process for night clubs, lounges serving alcoholic beverages, and related facilities, excluding adult uses as defined herein. The BU-2 district is not intended to accommodate manufacturing of goods or other activities, which may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses. Similarly, the BU-2 district is not intended to accommodate warehousing, mini-storage, outside storage or light manufacturing activities.
2. *Uses permitted.* The following uses shall be allowed within a BU-2 district following village council approval of a site plan pursuant to the procedures established in the Code:
 - a. Bakeries, retail only;
 - b. Business and professional offices;
 - c. Commercial recreation (excluding adult uses);
 - d. Dry cleaning (with cleaning off premises);
 - e. Financial institutions with or without drive-through;
 - f. Funeral home and mortuary;
 - g. Government facilities following a public hearing conducted by the village council;

- h. General retail sales and services provided any retail sales and service establishment on a lot or parcel that is 1.25 acres (54,450 square feet) or larger shall contain a mixture of permitted uses;
- i. Medical services;
- j. Package stores;
- k. Personal services;
- l. Plant and garden center sales;
- m. Restaurants, with or without drive-through;
- n. Veterinary medical services with or without outside kennels; and
- o. Retail sales of used merchandise, provided establishments offering such merchandise contain not more than 4,000 square feet of gross floor area; and
- p. And other similar uses as determined by the village council.

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ARTICLE 5. – ADDITIONAL REGULATIONS

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Div. 5.25. - Tennis court/basketball court/outdoor recreational area lighting.

The lighting of new or existing tennis courts, basketball courts, outdoor swimming pools and pool decks, or other outdoor recreational areas may be permitted in any zoning district as a conditional use pursuant to division 3.3. However, such facilities must meet all of the following standards in order to be approved by the Village Council:

- (a) A photometric plan shall be submitted which specifies the illumination levels, expressed in initial foot-candles, along all affected property lines.
- (b) The lighting shall be designed so that any overspill of lighting onto adjoining properties or street rights-of-way shall not exceed 0.5 foot-candle vertically or horizontally and shall not cause any reflected illumination onto adjacent properties, structures or rights-of-way.
- (c) Lighting standards and fixtures shall not exceed 18 feet in overall height and shall be located within the confines of the tennis court(s)/basketball court(s)/outdoor recreational areas. **Lights in stadiums and sports fields within the PR, Parks and Recreational Facilities and PS, Public Service zoning districts may be installed at a height determined by the Village Council to be sufficient for the intended application, if consistent with all requirements and standards for approval of a Conditionally Permitted Use, and if approved, subject to conditions of approval imposed by the Village Council.**
- (d) Tennis court/basketball court/outdoor recreational area lighting shall not be used between the hours of 10:00 p.m. and 8:00 a.m.
- (e) Prior to the issuance of a certificate of use, the permittee must submit a letter of compliance from a registered engineer or architect stating that the installation has been inspected under operating conditions and found to be within the requirements set forth above.
- (f) The lighting shall not be injurious to the area involved or otherwise detrimental to the public welfare.

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Div. 5.32. – Vacation rentals.

(a) *Definitions.*

Enclosed shall mean any space enclosed by a roof and four complete solid, floor to roof walls, which may include glass windows. Screening shall not count as a wall.

Responsible party shall mean the owner or the person designated by the owner of the property to be called upon to answer for the maintenance of the property and for the conduct and acts of occupants of vacation rental properties.

Transient occupants shall mean any person, or guest or invitee of such person who occupies or is in actual or apparent control or possession of residential property registered or used as a vacation rental. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of a vacation rental, or a property used as a vacation rental, is a transient occupant.

Vacation rental shall mean any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests, but that is not a timeshare project. ~~§10;~~

(b) **Registration required.** It is unlawful for any person to allow another person to occupy any residential property as a vacation rental within the village, or offer such rental services within the village, unless the person has registered the vacation rental property with the village and the vacation rental property has been issued a certificate of compliance in accordance with the provisions of this division.

(c) **Application for registration.** The application for registration of a vacation rental shall be made to the village manager or his or her designee on a form provided by the village, which shall set forth at a minimum:

- (1) The legal description of the property offered for rental, including the complete address, subdivision, or community name.
- (2) Proof of ownership of the property, including the name, address and phone number of each person or entity with an ownership interest in the property.
- (3) An approved inspection report of the Miami-Dade County Fire Rescue Department verifying compliance with the department's criteria for a residential dwelling transient lodging use.
- (4) The gross square footage of the property, including the number of rooms, bedrooms, kitchens and on-site parking spaces attributable to the vacation rental use.
- (5) A valid and current federal employer tax identification number (or social security number) for the owner(s) of the property.
- (6) Proof of registration with, or exemption from, the Florida Department of Revenue for sales tax collection under F.S. ch. 212, and Miami-Dade County for Tourist Development Tax.
- (7) Proof of licensure with, or exemption from, the Florida Department of Business and Professional Regulation for a transient public lodging establishment.
- (8) The name, address and 24-hour phone number of the person who will act as the responsible party, operating the vacation rental property. The responsible party phone number shall be answered 24 hours, seven days a week.
- (9) The name and contact information for any listing services on or through which the vacation rental is to be offered for rent.
- (10) The application shall bear the signatures of all owners, authorized agents, authorized property managers and the responsible party.
- (11) The owner of the property and the responsible party must individually acknowledge the affirmative duty to ensure compliance with the requirements of this division, including the owner and responsible party requirements of this division.
- (12) Acknowledgement that the application and any related approvals are specific to the property identified in the application and approval; other properties are not jointly shared commodities and shall not be considered available for use by transient occupants of the property which is the subject of the application.
- (13) Submission of an incomplete registration application form shall result in rejection of the application.

(d) **Responsible party required.** Whenever any property is required to be registered under this division, the owner shall act as, or retain at all times, one or two appointed natural persons capable of meeting the duties provided in subsection 23-74. The designated responsible party(ies) must reside within 30 miles to serve as the responsible party(ies) for service of notices as are specified herein. Notices given to the responsible party(ies) shall be sufficient to satisfy any requirement for notice to the owner. An initial responsible party shall be designated and shall participate in the application for registration, and the village manager or his or her designee shall thereafter be notified of any change of responsible party(ies) within 15 days of such change.

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ARTICLE 6. – ENVIRONMENTAL REGULATIONS

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6.3.301.2 Specific methods of construction and requirements. Pursuant to [Chapter 8](#) Article III of the Miami-Dade County Code, the following specific methods of construction and requirements apply:

(1) Additional Elevation of Buildings.

- a. For buildings located in the special flood hazard area, the minimum elevation requirements in the Florida Building Code shall be to or above the base flood elevation plus one (1) foot, or the back of the sidewalk elevation plus one (1) foot, or if there is no sidewalk, the elevation of the highest crown of the road or street abutting such building site plus one (1) foot, whichever is higher.
- b. For residential buildings not located in the special flood hazard area, the minimum lowest floor elevation requirements shall be a minimum of eight (8) inches above the back of sidewalk elevation, or if there is no sidewalk, a minimum of eight (8) inches above the elevation of the highest crown of road or street abutting such building site, whichever is higher.
- c. For non-residential buildings not located **in** the special flood hazard area, the minimum lowest floor elevation shall be a minimum of four (4) inches above the back of sidewalk, or if there is no sidewalk, a minimum of four (4) inches above the elevation of the highest crown of road or street abutting such building site, whichever is higher.

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ARTICLE 9. – RULES OF CONSTRUCTION AND DEFINITIONS

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Div. 9.2. - Definition of terms.

Established grade. Established grade means, with reference to a building, structure or part thereof, the average elevation of the grade of the ground immediately surrounding such building or structure.

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Floor area ratio (FAR). The maximum intensity permitted for residential and nonresidential activities is stated in terms of floor area ratio. A mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located. FAR computations shall include all uses on the lot, parcel or site, including both residential and nonresidential floor area.

$$\text{FAR} = \frac{\text{TOTAL BUILDING FLOOR AREA}}{\text{TOTAL LOT AREA}}$$

When a roof height exceeds that permitted for a one-story building, that portion of the roof exceeding the maximum height shall be counted toward the second floor, floor area ratio calculation, **except that the area of the open front porch entry above the first floor and the area of the interior stairwell above the first floor shall not be counted toward the second floor FAR.** Exterior unenclosed balconies or terraces **in excess of 500 square feet in area** above the first floor shall be counted in the FAR calculation. FAR not utilized on the ground floor of a single-family home may be transferred to the second floor of the home to be used for unenclosed balconies and/or terraces. A property owner transferring FAR pursuant to this section shall record a covenant in the public records of Miami-Dade County, on a form approved by the village attorney, prohibiting such unenclosed balconies and/or terraces from being enclosed in the future.

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Height, building.

Non-Flood Hazard Areas

The vertical measurement from eight inches above the **average highest** crown of the adjacent street(s) **or the elevation set by the National Flood Insurance Act of 1968 whichever is higher in non-flood hazard areas;**

In instances where the established grade is more than 12 inches above the highest elevation of the adjoining crown of road, building height shall be measured from 8 inches above the established grade.

In instances where the established grade is more than 12 inches below the highest elevation of the adjoining crown of road, building height shall be measured from the elevation of the highest crown of road.

Flood Hazard Areas

and The vertical measurement from the base flood elevation plus one foot, or the back of the sidewalk elevation plus one foot, or if there is no sidewalk, the elevation of the **average highest**

crown of road or street abutting such building site plus one foot, whichever is greater in flood hazard areas.

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