

Fines for repeat violations shall increase regardless of location. The director of the code compliance department must remit a letter to the Miami-Dade Property Appraiser and Miami-Dade Tax Collector, with a copy of the special magistrate order adjudicating the violation, that notifies these governmental agencies that the single-family residential property was used for the purpose of holding a commercial party, event, assembly or gathering at the premises.

- II. The advertising or advertisement for the commercial use of a residential property for the purpose of holding commercial parties, event, assemblies or gatherings on the residential premises is direct evidence that there is a violation of Section 7.2.2.2.d.i.3, which is admissible in any proceeding to enforce Section 7.2.2.2.d.i.. The advertising or advertisement evidence raises a rebuttable presumption that the residential property named in the notice of violation or any other report or as identified in the advertising or advertisement is direct evidence that the residential property was used in violation of Section 7.2.2.2.d.i..
- III. In addition to or in lieu of the foregoing, the city must close down the commercial use of the property pursuant to Section 7.2.2.2.d.i.6, or may seek an injunction against activities or uses prohibited under this section.
- IV. Any city police officer or code compliance officer may issue notices for violations of this section, with alternative enforcement as provided in Chapter 1 of this Code. Violations shall be issued to the homeowner, and/or to any realtor, real estate agent, real estate broker, event planner, promoter, caterer, or any other individual or entity that facilitates or organizes the prohibited activities. In the event the record owner of the property is not present when the violation occurred, a copy of the violation shall be provided to such owner.
- V. Charitable, religious or political organizations or candidates for public office shall receive one courtesy notice in lieu of the first notice of violation only, after which fines will accrue starting with the first violation as prescribed. No courtesy notice in lieu of first notice of violation shall be available if a courtesy notice in lieu of first notice of violation has already been granted in the preceding 18-month period, regardless of location.
- VI. The city recognizes peoples' rights of assembly, free expression, religious freedom, and other rights provided by the state and federal constitutions. It is the intent of the city commission that no decision under this section shall constitute an illegal violation of such rights, and this section shall not be construed as such a violation.
- VII. The city manager or designee may adopt administrative rules and procedures to assist in the uniform enforcement of this section.

4.

5. *No variances shall be granted from this section.* This section does not authorize commercial activities in residential neighborhoods that are otherwise prohibited or regulated by applicable law, unless expressly provided for herein.

6. *Enhanced penalties.* The following enhanced penalties must be imposed, in addition to any mandatory fines set forth in Section 7.2.2.2.d.i.4 above, for violations of Section 7.2.2.2.d.i:

- I. Enhanced penalties for this section:

- [i]. The commercial use must be immediately terminated, upon confirming a violation has occurred, by the Miami Beach Police Department and the code compliance department.
- [ii]. If the offense is a second offense within the preceding 18-month period of time, and the total square footage of all building(s), accessory building(s), dwelling(s), or structure(s) exceed 5,000 total square feet, then the special magistrate must impose an additional fine of \$50,000.00.
- [iii]. A certified copy of an order imposing the civil fines and penalties must be recorded in the public records, and thereafter shall constitute a lien upon any other real or personal property owned by

the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. The certified copy of an order must be immediately recorded in the public records, and the city may foreclose or otherwise execute upon the lien.

7.2.2.3 Development Regulations (RS)

a. The review criteria and application requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

- i. **Compliance with regulations and review criteria.**
 1. Permits for new construction, alterations or additions to existing structures shall be subject to administrative (staff level) review by the planning director or designee, the design review board (DRB), or historic preservation board (HPB) as applicable, in order to determine consistency with the review criteria listed in this section.
 2. In complying with the review criteria located in this section, the applicant may choose either to adhere to the development regulations identified in Section 7.2.2.3 administratively through staff level review or seek enhancements of the applicable development regulations as specified therein, where permitted, through approval from the historic preservation board (HPB) or design review board (DRB), in accordance with the applicable design review or appropriateness criteria.
 3. Notwithstanding the foregoing, for those structures located within a locally designated historic district, or individually designated as an historic structure or site, the review and approval of the historic preservation board (HPB) may be required.
 4. Notwithstanding the foregoing, for those structures determined architecturally significant or constructed prior to 1966 and determined to be architecturally significant, in accordance with section 7.2.7.4.a herein, the review and approval by the planning director or designee shall be required.
- ii. **Review criteria.** Staff level review shall encompass the examination of architectural drawings for consistency with the review criteria below:
 1. The existing conditions of the lot, including, but not limited to, topography, vegetation, trees, drainage, and waterways shall be considered in evaluating the proposed site improvements.
 2. The design and layout of the proposed site plan inclusive of the location of all existing and proposed buildings shall be reviewed with particular attention to the relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, and view corridors. In this regard, additional photographic, and contextual studies that delineate the location of adjacent buildings and structures shall be required in evaluating compliance with this criterion.
 3. The selection of landscape materials, landscaping structures and paving materials shall be reviewed to ensure a compatible relationship with and enhancement of the overall site plan design and the surrounding neighborhood.
 4. The dimensions of all buildings, structures, setbacks, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district.
 5. The design and construction of the proposed structure, and/or additions or modifications to an existing structure, indicates sensitivity to and compatibility with the environment and adjacent structures and enhances the appearance of the surrounding neighborhood.
 6. The proposed structure is located in a manner that is responsive to adjacent structures and the established pattern of volumetric massing along the street with regard to siting, setbacks and the

placement of the upper floor and shall take into account the established single family home context within the neighborhood.

7. The construction of an addition to main existing structure shall be architecturally appropriate to the original design and scale of the main existing structure; the proposed addition may utilize a different architectural language or style than the main existing structure, but in a manner that is compatible with the scale and massing of the main existing structure.
8. The construction shall be in conformance with the requirements of Section 7.1.7 with respect to roof and exterior facade paint and material colors.

iii. **Application requirements for DRB or HPB review.**

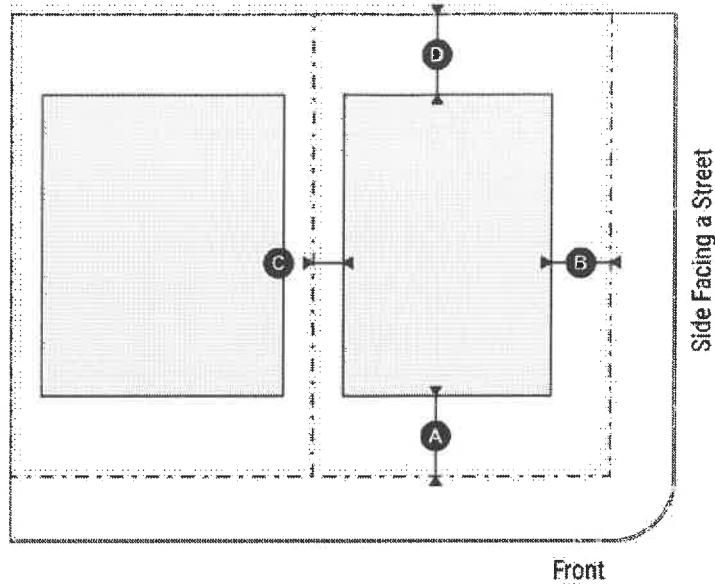
1. DRB or HPB applications shall follow the application procedures and review criteria, specified in Section 2.5.3 design review or Chapter 2, Article XIII historic preservation, of these land development regulations (as applicable), board by-laws, or as determined by the planning director, or designee.

b. The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

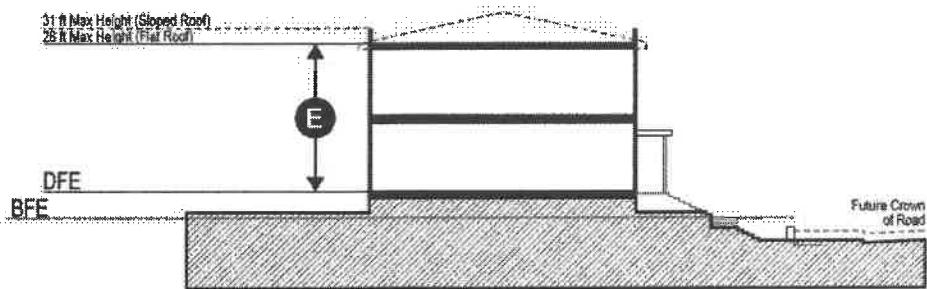
- i. **The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:**

DEVELOPMENT REGULATIONS TABLE (RS)				
	RS-1	RS-2	RS-3	RS-4
Maximum FAR	N/A			
Maximum Density (Dwelling Units per Acre)	7 DUA			
Minimum Unit Size (Square Feet)	1,800 SF			
Maximum Unit Size (% of Lot Area)	50%			
LOT OCCUPATION	RS-1	RS-2	RS-3	RS-4
Minimum Lot Area (square feet)	30,000 SF	18,000 SF	10,000 SF	6,000 SF
Minimum Lot Width (feet)	100 feet (1)	75 feet (1)	50 feet - Oceanfront lots (1) 60 feet - All others (1)	50 feet (1)
Maximum Lot Coverage for a single-story Home (% of lot area)	40% (2)			
Maximum Lot Coverage for a 2-story Home (% of lot area)	30%			
BUILDING SETBACKS				

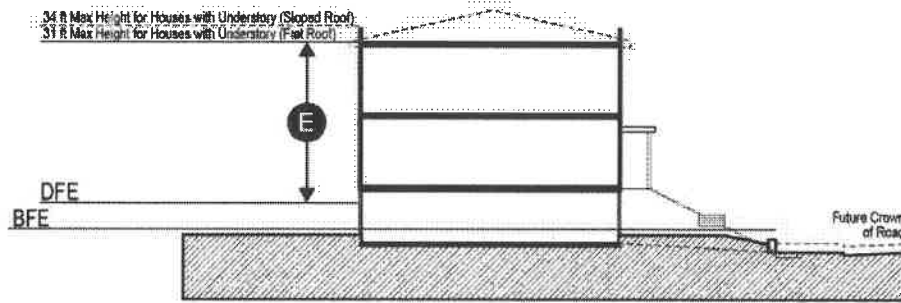
	RS-1	RS-2	RS-3	RS-4
Front Setback A	20 feet - 1 Story Structure (5) - provided that any future addition of a two-story attached structure shall be setback a minimum of 40 feet 30 feet - 2 Story Structures - (5)			
	RS-1	RS-2	RS-3	RS-4
Side, facing a street Setback B	10% of the lot width or 15 feet, whichever is greater (5) and the sum of the required side yards shall be at least 25% of the lot width			
	RS-1	RS-2	RS-3	RS-4
Side, Interior Setback C	7.5 feet			
Lots 65 feet in width or less	and the sum of the required side yards shall be at least 25% of the lot width			
Side, Interior Setback C	10% of the lot width or 10 feet, whichever is greater			
Lots greater than 65 feet in width	and the sum of the required side yards shall be at least 25% of the lot width			
	RS-1	RS-2	RS-3	RS-4
Rear Setback D	15 % of the lot depth (6) 20 feet minimum 50 feet maximum			



BUILDING HEIGHT	RS-1	RS-2	RS-3	RS-4
Maximum Height (stories)	2 stories			
Maximum Height (feet) E	28 ft - flat roofs (3) (7) 31 ft - sloped roofs (3) (7)		24 ft - flat roofs (3) (4) (7) 27 feet - sloped roofs (3) (4) (7)	24 ft - flat roofs (3) (7) 27 feet - sloped roofs (3) (7)



NO UNDERSTORY



WITH UNDERSTORY

1. Except those lots fronting on a cul-de-sac or circular street as defined in lot width.
2. Single story homes shall follow the requirements of Section 7.2.2.3.b.vii.2.
3. Height shall be measured from the required base flood elevation for the lot, plus freeboard. (See Height of Building definition). Single story homes shall follow the requirements of Section 7.2.2.3.b.vii.2.
4. May be increased up to 28 feet for flat roofs and 31 feet for sloped roofs when approved by the DRB or HPB, in accordance with the applicable design review or appropriateness criteria.
5. At least 50 percent (50%) of the required front yard and side facing a street yard areas (including portions of the rear and front yards) shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than 5 feet to the front of the building. When a pool is located in the side yard, facing a street the area of the water may count as part of the open space.

In the event that an existing single-family home has an abutting street raised pursuant to an approved city project, and such home was previously permitted with less than 50 percent (50%) of the required front yard area consisting of sodded or landscaped pervious open space, such property may retain the most recent, previously permitted pervious open space configuration, provided the front yard is raised to meet the new street elevation. However, in no instance shall less than 30 percent (30%) of the required front yard be sodded or landscaped pervious open space.
6. At least 70 percent (70%) of the required rear yard shall be sodded or landscaped pervious open space; the water portion of a swimming pool may count toward this requirement
7. If an Understory is provided, then the maximum height is increased to 31 feet for flat roofs and 34 feet for sloped roofs.

ii. **Two Story Houses Standards.**

1. Two-story side elevations located parallel to a side property line shall not exceed 50 percent (50%) of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard. The additional open space shall be regular in shape, open to the sky from grade, and at least 8 feet in depth, measured perpendicular from the minimum required side setback line. The square footage of the additional open space shall not be less than one percent (1%) of the lot area. The elevation (height) of the open space provided shall not exceed the elevation of the first habitable floor, and at least 50 percent (50%) of the required interior open space area shall be sodded or landscaped pervious open space. The additional open space may contain mechanical equipment. The intent of this regulation shall be

to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through historic preservation board, or design review board approval, as may be applicable, in accordance with the applicable design review or appropriateness criteria.

2. For two story homes with an overall lot coverage of 25 percent (25%) or greater, the following additional requirements shall apply to the second floor (including any portion of the home above a height of 18 feet as measured from base flood elevation plus freeboard):
 - I. At least 35 percent (35%) of the second floor along the front elevation shall be set back a minimum of 5 feet from the minimum required setback.
 - II. At least 50 percent (50%) of the second floor along a side elevation facing a street shall be set back a minimum of 5 feet from the minimum required setback.

The DRB or HPB may forego these requirements, in accordance with the applicable design review or appropriateness criteria.

iii. Nonconforming yards.

1. If a single-family structure is renovated in excess of 50 percent (50%) of the value determination, as determined by the building official pursuant to the standards set forth in the Florida Building Code, any new construction in connection with the renovation shall meet all setback regulations existing at the time, unless otherwise exempted under Chapter 2, Article XII of these Land Development Regulations.
2. When an existing single-family structure is being renovated less than 50 percent (50%) of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and the sum of the side yards is less than 25 percent (25%) of the lot width, any new construction, whether attached or detached, including additions, may retain the existing sum of the side yards, provided that the sum of the side yards is not decreased.
3. When an existing single-family structure is being renovated less than 50 percent (50%) of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and has a nonconforming interior side yard setback of at least 5 feet, the interior side yard setback of new construction in connection with the existing building may be allowed to follow the existing building lines. The maintenance of this nonconforming interior side yard setback shall only apply to the linear extension of a single story building, provided such linear extension does not exceed 20 feet in length and does not exceed 18 feet in height for a flat roof structure and 21 feet for a sloped roof structure (See Height of Building definition in section 1.2.1), as measured from the minimum flood elevation.

iv. Limitation on contiguous lots. No more than two (2) contiguous lots may be aggregated, with the exception of the following:

1. Lot aggregation for the purpose of expanded yards, or for the construction of accessory pools, cabanas, tennis courts, and similar accessory structures, when detached from the main home with a minimum separation of 15 feet, which may be aggregated to no more than three (3) contiguous lots; or
2. Lot aggregation for the construction of a new home located in the middle of a site consisting of three (3) lots, provided the sum of the side yard setbacks of the main structure are equivalent to the width of the smallest of the three (3) aggregated lots, and the overall unit size and lot coverage of the main home shall be based upon the combined size of the largest two (2) lots.

3. For the purpose of this subsection lots aggregated prior September 24th 2013 shall be considered one lot.

v. *Unit size requirements.*

1. For purposes of this subsection, unit size means the sum of the gross horizontal areas of the floors of a single-family home, measured from the exterior faces of exterior walls. However, the unit size of a single-family home shall not include the following, unless otherwise provided for in these land development regulations:
 - I. Uncovered steps.
 - II. Attic space, providing structural headroom of less than 7 feet 6 inches.
 - III. Open breezeways, connected to more than one structure, which consist of roof protection from the elements and are open on all sides.
 - IV. Covered terraces and porches, which are unenclosed and open on at least one side, with the exception of roof supports and required safety railing.
 - V. Enclosed floor space used for required off-street parking spaces (maximum 500 square feet).
 - VI. Covered exterior unenclosed private balconies.
 - VII. Non-air-conditioned areas located directly below the first habitable floor shall not count in the unit size calculations subject to Section 7.2.2.3.b.vi below.

vi. *Understory Level Standards*

Non-airconditioned Understory space located below minimum flood elevation, plus freeboard. The following regulations shall apply to the understory area(s):

1. Understory area(s) shall be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage. Such areas shall be designed and maintained to be free of obstructions and shall not be enclosed and/or air-conditioned at any time, with the exception of limited access areas to the first habitable floor. However, understory area(s) below the lowest habitable floor can utilize non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments, provided they are open a minimum of 50 percent (50%) on each side.
2. All unenclosed, non-air-conditioned areas located directly below the first habitable floor shall not count in the unit size calculations.
3. Understory building access. Enclosed, air-conditioned elevator and stair vestibules, for access to the first habitable level of the home, shall be permitted under the first habitable floor and shall be located as close to the center of the floor plan as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations. The total area of enclosed and air-conditioned building access shall be limited to no greater than 5 percent (5%) of the lot area. All air-conditioned floor space located directly below the first habitable floor shall count in the total unit size calculations.
4. Enclosed, non-air-conditioned areas, for parking and storage, may be permitted and shall not count in the unit size calculations, provided such areas do not exceed 600 square feet. Any portion of such enclosed parking and storage area exceeding 600 square feet shall count in the unit size calculations.
5. All parking, including required parking, shall be provided within the understory area, and shall be clearly delineated by a different surface finish or bollards. No parking or vehicle storage shall be permitted within a required yard, unless approved by the DRB or HPB, in accordance with the applicable design review or certificate of appropriateness criteria.

6. A continuous soffit shall be lowered a minimum of 2 feet from the lowest slab of the first level above the understory area in order to screen from view all lighting, sprinkler, piping, plumbing, electrical conduits, and all other building services, unless concealed by other architectural method(s).
7. Understory ground elevation. The minimum elevation of the understory ground shall be constructed no lower than future crown of road as defined in chapter 54, of the city Code. All portions of the understory area that are not air-conditioned shall consist of pervious or semi-pervious material, such as wood deck, gravel or pavers set in sand. Concrete, asphalt and similar material shall be prohibited within the non-air-conditioned portions of the understory area.
8. Understory edge. All allowable decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments located in the understory area shall be set back a minimum of 5 feet from each side of the underneath of the walls of the first habitable floor above, with the exception of driveways and walkways leading to the property, and access walkways and/or steps or ramps for the front and side area. The front and side understory edge shall be designed to accommodate on-site water capture from adjacent surfaces and expanded landscaping opportunities from the side yards.

vii. **Lot coverage.**

1. *General.* For lots aggregated after September 24, 2013, when a third lot is aggregated, as limited by Section 7.2.2.3.b.iv, the calculation of lot coverage shall be determined by the two lots on which the house is located.
2. *One-story structures.* One-story structures may exceed the maximum lot coverage noted in subsection 7.2.2.3.b.i above, through staff level review and shall be subject to the setback regulations outlined in 7.2.2.3.b.i, but in no instance shall the lot coverage exceed 40 percent (40%) of the lot area. The DRB or HPB may waive this requirement and allow up to 50 percent (50%) lot coverage for a one-story structure, in accordance with the applicable design review or appropriateness criteria. Notwithstanding the foregoing, for existing one-story structures constructed prior to 1965, the maximum lot coverage shall not exceed 50 percent (50%).
3. *Calculating lot coverage.* Lot coverage shall be as defined in Section 1.2.1, subject to the following additional regulations:
 - I. Internal courtyards, which are open to the sky, but which are substantially enclosed by the structure on four or more sides, shall be included in the lot coverage calculation.
 - II. Eyebrows, roof overhangs, covered porches and terraces, projecting a maximum of 5 feet from an exterior wall, shall not be included in the lot coverage calculation. All portions of such covered areas exceeding a projection of 5 feet shall be included in the lot coverage calculation.
4. *Garages.* A maximum of 500 square feet of garage space shall not be counted in lot coverage if the area is limited to garage, storage and other non-habitable uses and the garage conforms to the following criteria:
 - I. The garage is one story in height and not covered by any portion of enclosed floor area above. Portions of the garage which are covered by enclosed floor area above shall count toward lot coverage. Enclosed floor area shall be as defined in Section 1.2.1.
 - II. The vehicular entrance(s) of the garage is not part of the principal facade of the main house.
 - III. The garage is constructed with a vehicular entrance(s) perpendicular to and not visible from the right-of-way, or the entrance(s) is set back a minimum of 5 feet from the principal facade of the main house when facing a right-of-way.
5. *Nonconforming structures.* Existing single-family structures nonconforming with respect to Section 7.2.2.3.b, may be repaired, renovated, rehabilitated regardless of the cost of such repair, renovation or rehabilitation, notwithstanding the provisions of Chapter 2, Article XII of these Land Development

Regulations, "nonconformities." Should such an existing structure constructed prior to October 1, 1971, be completely destroyed due to fire or other catastrophic event, through no fault of the owner, such structure may be replaced regardless of the above-noted regulations existing at the time of destruction.

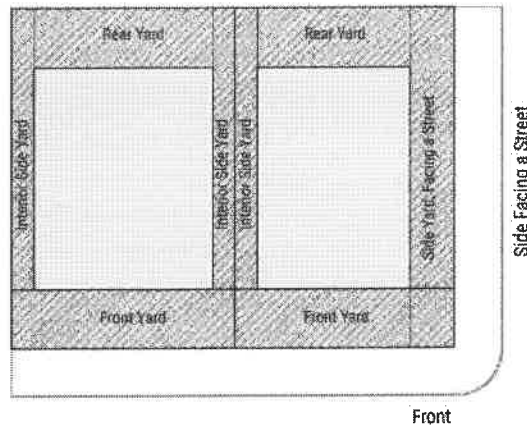
6. *Demolition of architecturally significant single-family homes.* Proposed new construction that exceeds the original building footprint of a demolished architecturally significant single-family home shall follow the provisions of Section 7.7.7.4.a.
- viii. **Roof decks.** Roof decks shall not exceed 6 inches above the highest point of the proposed flat roof and shall not exceed a combined deck area of 25 percent (25%) of the enclosed floor area immediately one floor below, regardless of deck height. Roof decks shall be setback a minimum of 10 feet from each side of the exterior outer walls, when located along a front or side elevation, and from the rear elevation for non-waterfront lots. Built in planters, gardens or similar landscaping areas, not to exceed 3 feet, 6 inches above the finished roof deck height, may be permitted immediately abutting the roof deck area. All landscape material shall be appropriately secured. The DRB or HPB may forego the required rear deck setback, in accordance with the applicable design review or appropriateness criteria.
- ix. **Height exceptions.** The height regulation exceptions contained in Section 7.5.2 shall not apply to the RS-1, RS-2, RS-3 and RS-4 zoning districts. The following exceptions shall apply, and unless otherwise specified in terms of height and location, shall not exceed 10 feet above the highest point of the proposed roof. In general, height exceptions that have not been developed integral to the design intent of a structure shall be located in a manner to have a minimal visual impact on predominant neighborhood view corridors as viewed from public rights-of-way and waterways.
 1. Chimneys and air vents, not to exceed 5 feet in height measured from the point at which they emerge from the roof.
 2. Decorative structures used only for ornamental or aesthetic purposes such as spires, domes, and belfries.
 3. Radio and television antennas, satellite, and internet dishes.
 4. Parapet walls, only when associated with a habitable roof deck or when used to screen roof top mechanical equipment. When associated with a habitable roof deck, the parapet shall not exceed 3 feet, 6 inches above the finished roof deck height, and shall be set back a minimum of 10 feet from the perimeter of the enclosed floor below. When used to screen mechanical equipment, the parapet walls shall not exceed the height of the equipment being screened.
 5. Rooftop curbs, not to exceed 3 feet in height.
 6. Elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations.
 7. Skylights, not to exceed 5 feet above the point at which they emerge from the roof, and provided that the area of skylight(s) does not exceed 10 percent (10%) of the total roof area of the roof in which it is placed.
 8. Air conditioning and mechanical equipment not to exceed 5 feet above the point at which they emerge from the roof and shall be required to be screened in order to ensure minimal visual impact as identified in the general section description above.
 9. Rooftop wind turbines, not to exceed 10 feet above the highest point of the roof,
 10. Solar panels, not to exceed 5 feet in height above the point at which they emerge from the roof.
 11. Covered structures, which are open on all sides, and do not extend interior habitable space. Such structures shall not exceed a combined area of 20 percent (20%) of the enclosed floor area

immediately one floor below, and shall be set back a minimum of 10 feet from the perimeter of the enclosed floor below.

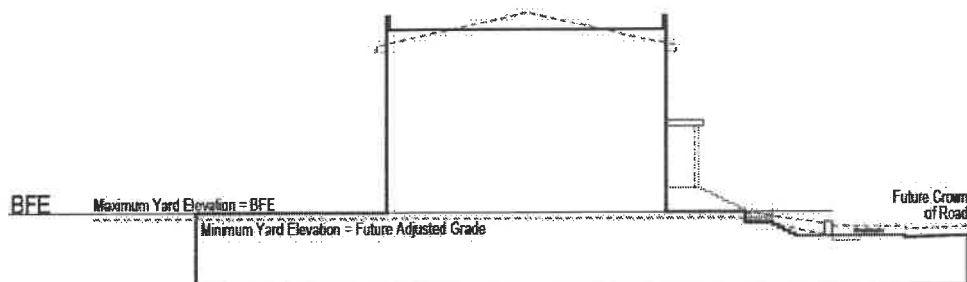
- x. **Exterior building and lot standards.** The following shall apply to all buildings and properties in the RS-1, RS-2, RS-3, RS-4 single-family residential districts:

1. **Exterior bars.** Exterior bars on entryways, doors and windows shall be prohibited on front and side elevations, which face a street or right-of-way.
2. **Minimum and maximum yard elevation requirements.**

MINIMUM AND MAXIMUM YARD ELEVATION REQUIREMENTS (RS)		
	Minimum	Maximum
Front Yard	Future Adjusted Grade (1)(2)(4)	Base Flood Elevation (BFE)(1)(3)(4)
Side, Facing a street Yard		Base Flood Elevation (BFE) (1)(3)(5)(6)
Side, Interior Yard		
Rear Yard - Non Waterfront		Base Flood Elevation (BFE) plus maximum freeboard (1)(3)
Rear Yard - Waterfront		



YARD LOCATIONS (FOR YARD ELEVATION REQUIREMENTS ONLY)



MINIMUM AND MAXIMUM YARD ELEVATIONS

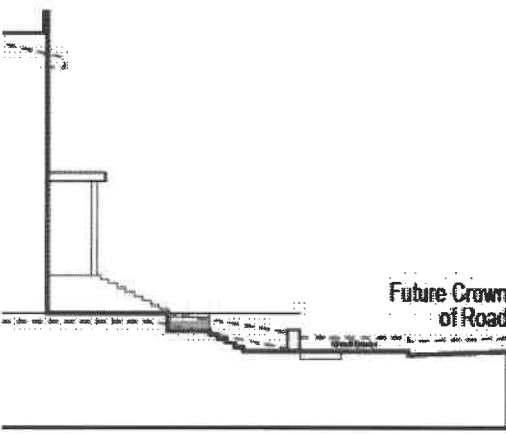
1. With the exception of driveways, walkways, transition areas, green infrastructure (e.g., vegetated swales, permeable pavement, rain gardens, and rainwater/stormwater capture and infiltration devices), and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the

maximum elevation requirements as outlined in this table, the minimum elevation requirements shall still apply.

2. The minimum yard elevation requirements shall not apply to existing structures or properties containing single-family homes individually designated as historic structures, or to properties with single-family homes designated as "contributing" within a local historic district.
3. In no instance shall the elevation of a required yard exceed DFE.
4. The maximum height of any fence(s) or wall(s) in the required front yard, shall be measured from existing grade.
5. When the average grade of an adjacent lot along the abutting side yard is equal or greater than adjusted grade, or when abutting a vacant property, the maximum elevation within the required side yard shall not exceed BFE plus 1 foot.
6. Notwithstanding the above, when abutting property owners have jointly agreed to a higher elevation, both side yards may be elevated to the same higher elevation through the submission of concurrent building permits, not to exceed the minimum required flood elevation.

3. *Stormwater retention.* In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations, as determined by the public works department.
4. *Retaining wall and yard slope requirements.* Within the required front yard, required side yard facing a street and rear and side interior yards the following shall apply:

RETAINING WALL REQUIREMENTS	
	Maximum Height of Retaining Wall
Front	30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present (1) (3)
Side, Facing a Street	
Side, Interior	At the property line, the maximum height of retaining walls shall not exceed 3 feet. (2) (3)
Rear	



1. The maximum slope of the required front and side yard facing a street shall not exceed 11 percent (11%) (5:1 horizontal:vertical)

2. For properties in which the required yard elevation is greater than the yard elevation of the neighboring lot, either a retaining wall at the perimeter of the property or a slope of maximum (5:1 horizontal: vertical), or a combination of both, shall be provided. (See Section 7.2.2.3.b.xi.7)
3. Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria of Section 7.2.2.3.b.

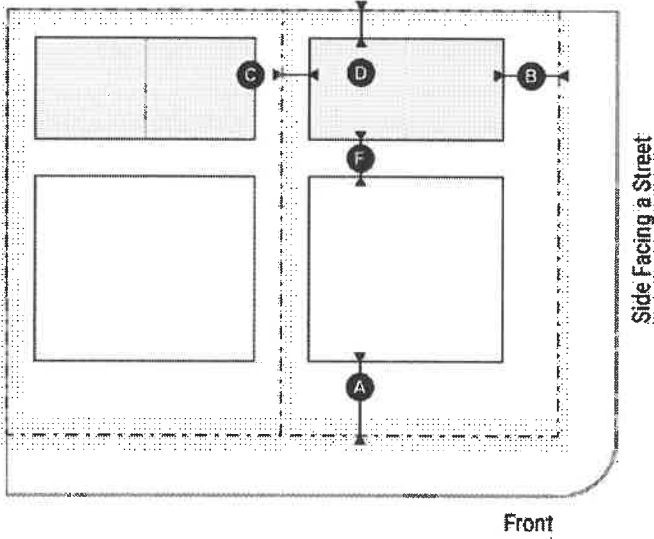
ix. **Lot split.** All new construction for homes on lots resulting from a lot split application approved by the planning board shall be subject to the review and approval of the design review board (DRB) or historic preservation board (HPB), as applicable. The following shall apply to all newly created lots, when the new lots created do not follow the lines of the original platted lots and/or the lots being divided contain an architecturally significant, pre-1966 home that is proposed to be demolished.

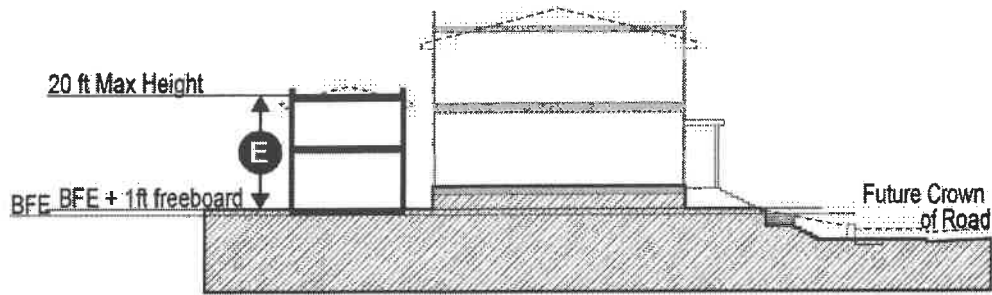
1. The maximum lot coverage for a new one-story home shall not exceed 40 percent (40%) of the lot area, and the maximum lot coverage for a new two-story home shall not exceed 25 percent (25%) of the lot area, or such lesser number, as determined by the planning board.
2. The maximum unit size shall not exceed 40 percent (40%) of the lot area for both one story, and two-story structures, or such less numbers, as determined by the planning board.

xi. **Allowable encroachments within required yards.**

1. **Accessory buildings.** In all single-family districts, the following regulations shall apply to accessory buildings within a required rear yard:

ACCESSORY BUILDING STANDARDS TABLE (RS)	
Maximum Lot Coverage (%)	25% of the area of the required rear yard (1)
Size Calculations	The area of enclosed accessory buildings shall be included in the overall unit size calculation for the site.
ACCESSORY BUILDING SETBACKS	
Front and Side facing a street Setback B	
1 Story Structures	15 feet
2 Story Structures	15 feet
Side interior Setback C	
1 Story Structures	7.5 feet

2 Story Structures	10 feet or the required side yard setback, whichever is greater
Rear Setback D	
1 Story Structures	7.5 feet One-half (1/2) of the required rear setback - When facing a waterway
2 Story Structures	15 feet One-half (1/2) of the required rear setback or 15 feet, whichever is greater - When facing a waterway
Building Separation	
Building Separation F	Accessory buildings shall be separated from the main home by a minimum of 5 feet, open to the sky with no overhead connections.
 The diagram shows a site plan with a main house on the left and an accessory building on the right. A vertical dashed line with arrows at both ends, labeled 'F', indicates a 5-foot separation between the two buildings. The accessory building is also separated from the side yard by a horizontal dashed line with arrows at both ends, labeled 'B'. The accessory building is separated from the front yard by a vertical dashed line with arrows at both ends, labeled 'A'. The front yard is labeled 'Front' and the side yard is labeled 'Side Facing a Street'.	
ACCESSORY BUILDING HEIGHT	
Maximum Height (stories)	2 stories
Maximum Height (feet) E	
1 story structure	12 feet (2) (3)
2 story structure	20 feet (2) (3)



1. Accessory buildings that are not a part of the main building, shall be included in the overall lot coverage calculations for the site and may be constructed in a rear yard, provided such accessory building (or accessory buildings) does not occupy more than 25 percent (25%) of the area of the required rear yard. Areas enclosed by screen shall be included in the computation of area occupied in a required rear yard lot, but an open uncovered swimming pool shall not be included.
2. Height for accessory buildings shall be measured from the Base Flood Elevation (BFE) plus freeboard of 1 foot.
3. The allowable height exceptions set forth in Section 7.5.2 shall not apply to accessory buildings in single-family districts.

- I. **Uses.** Accessory buildings shall be limited to uses that are accessory to the main use, including, but not limited to:
 - [i]. garage
 - [ii]. carport
 - [iii]. pergola
 - [iv]. cabana
 - [v]. gazebo
 - [vi]. maid's or guest's quarters
 - [vii]. Accessory Dwelling Units (ADU)
 - [viii]. Components of the main structure, such as detached bedrooms or any habitable area of the single-family structure, shall not be considered accessory uses.
- II. **Utilities.** Accessory buildings may contain heating and air conditioning, washers and dryers, toilets, bar sinks and showers, but may not have full kitchen facilities, except when it contains an Accessory Dwelling Unit (ADU). An outdoor built-in barbecue grill or similar cooking equipment shall be allowed as an accessory use, as may be permitted by the fire marshal and in accordance with the regulations contained in any applicable safety code or the Florida Building Code.
2. **Awnings.** Awnings attached to and supported by a building wall may be placed over doors or windows in any required yard, but such awnings shall not project closer than 3 feet to any lot line.
3. **Boat, boat trailer, camper trailer or recreational vehicle storage.** Accessory storage of such vehicles shall be limited to a paved, permanent surface area within the interior side or rear yards. No such vehicle shall

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Zone RS-4	Lot size - 49.95 x 125
Minimum lot Buildable lot Size RS4 50 x 125 ?	

Expeditors or permit processors