ITEM 3A

To: Honorable Mayor and Village Council

Date: March 31, 2014

From: Ron E. Williams, Village Manager

Re: Shed Setbacks
Ordinance for 2nd Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING CERTAIN SECTIONS OF DIVISION 30-50 AND SECTION 30-60.3 OF THE LAND DEVELOPMENT CODE RELATING TO SHED SETBACKS IN RESIDENTIALLY ZONED DISTRICTS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE [Sponsored by Vice Mayor DuBois].

UPDATE SINCE FIRST READING

On March 3, 2014, this item was heard on first reading and was approved to move to second reading with modifications. As directed, the proposed ordinance is modified so that only sheds 144 square feet or less, with width and depth dimensions of the shed that do not exceed twelve (12) feet, and with a height no greater than eight (8) feet, shall be eligible for the reduced five (5) foot setback standard. This report is modified to reflect those changes.

BACKGROUND:

On February 13, 2014, Vice Mayor John DuBois requested the Manager have staff prepare an ordinance providing for a five (5) foot minimum permitted rear and interior setbacks for sheds under 250 square feet. The ordinance presented at first reading was reflective of that request. The request is limited to those properties zoned residential excluding R-4H, R-5, and those districts located within the VMU or the FT&I. The graphics within the attached proposed ordinance still require adjustment reflective of the modified text contained therein. Should the Council decide to approve the ordinance, it should be noted that the graphics be changed reflective the Council's direction prior to codification.

Of the many reasons that drove the incorporation efforts of the Village, one was a matter of local control over code compliance. Upon its incorporation, the prevailing setback standards for sheds were governed by Miami-Dade County's Zoning Code. That code provided varying setback standards for sheds predicated upon their size (over or under 100 square feet) and the residential zoning district in which they were located. With implementation of the Village's local control over code compliance efforts, it was discovered that there were many sheds throughout the Village constructed without permits and located within required setbacks. Many of these sheds, but not all,

were constructed following the events of Hurricane Andrew, so that residents had a manner in which to store their personal household items until such time that their homes could be rebuilt.

To the remedy this noncompliance matter, the Mayor and Village Council adopted on February 3, 2009, ordinance 09-03, commonly referred to as the "Shed Amnesty Ordinance." The program provided an 18 month window for individuals to apply for a permit and bring their sheds into compliance without penalty. Those sheds that were no closer than three (3) feet could be approved administratively, while all others required a public hearing before the Village Council. In all, 107 sheds were legalized (52 by Village Council, 55 administratively); all of which were approved in their current location and within required setbacks as provided for in the shed amnesty program.

SHED COMPARISON MDC v. VILLAGE

SHEDS 100 SQUARE FEET OR LESS				
DISTRICTS	**REAR**		**INTERIOR SIDE**	
	MDC	PB	MDC	PB
R-1(Single-Family Residential)	5'	5'	5'	7.5
R-1M (Modified Single-Family)	5'	5'	5'	7.5
R-2 (Two-Family Residential)	5'	5'	5'	7.5
R-3 (Four Unit Apartment)	Not provided	5'	Not provided	7.5
R-3M (Apartment)	Not provided	5'	Not provided	7.5
R-4L (Limited Apartment)	Not provided	5'	Not provided	7.5
R-TH (Townhouse)	Prohibited	5'	Prohibited	5'
E-M (Estate Modified Single-Family)	5'	5'	5'	7.5
E-1 (One Acre Estate Single-Family)	5'	5'	5'	7.5
E-1C (2.5 Acres Estate Single-Family)	5'	5'	5'	7.5
E-2 (Five Acres Estate Single Family)	5'	5'	5'	7.5
E-S(Estate Suburban Single Family)	5'	5'	5'	7.5

SHEDS OVER 100 SQUARE FEET				
DISTRICTS	**REAR**		**INTERIOR SIDE**	
	MDC	PB	MDC	PB
R-1(Single-Family Residential)	5'	5'	7.5	7.5
R-1M(Modified Single-Family)	5'	5'	5'	5'
R-2 (Two-Family Residential)	5'	5'	7.5	7.5
R-3 (Four Unit Apartment)	5'	5'	7.5	7.5
R-3M (Apartment)	5'	5'	7.5	7.5
R-4L (Limited Apartment)	5'	5'	7.5	7.5
R-TH (Townhouse)	Prohibited	5'	Prohibited	5'
E-M (Estate Modified Single-Family)	7.5	7.5'	20'	20'
E-1 (One Acre Estate Single-Family)	7.5	7.5'	20'	20'

E-1C (2.5 Acres Estate Single-Family)	7.5	7.5'	20'	20'
E-2 (Five Acres Estate Single-Family)	7.5	7.5'	20'	20'
E-S (Estate Suburban Family)	7.5	7.5'	20'	20'

During the implementation of the Amnesty program, the Mayor and Village Council adopted Ordinance 09-17 on August 20, 2009, creating Division 30-50, which provided among other things, setback regulations for sheds (See Table above). The table shows how the shed setback criteria changed from Miami-Dade County to the Village of Palmetto Bay. Despite the relaxed standards offered by the Amnesty Program relative to Miami-Dade County's Code, the Village's newly adopted provisions were in some cases more restrictive. Since the sun-setting of the amnesty program, the Village's Code Compliance Division continued its efforts to apply the desired community standards of sheds as reflected in the Village's Land Development Code pursuant to Ordinance 09-17.

Despite that ordinance, and in light of the Village's previous amnesty program, two (2) other variances were granted to existing sheds with setbacks less than that provided by current Code and there presently exists approximately thirteen (13) sheds with noncompliant setbacks in some stage of code compliance. In essence, through its actions, the Village Council offered a continuation of the amnesty program for all of those whom choose to pursue a variance request for reduction of a shed setback. In so doing, it can be argued that the Village Council expressed a disagreement with the current setback standard provided by Code. As an unwritten axiom of the planning profession, if the same or similar variance is continuously being granted from one property to another, whether on a case by case bases or via amnesty, then the problem may reside with the code provision itself and not the standard being requested for adjustment. As such, it becomes arguable to change the development standard reflective of those variance decisions and done so in manner keeping in harmony with the community's development expectation. This should not be interpreted to mean that the new standard should reflect the greatest waiver granted, rather that it should strike a balance between the Council's previous decisions and the expectations of their constituents.

The proposed ordinance adjusts the interior and rear yard setbacks to five (5) feet for sheds less than or equal to 144 square feet, with width and depth dimensions that do not exceed twelve (12) feet, and do not exceed eight (8) feet in height. All other sheds shall be governed by the setbacks to the accessory structure category. At present the threshold for a lessor setback standard is 100 square feet with a minimum interior setback of 7.5 feet for most districts (see table above).

ANALYSIS:

The proposed ordinance was reviewed for consistency with the criteria established in Section 30-30.7(b). The Background section provided above shall be considered supplemental information to this analysis and thusly shall be incorporated into each criterion delineated below. The following is a review of those criteria:

Criteria (1): Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the Village's Concurrency Management Program.

Analysis: The Comprehensive Plans does not address sheds.

Finding: Not applicable

Criteria (2): Whether the proposal is in conformance with all applicable requirements of Chapter 30.

Analysis: Please see Background section of this report. Section 30-60.3(b) and (c) provides for shed back standards, however they are not consistent with those provided within the individual residential zoning districts. The proposed ordinance aligns the residential zoning districts to 60.3(b) and (c) while providing for a larger shed structure to conform to the reduced setback standard as previously applied during the shed amnesty program and subsequent variance approvals.

Findings: Consistent.

Criteria (3) Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether the changes support or work against the proposed change in land use policy.

Analysis: Please see Criteria 2 above. As reflected in the Background section of this report, through implementation of the Amnesty Program and subsequent shed variance approvals, it may be deemed appropriate to adjust the interior and rear setback standards for sheds less than 144 square feet.

Findings: Consistent.

Criteria (4) Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and locations of uses involved, the impact on the adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land uses.

Analysis: See Analysis under Criteria 3. Sheds are permitted accessory uses in residential districts and the Council and staff have granted 106 setback reductions since 2009.

Finding: Consistent.

Criteria (5) Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and service; would exceed the capacity of the facilities and services, existing or programmed, including: transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.

Analysis: Any placement of a shed on residential property shall continue to comply with lot coverage standards as provided by each individual residential district. The other provisions of this criteria are not applicable.

Finding: Consistent.

Criteria (6) Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of groundwater aquifer wildlife habitats, and vegetative communities.

Analysis: The proposed ordinance does not impact the above systems.

Finding: Consistent.

Criteria (7) Whether, and to the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

Analysis See Analysis under Criteria 2, 3 and 4.

Findings: Consistent.

Criteria (8) Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on land use pattern shall be identified.

Analysis See Analysis under Criteria 2, 3 and 4.

Findings: Consistent.

Criteria (9) Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose of Chapter 30.

Analysis: See Analysis under Criteria 2, 3 and 4.

Finding: Consistent.

Criteria (10) Other matters which the local planning agency or Village Council in its legislative discretion may deem appropriate.

Analysis: As per the direction of the Village Council.

Finding: As determined by the Village Council.

FISCAL/BUDGETARY IMPACT:
None at this time.

RECOMMENDATION:
Decision for the Village Council.

Darby Delsalle, AICP
Planning & Zoning Director

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING CERTAIN SECTIONS OF DIVISION 30-50 AND SECTION 30-60.3 OF THE LAND DEVELOPMENT CODE RELATING TO SHED SETBACKS IN RESIDENTIALLY ZONED DISTRICTS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE [Sponsored by Vice Mayor DuBois].

WHEREAS, on August 20, 2009, the Mayor and Village Council adopted Division 30-60.3, which, among other provisions, provided setback standards for sheds in residential districts which included referencing those setback standards as provided for within the individual residential zoning districts; and

WHEREAS, at that time, the Village was governed by Miami-Dade County's zoning regulations as they pertained to residential shed setback requirements; and

WHEREAS, on February 2, 2009, the Mayor and Village Council adopted Ordinance 09-03, commonly referred to as the "Shed Amnesty Ordinance", whereby sheds built without the benefit of a building permit, whether within required setbacks or not, where given the opportunity to come into building and zoning compliance; with the program authorized to run for a period of 18 months after the adoption of the Ordinance; and

WHEREAS, the Shed Amnesty Ordinance granted administrative approval authority for existing, unpermitted sheds sited no closer than three (3) feet to any interior or rear property line, with all others going before the Mayor and Village Council for variance approval; and

WHEREAS, those Shed Amnesty variance requests with setbacks less than three (3) feet were consistently granted by the Mayor and Village Council; and

WHEREAS, on August 20, 2009, the Mayor and Village Council adopted Division 30-50, which, among other provisions, provided for shed setback standards in residential zoning districts, which regulations largely mirrored those in the previously applicable Miami-Dade County zoning regulations; and

WHEREAS, the Shed Amnesty Program received and approved 107 sheds, all of which included requests for reduction of setback criteria provided by both the Miami-Dade County and the Village's zoning code; and

WHEREAS, since the conclusion of the shed amnesty program, the Mayor and the Village Council – as well as Village administration - have considered and granted 2 requests to reduce required interior and rear yard shed setbacks; and

WHEREAS, reflective of the Mayor and Village Council's actions by way of the Amnesty Program and variance approvals, and of the communities evolved development expectations, there has been an expressed desire by the Mayor and Village Council to provide for a minimum interior setback standard of five (5) feet for sheds under 250 square feet in size within residential districts.

BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:[1]

Section 1. **Recitals.** The above recitals are true and correct and incorporated herein.

Section 2. **Shed Setbacks.** Division 30-50, of the Village's Code of Ordinances entitled "Zoning Districts" shall be amended as follows:

Division 30-50. Zoning Districts

* * *

30-50.2. AG, Agricultural District

* * *

(f) Minimum setbacks.

(1) Minimum setbacks:

Structure	**Required Setbacks in AG District**				
	Front	**Rear**	**Between Buildings**	**Interior Side**	**Side Street**
Principal	50 feet	25 feet	30 feet	20 feet	25 feet
Accessory	75 feet	10 feet	10 feet	25 feet	30 feet
Shed less than 145 square feet*	75 feet	5 feet	10 feet	5 feet	30 feet
*Uninhabitable sheds less than 145 square feet shall, with width and depth dimensions of twelve (12) feet or less not exceed eight (8) feet in height above grade to the roof ridge. All other sheds and structures shall comply with the accessory building setback requirements.					

* * *

30-50.3. R-1, Single-Family Residential District.

* * *

(d) Dimensional Regulations

---

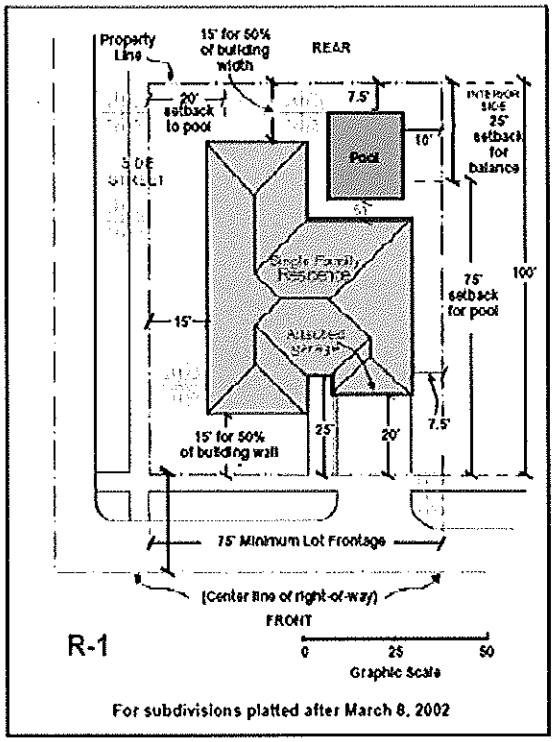
[1] / Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, deletions are shown as ~~strikethrough~~, and deletions after first reading are shown as ~~double strikethrough~~.

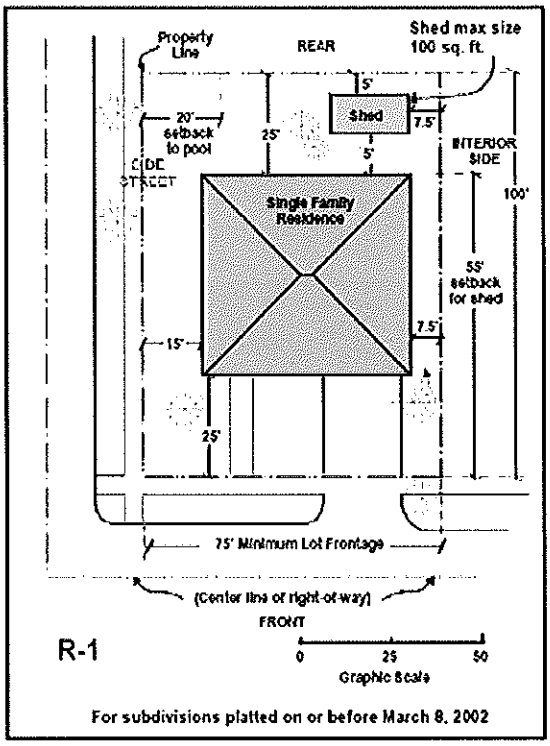
(1)	Minimum lot area	7,500 net square feet
(2)	Maximum density	One unit per 7,500 net square feet
(3)	Minimum lot frontage	75 feet
(4)	Minimum lot depth	100 feet
(5)	Maximum lot coverage	0.37 of net lot area including accessory buildings
(6)	Reserved.	
(7)	Minimum open space	0.63 of net lot area
(8)	Minimum landscaped pervious area	0.30 of the lot area
(9)	Minimum building size	1,125 square feet
(10)	Maximum building height	35 feet
(11)	Maximum number of stories	Two
(12)	Accessory building height not exceeding	15 feet above grade to the roof ridge.
(13)	Uninhabitable sheds less than ~~250~~ ~~100~~ 145 square feet, with width and depth dimensions of twelve (12) feet or less, shall not exceed eight (8) ~~eight ten (10)~~ feet in height above grade to the roof ridge. All other sheds and structures with roofs shall comply with the accessory building setback requirements.	
(14)	*Septic tanks.* Unless the plumbing system of the residential building on the lot is connected to a sanitary sewer other than septic tank with field drains, every lot used for residential purposes in any district shall have a yard with an area of at least 25 percent of the total lot area, provided that sufficient lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure. The septic system shall comply with all State of Florida Health Department and DERM requirements.	

(e) *Minimum setbacks.*

Structure	**Setbacks**				
	Front	**Rear**	**Between Buildings**	**Interior Side**	**Side Street**
Principal	15 feet for 0.50 of the house width; 25 feet for balance of house width; except 20 feet for attached garage	15 feet for 0.50 of the house width; 25 feet for balance of house width	N/A	7.5 feet	15 feet
Accessory structures	75 feet	5 feet	10 feet	7.5 feet	20 feet
Sheds less than 145 ~~250~~100 square feet	55 feet	5 feet	5 feet	~~7.~~5 feet	10 feet
Pools	75 feet	7.5 feet	5 feet	10 feet	20 feet

Pool screen enclosures	N/A	6 feet	N/A	7.5 feet	15 feet





Includes principle structures, accessory structures, and sheds ~~less than 100 square feet~~.

* * *

30-50.35. R-1M, Modified Single-Family District

* * *

(d) *Minimum setbacks.*

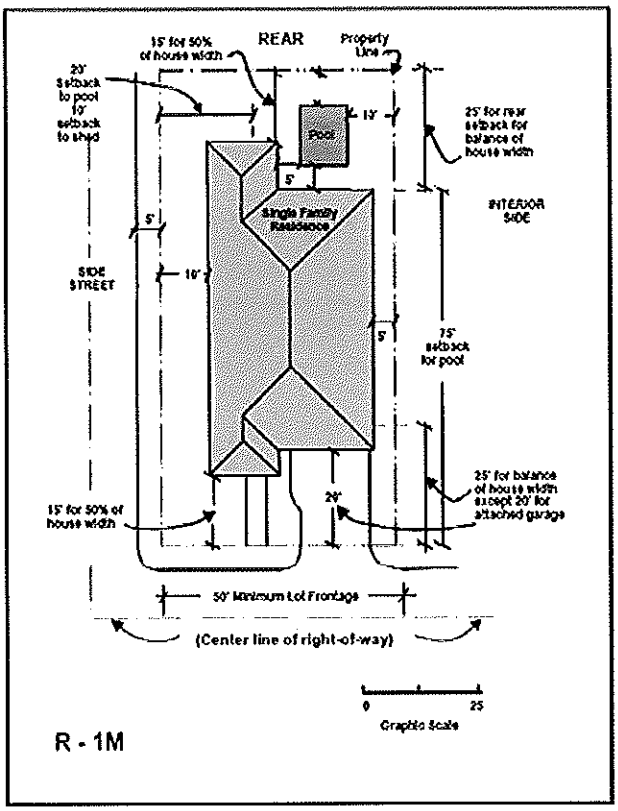
(1)	Minimum lot area	5,000 net square feet
(2)	Maximum density	One unit per 5,000 net square feet
(3)	Minimum lot frontage	50 feet (see subsection (f), below)
(4)	Minimum lot depth	100 feet
(5)	Maximum lot coverage	0.42 of net lot area including accessory buildings
(6)	Reserved.	
(7)	Minimum open space	0.58 of net lot area

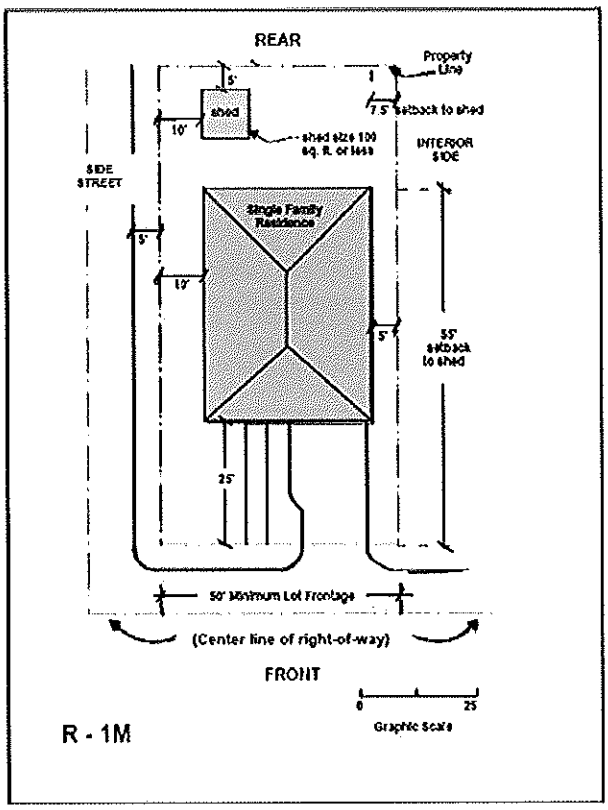
(8)	Minimum landscaped pervious area	0.30 of the lot area
(9)	Minimum building size	1,000 square feet
(10)	Maximum building height	35 feet
(11)	Maximum number of stories	Two, not including non-livable areas
(12)	Accessory building height	Not exceeding 15 feet
(13)	Uninhabitable sheds less than ~~250~~ ~~100~~ 145 square feet, with width and depth dimensions of twelve (12) feet or less, shall not exceed eight (8) ~~eight ten (10)~~ feet in height above grade to the roof ridge. All other sheds and structures with roofs shall comply with the accessory building setback requirements.	
(14)	*Septic tanks.* Unless the plumbing system of the residential building on the lot is connected to a sanitary sewer other than septic tank with field drains, every lot used for residential purposes in any district shall have a yard with an area of at least 25 percent of the total lot area, provided that sufficient lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure. The septic system shall comply with all State of Florida Health Department and DERM requirements.	

(e) *Minimum setbacks*

Structure	**Setbacks**				
	Front	**Rear**	**Between Buildings**	**Interior Side**	**Side Street**
Principal	15 feet for 0.50 of the house width; 25 feet for balance of house width; except 20 feet for attached garage	15 feet for 0.50 of the house width; 25 feet for balance of house width	N/A	5 feet	10 feet
Accessory structures	75 feet	5 feet	10 feet	5 feet	15 feet
Sheds less than 145 ~~250~~ ~~100~~ square feet	55 feet	5 feet	5 feet	~~7.~~5 feet	10 feet
Pools	75 feet	7.5 feet	5 feet	10 feet	20 feet
Pool screen enclosures	N/A	6 feet	N/A	7.5 feet	15 feet

~~;adv=6;~~[1] Includes principle structures, accessory structures, and sheds ~~less than 100 square feet.~~





30-50.4. E-M, Estate Modified Single-Family District

* * *

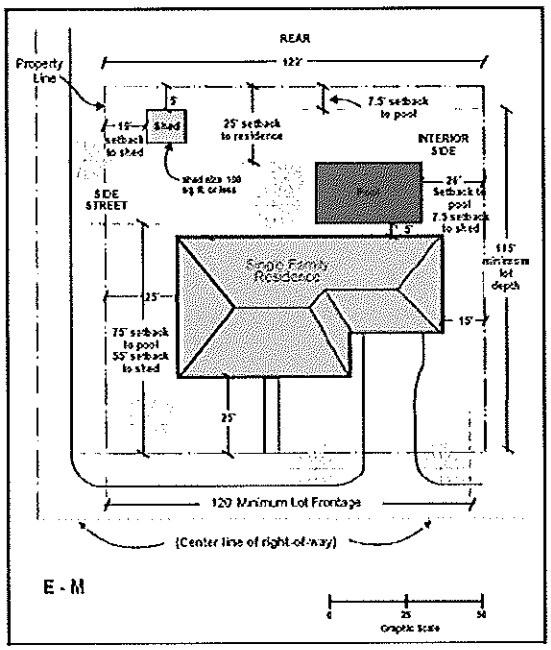
(d) *Minimum setbacks.*

(1)	Minimum lot area	15,000 net square feet
(2)	Maximum density	One unit per 15,000 net square feet
(3)	Minimum lot frontage	120 feet
(4)	Minimum lot depth	115 feet
(5)	Maximum lot coverage	0.32 net lot area including accessory buildings
(6)	Reserved.	
(7)	Minimum open space	0.68 of net lot area
(8)	Minimum landscaped pervious area	0.35 of lot area
(9)	Minimum building size	1,500 square feet
(10)	Maximum building height	35 feet
(11)	Maximum number of stories	Two
(12)	Accessory building height	Not exceeding 15 feet above grade to the roof ridge.
(13)	Uninhabitable sheds less than ~~250~~ ~~100~~ 145 square feet, with width and depth dimensions of twelve (12) feet or less, shall not exceed eight (8) ~~eight~~ ~~ten (10)~~ feet in height above grade to the	

	roof ridge. All other sheds and structures with roofs shall comply with the accessory building setback requirements.
(14)	*Septic tanks.* Unless the plumbing system of the residential building on the lot is connected to a sanitary sewer other than septic tank with field drains, every lot used for residential purposes in any district shall have a yard with an area of at least 25 percent of the total lot area, provided that sufficient lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure. The septic system shall comply with all State of Florida Health Department and DERM requirements.

(e) *Minimum setbacks.*

Structure	**Setbacks**				
	Front	**Rear**	**Between Buildings**	**Interior Side**	**Side Street**
Principal	25 feet	25 feet	N/A	15 feet	25 feet
Accessory structures	75 feet	7.5 feet	10 feet	20 feet	30 feet
Sheds less than 145 ~~250~~ ~~100~~ ~~square feet~~	55 feet	5 feet	5 feet	~~7~~.5 feet	10 feet
Pools	75 feet	7.5 feet	5 feet	20 feet	30 feet
Pool screen enclosures	N/A	6 feet	N/A	15 feet	25 feet



* * *

30-50.5. E-S, Estate Suburban Single-Family District

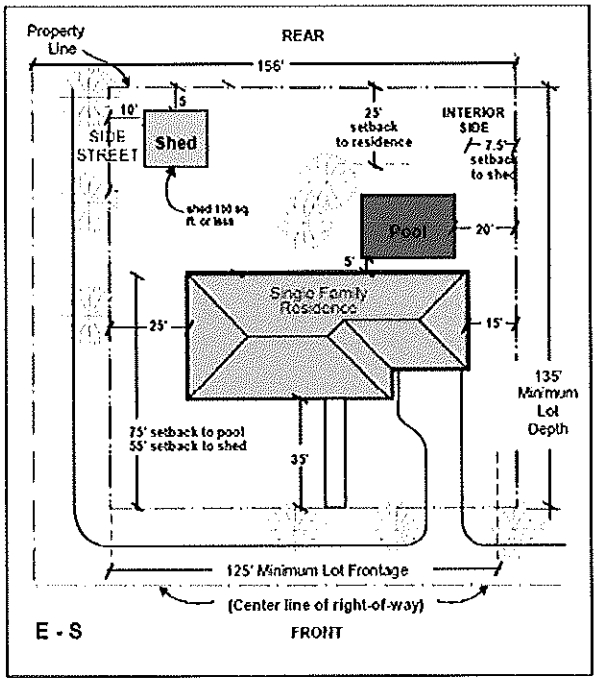
* * *

(d) Minimum setbacks.

(1)	Minimum lot area	25,000 square feet including ROW
(2)	Maximum density	One unit per 25,000 square feet including ROW
(3)	Minimum lot frontage	125 feet
(4)	Minimum lot depth	135 feet
(5)	Maximum lot coverage	0.32 including accessory building.
(6)	Reserved.	
(7)	Minimum open space	0.68 of lot area
(8)	Minimum landscaped pervious area	0.35 of lot area
(9)	Minimum building size	2,000 square feet
(10)	Maximum building height	35 feet
(11)	Maximum number of stories	Two
(12)	Accessory building height	Not exceeding 15 feet above grade to the roof ridge.
(13)	Uninhabitable sheds less than ~~250~~ ~~100~~ 145 square feet, with width and depth dimensions of twelve (12) feet or less, shall not exceed eight (8) ~~eight ten (10)~~ feet in height above grade to the roof ridge. All other sheds and structures with roofs shall comply with the accessory building setback requirements.	
(14)	*Septic tanks.* Unless the plumbing system of the residential building on the lot is connected to a sanitary sewer other than septic tank with field drains, every lot used for residential purposes in any district shall have a yard with an area of at least 25 percent of the total lot area, provided that sufficient lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure. The septic system shall comply with all State of Florida Health Department and DERM requirements.	

(e) *Minimum setbacks.*

Structure	**Setbacks**				
	Front	**Rear**	**Between Buildings**	**Interior Side**	**Side Street**
Principal	35 feet	25 feet	N/A	15 feet	25 feet
Accessory structures	75 feet	7.5 feet	10 feet	20 feet	30 feet
Sheds less than 145 ~~250~~ ~~100~~ square feet	55 feet	5 feet	5 feet	7.5 feet	10 feet
Pools	75 feet	7.5 feet	5 feet	20 feet	30 feet
Pool screen enclosures	N/A	6 feet	N/A	15 feet	25 feet



* * *

30-50.6. E-1, One Acre Estate Single-Family District.

* * *

(d) Minimum setbacks.

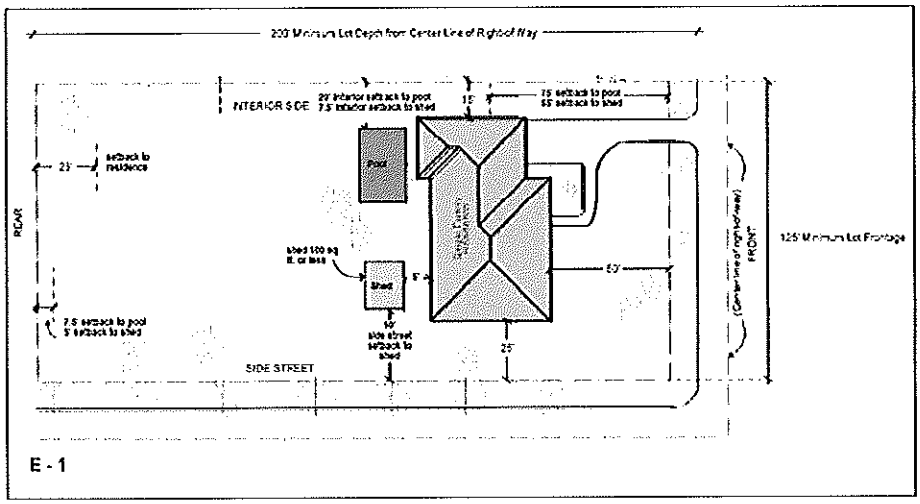
(1)	Minimum lot area	One acre including ROW
(2)	Maximum density	One unit including ROW
(3)	Minimum lot frontage	125 feet
(4)	Minimum lot depth	200 feet from center line of ROW
(5)	Maximum lot coverage	0.16 of lot area including accessory buildings
(6)	Reserved.	
(7)	Minimum open space	0.84 of lot area
(8)	Minimum landscaped pervious area	0.45 of lot area
(9)	Minimum building size	2,000 square feet
(10)	Maximum building height	35 feet
(11)	[Reserved]	
(12)	Maximum number of stories	Two
(13)	Uninhabitable sheds less than ~~250~~ ~~100~~ 145 square feet, with width and depth dimensions of twelve (12) feet or less, shall not exceed eight (8) ~~eight ten (10)~~ feet in height above grade to the	

	roof ridge. All other sheds and structures with roofs shall comply with the accessory building setback requirements.
(14)	*Septic tanks.* Unless the plumbing system of the residential building on the lot is connected to a sanitary sewer other than septic tank with field drains, every lot used for residential purposes in any district shall have a yard with an area of at least 25 percent of the total lot area, provided that sufficient lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure. The septic system shall comply with all State of Florida Health Department and DERM requirements.

* * *

(e) Minimum setbacks.

Structure	**Setbacks**				
	Front	**Rear**	**Between Buildings**	**Interior Side**	**Side Street**
Principal	50 feet	25 feet	N/A	15 feet	25 feet
Accessory structures	75 feet	7.5 feet	10 feet	20 feet	30 feet
Sheds less than 145 ~~250~~ ~~100~~ square feet	55 feet	5 feet	5 feet	~~7.~~5 feet	10 feet
Pools	75 feet	7.5 feet	5 feet	20 feet	30 feet
Pool screen enclosures	N/A	6 feet	N/A	15 feet	25 feet



30-50.7. E-1C, 2.5 Acres Estate Single-Family District.

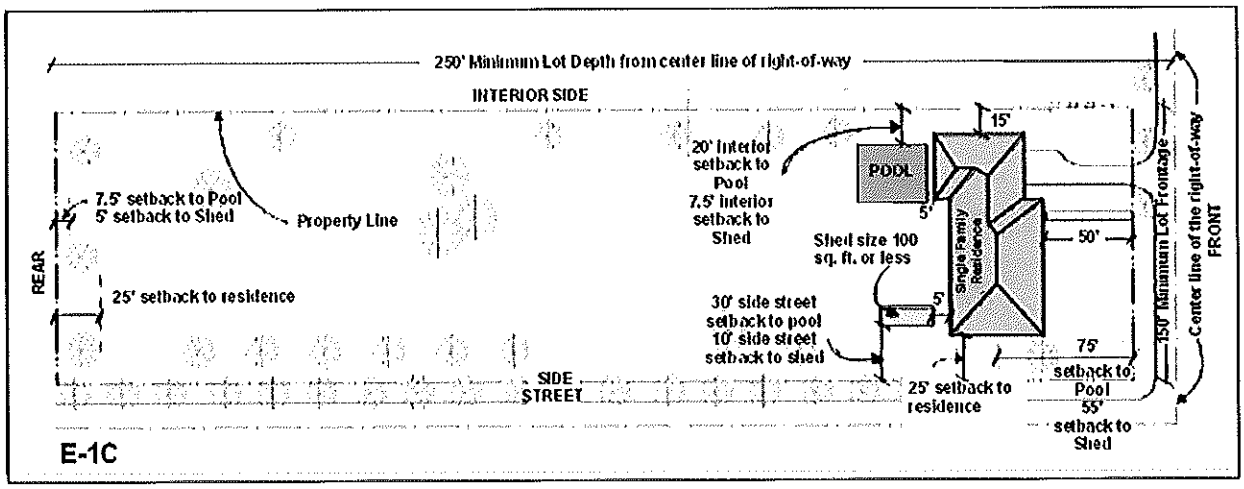
* * *

(d) Minimum setbacks.

(1)	Minimum lot area	2.5 acres including ROW
(2)	Maximum density	One unit per 2.5 acres including ROW
(3)	Minimum lot frontage	150 feet
(4)	Minimum lot depth	250 feet from center line of ROW
(5)	Maximum lot coverage	.16 of lot area including accessory buildings
(6)	Reserved.	
(7)	Minimum open space	.84 of lot area
(8)	Minimum landscaped pervious area	.55 of lot area
(9)	Minimum building size	3,000 square feet
(10)	Maximum building height	35 feet
(11)	Maximum number of stories	Two
(12)	Accessory building height not exceeding	15 feet above grade to roof ridge.
(13)	Uninhabitable sheds less than ~~250~~ ~~100~~ 145 square feet, with width and depth dimensions of twelve (12) feet or less, shall not exceed eight (8) ~~eight ten (10)~~ feet in height above grade to the roof ridge. All other sheds and structures with roofs shall comply with the accessory building setback requirements.	
(14)	*Septic tanks.* Unless the plumbing system of the residential building on the lot is connected to a sanitary sewer other than septic tank with field drains, every lot used for residential purposes in any district shall have a yard with an area of at least 25 percent of the total lot area, provided that sufficient lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure. The septic system shall comply with all State of Florida Health Department and DERM requirements.	

(e) Minimum setbacks.

Structure	**Setbacks**				
	Front	**Rear**	**Between Buildings**	**Interior Side**	**Side Street**
Principal	50 feet	25 feet	N/A	15 feet	25 feet
Accessory structures	75 feet	7.5 feet	10 feet	20 feet	30 feet
Sheds less than 145 ~~250 100 square feet~~	55 feet	5 feet	5 feet	~~7~~.5 feet	10 feet
Pools	75 feet	7.5 feet	5 feet	20 feet	30 feet
Pool screen enclosures	N/A	6 feet	N/A	15 feet	25 feet



30-50.8. E-2, Five Acre Estate Single-Family District.

* * *

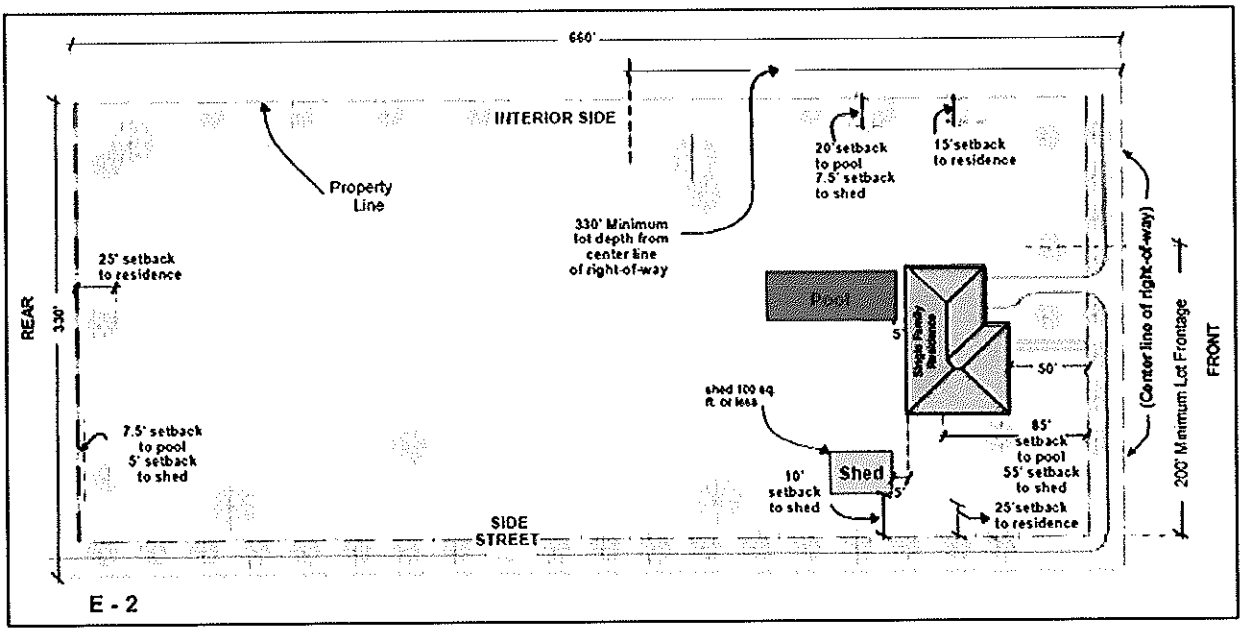
(d) Minimum setbacks.

(1)	Minimum lot area	Five acres including ROW
(2)	Maximum density	One unit per five acres including ROW
(3)	Minimum lot frontage	200 feet
(4)	Minimum lot depth	330 feet from center line of the ROW
(5)	Maximum lot coverage	0.16 including accessory buildings
(6)	Reserved.	
(7)	Minimum open space	0.84 of lot area
(8)	Minimum landscaped pervious area	0.55 of the lot area
(9)	Minimum building size	3,000 square feet
(10)	Maximum building height	35 feet
(11)	Maximum number of stories	Two
(12)	Accessory building height not to exceed	15 feet above grade.
(13)	Uninhabitable sheds less than 250 ~~100~~ 145 square feet, with width and depth dimensions of twelve (12) feet or less, shall not exceed eight (8) ~~eight~~ ~~ten (10)~~ feet in height above grade to the roof ridge. All other sheds and structures with roofs shall comply with the accessory building setback requirements.	
(14)	*Septic tanks.* Unless the plumbing system of the residential building on the lot is connected to a sanitary sewer other than septic tank with field drains, every lot used for residential purposes in any district shall have a yard with an area of at least 25 percent of the total lot area, provided that sufficient lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure. The septic system shall comply with all State of Florida	

	Health Department and DERM requirements.
(15)	Other than the principal residence and entrance lodge, all other buildings shall not be closer than 85 feet to the highway right-of-way.

(f) Minimum setbacks.

Structure	**Setbacks**				
	Front	**Rear**	**Between Buildings**	**Interior Side**	**Side Street**
Duplex (one structure, two units)	25 feet	25 feet	N/A	10% of the lot width, 5 feet minimum, 7.5 feet maximum	10 feet to property line; 15 feet to pavement
Two single-family structures (front to back), rear unit	50 feet	5 feet	10 feet	10 % of the lot width, 5 feet minimum, 7.5 feet maximum	10 feet to property line; 15 feet to pavement feet
Accessory Structures	75 feet	5 feet	10 feet	7.5 feet	10 feet to property line; 15 feet to pavement
Accessory structures continued	-	-	0 feet between accessory buildings on different lots if provided in homeowner's documents		
Sheds less than ~~145 250 100 square feet~~	55 feet	5 feet	5 feet	~~7~~.5 feet	10 feet
Pools	75 feet	7.5 feet	5 feet	10 feet	20 feet
Pool screen enclosures		6 feet	N/A	7.5 feet	15 feet



30-50.9. R-2, Two-Family Residential District.

* * *

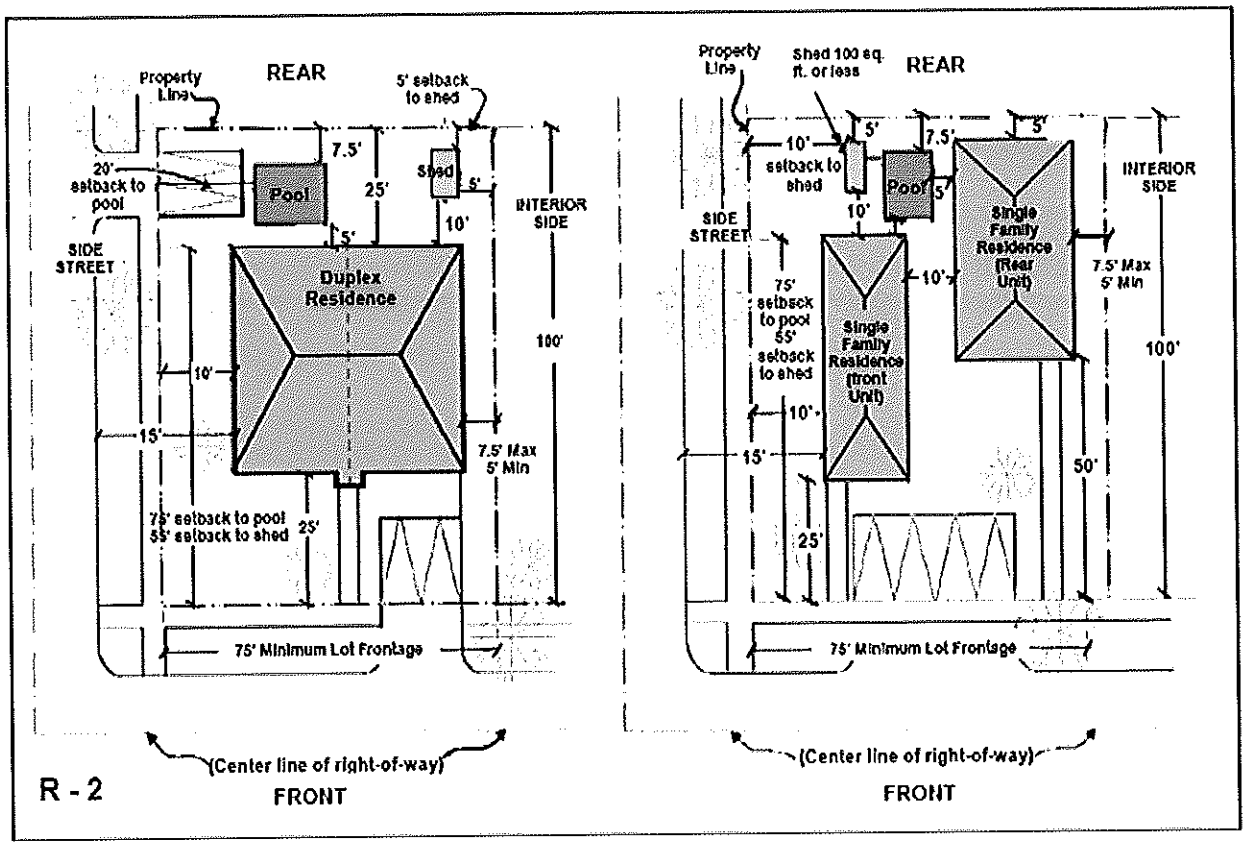
(d) Dimensional regulations.

(1)	Minimum lot area	3,750, each net lot area
(2)	Maximum density	Two units
(3)	Minimum lot frontage	Each lot, min. of 37.5 feet, with 25-foot front setback line
(4)	Minimum lot depth	100 feet
(5)	Maximum lot coverage	0.30 including accessory buildings
(6)	Reserved.	
(7)	Minimum open space	0.70 of net lot area
(8)	Minimum landscaped pervious area	0.30 of lot area
(9)	Minimum building size	1,125 square feet
(10)	Maximum building height	35 feet
(11)	Maximum number of stories	Two
(12)	Accessory building height shall not exceed 15 feet above grade to the roof ridge.	
(13)	Uninhabitable sheds less than ~~250~~ ~~100~~ 145 square feet, with width and depth dimensions of twelve (12) feet or less, shall not exceed eight (8) ~~eight ten (10)~~ feet in height above grade to the roof ridge. All other sheds and structures with roofs shall comply with the accessory building	

	setback requirements.
(14)	*Septic tanks.* Unless the plumbing system of the residential building on the lot is connected to a sanitary sewer other than septic tank with field drains, every lot used for residential purposes in any district shall have a yard with an area of at least 25 percent of the total lot area, provided that sufficient lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure. The septic system shall comply with all State of Florida Health Department and DERM requirements.

(f) Minimum setbacks.

Structure	**Setbacks**				
	Front	**Rear**	**Between Buildings**	**Interior Side**	**Side Street**
Duplex (one structure, two units)	25 feet	25 feet	N/A	10% of the lot width, 5 feet minimum, 7.5 feet maximum	10 feet to property line; 15 feet to pavement
Two single-family structures (front to back), rear unit	50 feet	5 feet	10 feet	10 % of the lot width, 5 feet minimum, 7.5 feet maximum	10 feet to property line; 15 feet to pavement feet
Accessory Structures	75 feet	5 feet	10 feet	7.5 feet	10 feet to property line; 15 feet to pavement
Accessory structures continued	-	-	0 feet between accessory buildings on different lots if provided in homeowner's documents		
Sheds less than 145 ~~250 100 square feet~~	55 feet	5 feet	5 feet	~~7~~.5 feet	10 feet
Pools	75 feet	7.5 feet	5 feet	10 feet	20 feet
Pool screen enclosures		6 feet	N/A	7.5 feet	15 feet



30-50.10. R-TH, Townhouse District.

* * *

(f) Dimensional regulations for town homes:

Required Setbacks in R-TH District					
	Front Setback	**Rear Setback**	**Setback Between Buildings**	**Interior Side**	**>Side Street Setback**
Principal	15 feet[i]	10 feet[ii]	20 feet[iv]	15 feet[iii]	15 feet[iii]
Structure sheds less than 100 square feet	25	5	10	5	10

* * *

30-50.11. R-3, Four Unit Apartment District.

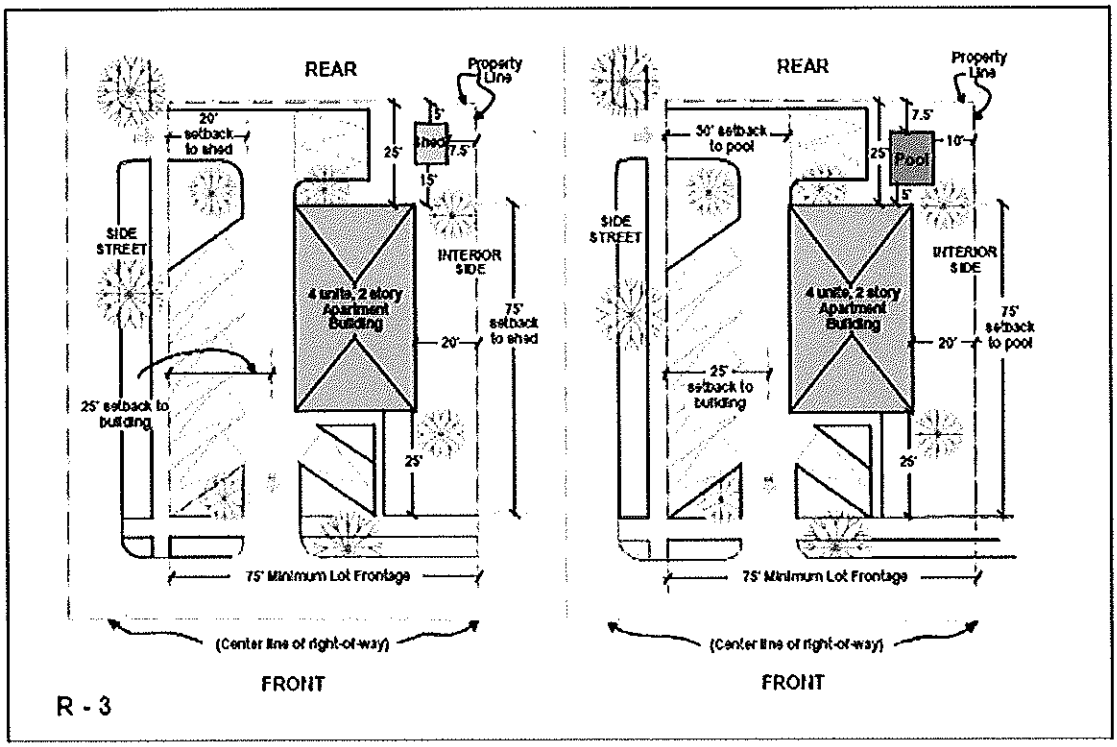
* * *

(e) Minimum setbacks and maximum floor area ratios.

(1) Setbacks shall not exceed the following

Structure	Required Setbacks in R-3 District				
	Front	Rear	Spacing Between Buildings	Interior Side	Side Street
Principal	25 feet	25 feet	20 without opening for windows or doors 30 feet With opening for windows or doors[a]	20 feet	25 feet
Accessory[b]	75 feet	~~Five~~ 5 feet	~~Ten~~10 feet	7.5 feet	20 feet
Swimming pool	75 feet	7.5 feet	Five feet	Ten feet	30 feet
Screen enclosure	N/A	Six feet	N/A	7.5 feet	15 feet
Shed less than 250 square feet	75 feet	5 feet	10 feet	5 feet	15 feet

* * *



30-50.12. R-3M, Apartment District.

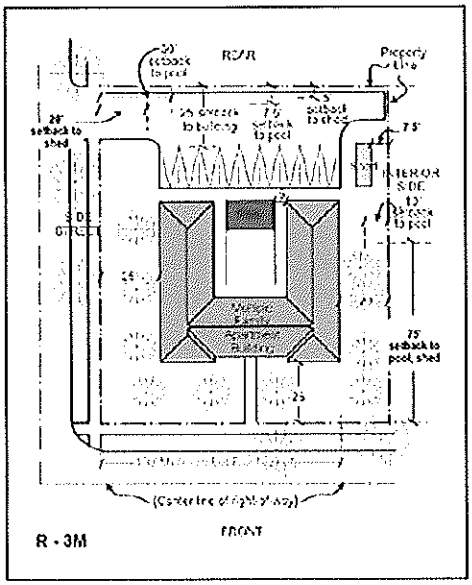
(a) Uses permitted; requirements generally. No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an R-3M District which is designed, arranged or intended to be used or occupied for any purpose, except for one of the following uses:

* * *

(2) Multiple-family apartment house use with only one principal building on a lot, parcel or tract, designed for more than four family units subject to the following:

* * *

Structure	Required Setbacks in R-3M District				
		Setbacks			
	Front	Rear	Spacing Between Buildings	Interior Side	Side Street
Principal	25 feet	25 feet	20 without opening for windows or doors 30 feet With opening for windows or doors [a]	20 feet	25 feet
Accessory [b]	75 feet	5 feet	10 feet	7.5 feet	20
Swimming pool	75 feet	7.5 feet	5 feet	10 feet	30 feet
Screen enclosure	N/A	6 feet	N/A	7.5 feet	15 feet
Shed less than 145 ~~250~~ square feet	75 feet	5 feet	10 feet	5 feet	15 feet



30-50.13. R-4L, Limited Apartment District.

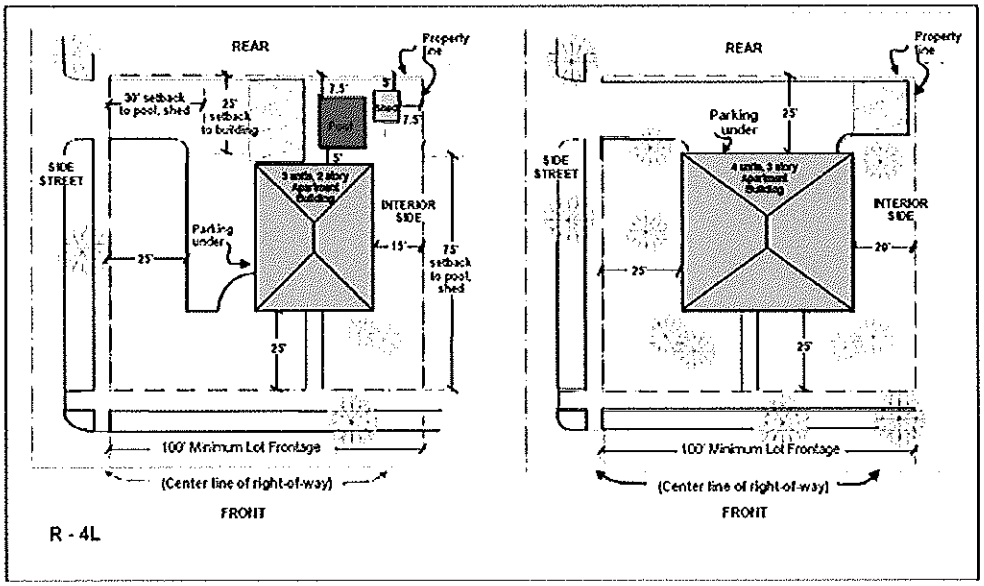
(a) Uses permitted. No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in a R-4L District which is designed, arranged or intended to be used or occupied for any purpose, except for one of the following uses:

(1) Those uses permitted in the R-1, R-2, R-3, and R-TH Districts subject only to the requirements, limitations, and restrictions applicable in the districts; including but not limited to lot width, area, yard areas, height, and coverage.

* * *

Structure	Required Setbacks in R-4L District				
	Setbacks				
	Front	Rear	Spacing Between Buildings	Interior Side	Side Street
Principal	25 feet	25 feet	30 feet	15 feet for up to two stories; 20 feet for between three to six stories	25 feet
Accessory	75 feet	5 feet	10 feet	7.5 feet	30 feet
Swimming pool	75 feet	7.5 feet	5 feet	10 feet	30 feet
Screen enclosure	N/A	6 feet	N/A	7.5 feet	25 feet
Shed less than 145 ~~250~~ square feet	75 feet	5 feet	10 feet	5 feet	15 feet

* * *



R - 4L

* * *

Section 3. **Accessory Buildings.** Section 30-60.3, of the Village's Code of Ordinances entitled "Accessory buildings; utility shed; swimming pools; screen enclosures" shall be amended as follows:

Division 30-60 General Regulations

30-60.3. Accessory buildings; utility shed; swimming pools; screen enclosures.

* * *

(b) Utility shed.

(1) Reserved. ~~Utility sheds not larger than 100 square feet and not exceeding eight feet in height. Utility sheds shall comply with the following setback requirements within R-1, R-2, and EU Districts:~~

~~Utility Shed Setbacks~~

~~Location of Setback~~	~~Setback in Feet~~
~~Rear yard~~	~~5~~
~~Interior side yard~~	~~5~~
~~Side street~~	~~10~~
~~Setback from house and other structures~~	~~10~~

(2) ~~Utility sheds larger than 100 square feet.~~ Utility sheds larger than 144 ~~250~~ ~~100~~ square feet shall comply with the setbacks required of accessory structures within the applicable zoning district.

* * *

Section 4. **Conflicting Provisions.** The provisions of the Code of Ordinances of the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. **Severability.** The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. **Codification.** It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be

renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 7. Effective Date. This ordinance shall take effect immediately upon enactment.

First reading: _____

Second reading: _____

PASSED AND ENACTED this _____ day of _____, 2014.

Attest: _____
Meighan Alexander
Village Clerk

_____
Shelley Stanczyk
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

_____
John R. Herin, Jr.
Interim Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member Tim Schaffer _____

Council Member Joan Lindsay _____

Vice-Mayor John DuBois _____

Mayor Shelley Stanczyk _____