

FIRST ORDINANCE, Jan. 1950

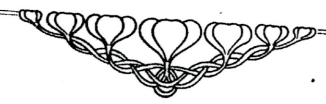
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ZONING ORDINANCE



CITY OF MIAMI BEACH,
FLORIDA



ORDINANCE NO. 289

Zoning Ordinance of Miami Beach, Florida

AN ORDINANCE TO REGULATE AND RESTRICT THE ERECTION, RECONSTRUCTION, ALTERATION, LOCATION AND USE OF BUILDINGS, STRUCTURES, LAND AND WATER, FOR TRADE, INDUSTRY, RESIDENCE, OR OTHER PURPOSES; TO REGULATE AND RESTRICT THE SIZE OF BUILDINGS AND OTHER STRUCTURES HERE-AFTER ERECTED OR ALTERED, THE SIZE AND DIMENSIONS OF YARDS, COURTS AND OTHER OPEN SPACES SURROUNDING BUILDINGS; TO REGULATE AND RESTRICT BUILDING LINES AND THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, AND THE DENSITY OF POPULATION, AND FOR SAID PURPOSES TO DIVIDE THE CITY OF MIAMI BEACH INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS, AND FOR EACH SUCH DISTRICT TO IMPOSE REGULATIONS AND RESTRICTIONS DESIGNATING THE KINDS OR CLASSES OF TRADES, INDUSTRIES, RESIDENCES OR OTHER PURPOSES FOR WHICH BUILDINGS OR OTHER STRUCTURES OR PREMISES MAY BE PERMITTED TO BE ERECTED, ALTERED OR USED; TO PROVIDE A METHOD FOR AMENDMENT, SUPPLEMENT, CHANGE, MODIFICATION AND REPEAL OF REGULATIONS, RESTRICTIONS AND BOUNDARIES; TO PROVIDE A METHOD OF ADMINISTRATION; TO PROVIDE A BOARD OF ADJUSTMENT AND PRESCRIBE ITS POWERS AND DUTIES, AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND ALSO PROVIDE FOR ITS ENFORCEMENT.

WHEREAS, by the provisions of Chapter 9837, No. 719 Special Laws of Florida, 1923, authority is conferred upon the City of Miami Beach to establish districts or zones within its corporate limits for the purpose of regulating the use of land and buildings, the height of buildings, the size of open spaces surrounding buildings and density of population, and

WHEREAS, the City Council of the City of Miami Beach deems it necessary in order to lessen congestion in the streets: to secure safety from fire, panic and other dangers: to promote health and general welfare: to provide adequate light and air: to prevent the overcrowding of land: to avoid undue concentration of population: to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, to make and promulgate such regulations with reasonable consideration, among other things, to the

character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout said City in accordance with a comprehensive plan:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Miami Beach, Florida:

SECTION 1.

DEFINITIONS: For the purpose of this Ordinance, certain terms and words are herein defined. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used for" include the meaning "designed for"; the word "structure" includes the word "building"; the word "shall" is mandatory, and not directory; the word "lot" includes the words "plot" and "tract."

ACCESSORY BUILDING: A subordinate building, or portion of the main building, which is located on the same lot as the main building or on an adjacent lot, the use of which building is clearly incidental to the use of the main building.

ACCESSORY USES: Uses customarily incident to the principal uses as permitted, but not including any commercial activity.

ALLEY: Any roadway, place or public way dedicated to public use and twenty (20) feet or less in width, unless otherwise officially designated as a street.

APARTMENT: A dwelling designed for occupancy otherwise than as a one-family dwelling, or a two-family dwelling. The term "Multiple Dwelling" shall be understood to include apartment houses, bungalow courts, and all other family dwellings of similar character, but not to include hotels or apartment hotels.

APARTMENT HOTEL: An apartment building, under resident supervision, which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish dining room service.

BUILDING: Anything constructed or erected, the use of which demands a permanent location on the land; or anything attached to something having a permanent location on the land.

BUNGALOW COURTS: (House Courts): A "Bungalow Court" or "House Court" is a group of two or more single-family dwellings on one or more adjoining lots, having a separate outside entrance on the ground floor level for each single-family dwelling.

CLUB, PRIVATE: The term "Private Club" shall pertain to and include those associations and organizations of a fraternal or social character, not operated or maintained for profit. "Private Clubs" shall not include casinos, night clubs, or other institutions operated as a business.

COURT: An open, unoccupied, unobstructed space, other than a yard, on the same lot as a building. Trees or shrubs may be used in a court.

COURT, INNER: A court not extending to a street or alley or to a front, side or rear yard.

COURT, OUTER: A court extending to a street or alley or to a front, side or rear yard.

DWELLING, MULTIPLE-FAMILY: See Apartment.

DWELLING, ONE-FAMILY: A detached building designed for or occupied exclusively by one family.

FAMILY: One or more persons occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, a lodging house or hotel, as herein defined.

GARAGE, MECHANICAL: Any premises, except those described as a private or storage garage, where automotive vehicles are mechanically repaired, rebuilt or reconstructed.

GARAGE, PRIVATE: A garage in which no business, service or industry connected directly or indirectly with motor vehicles is carried on.

GARAGE, STORAGE: Any premises, except those described as a private garage, used for the storage only of automotive vehicles, or where any such vehicles are kept for remuneration, hire or sale.

GASOLINE AND OIL FILLING STATIONS: A structure or place where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade, but no tires changed, repair work or service performed.

GOLF COURSE: The standard size golf course having nine, eighteen or more holes, installed on tracts having an area greater than forty (40) acres.

HOTEL: A building or premises where lodging accommodations of more than five (5) rooms are provided, with or without meals.

LOT: A parcel of land fronting on a street, place, way or waterway, which is or may be occupied by a building and its accessory buildings, including the open spaces required under this ordinance, and which parcel of land is a matter of record in Dade County, Florida.

LOT, CORNER: A lot abutting on two or more streets at their intersection.

LOT, INTERIOR: A lot other than a corner lot.

LOT, THROUGH: An interior lot having frontage on two streets.

LOT, DEPTH: The depth of a lot, for the purposes of this ordinance is the distance measured in the mean direction of the side lines of the lot from the midpoint of the street lot line or bulkhead line, to the opposite main rear line of the lot.

LOT LINES: The lines bounding a lot as defined herein.

LOT WIDTHS: The width of a lot, for the purposes of this ordinance, is its mean width measured at right angles to its depth.

MIXED OCCUPANCY: Occupancy of a building or land for more than one use.

NON-CONFORMING USE: A building or land occupied by a use that does not conform with the regulations or the use district in which it is situated.

PLACE: An open, unoccupied public space other than a street or alley, permanently reserved for purposes of joint access to abutting property.

PORCH: A roofed space open on three sides, one or two stories in height.

SERVICE STATION: A building where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade, also where battery, tire and other similar services are rendered.

SETBACK: The minimum horizontal distance between the street line and the front line of the building or any projection thereof excluding steps and terraces.

STREET: A thoroughfare which affords principal means of access to abutting property.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the land, or attached to something having a permanent location on the land.

STRUCTURAL ALTERATIONS: Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

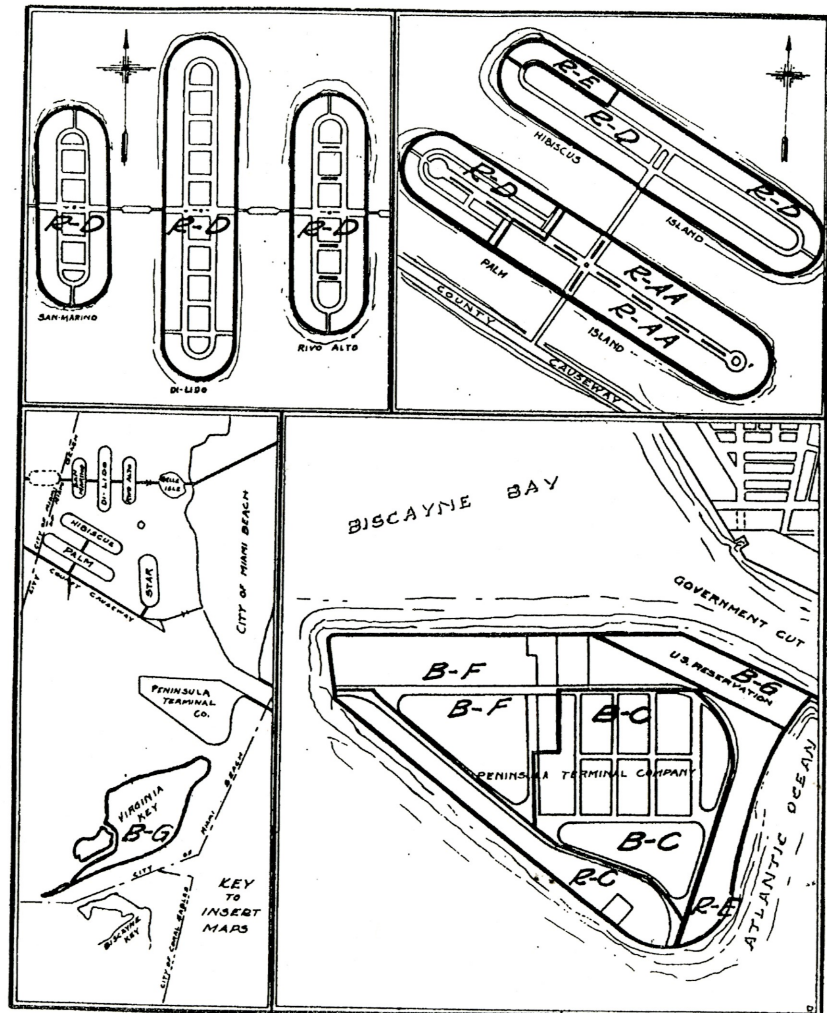
YARD, FRONT: An unoccupied area between the front property line (either street or bulkhead of any waterway) and the front line of any main or accessory building, measured at its least dimension and extending from one side yard to the other.

YARD, REAR: An unoccupied area extending across the full width of the lot between the rear line of any main or accessory building and the rear line of the lot, and measured at its least dimension.

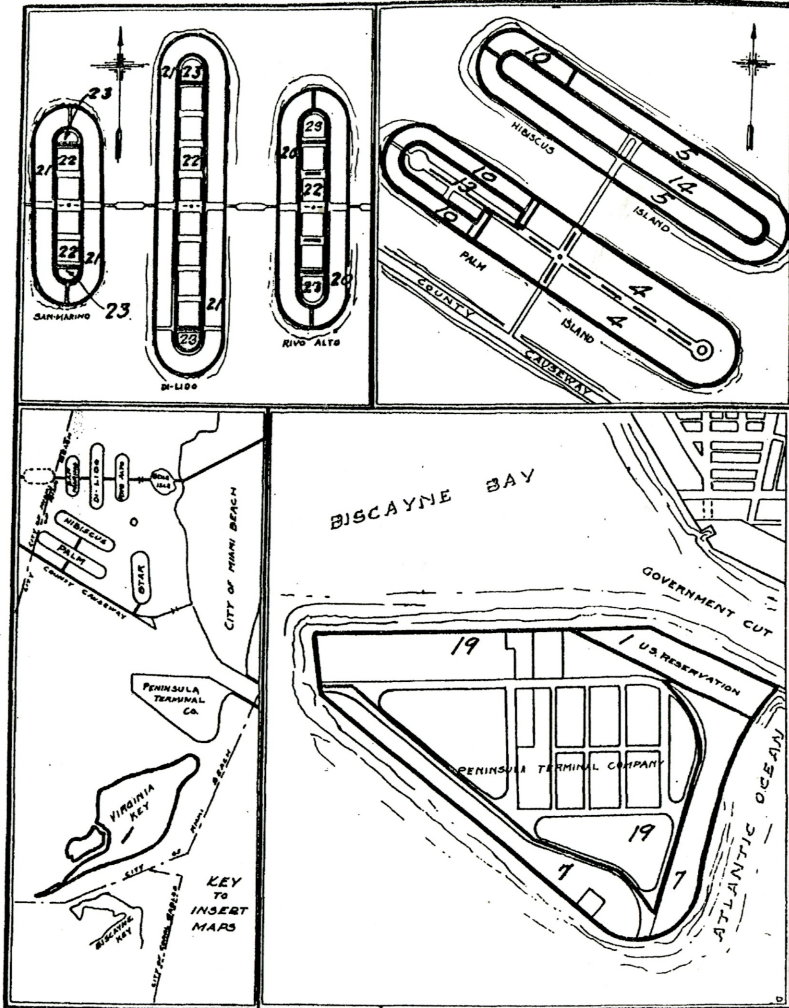
YARD, SIDE: An unoccupied area between a main or accessory building and the side line of the lot and extending from the street line to the rear yard, measured at its least dimension.

USE DISTRICT MAP

Plate 5



AREA DISTRICT MAP



SECTION 2.

DISTRICTS

In order to regulate and restrict the location of trades and industries and the location of buildings erected, constructed, reconstructed or structurally altered for specific uses, and to regulate the size of buildings and other structures hereafter erected or altered, to regulate and determine the size and dimensions of yards, courts and other open spaces and to regulate and limit the percentage of lot that may be occupied and the density of population, the City of Miami Beach, Florida, is hereby divided into use and area districts as follows:

Use Districts

1. RAA, RA, RB and RC Estate Districts.
2. RD Single-family District.
3. RE Multiple-family District.
4. BAA, BA, BB, BC, BD, BE, BF and BG Business Districts.

Area Districts

Area Districts numbered 1 to 25 inclusive:

The City of Miami Beach, Florida, is hereby divided into use and area districts aforesaid, and the boundaries of such districts are shown on the use and area maps attached hereto, which, together with the legends, words, figures, letters, symbols and other explanatory matter thereon, shall be made parts of this ordinance as if the matters and information set forth thereon were all fully described herein.

This ordinance shall be known as the "Zoning Ordinance of Miami Beach, Florida" and the maps hereto attached designated as the "District Maps."

No building shall be erected, constructed, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than the use permitted in the Use District in which such building or land is located.

No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established, and shown on the Area Map.

Every building hereafter erected, constructed, reconstructed or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one building on one lot except hereinafter provided for.

SECTION 3.

USE REGULATIONS
Estate Districts

In the "RAA," "RA," "RB" and "RC" Estate Districts no building or land shall be used and no building shall

hereafter be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose other than a single-family residence, together with its accessory buildings, and in accord with the area provisions as hereinafter defined.

SECTION 4.

USE REGULATIONS
Single-Family District

In the "RD" Single-family District no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used or occupied for any purpose unless otherwise provided for, excepting for one or more of the following uses:

- (1) Any use permitted in the "RC" Estate District.
- (2) Single-family dwellings.
- (3) Parks, playgrounds or municipal buildings, owned and operated by the City of Miami Beach.
- (4) Golf Courses.
- (5) Accessory buildings, including a private garage.

SECTION 5.

USE REGULATIONS
Multiple-Family District

In the "RE" Multiple-family District, no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used for any purpose, unless otherwise provided for in this ordinance, except for one or more of the following uses:

- (1) Any use permitted in the "RD" Single-family District.
- (2) Multiple-family dwellings or apartments in accord with the area provisions hereinafter defined, and accessory buildings.
- (3) Hotels.
- (4) Hotels with one hundred (100) or more guest rooms may contain business establishments of the "BAA" classification providing the exterior of the building shall not contain store fronts or have the appearance of commercial or mercantile activities or any display of articles or services for sale which are visible from the exterior of the building or on the grounds facing a public highway or water frontage, and providing further that businesses established under the provisions of this section shall only be entered from within the building.
- (5) Private clubs.
- (6) Bungalow or house courts.
- (7) Apartment hotels. Provision for exterior appearances to be the same as provided in Item No. 4 for Hotels.
- (8) Miniature golf courses.
- (9) Public or private schools.
- (10) Accessory uses.

SECTION 6.

USE REGULATIONS
"BAA" Business District

In the "BAA" Business District no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose, unless otherwise provided for in this ordinance, excepting for one or more of the following uses:

- (1) Any use permitted in the "RE" Multiple-family District.
- (2) Banks.
- (3) Barber Shops.
- (4) Restaurants.
- (5) Modiste, wearing apparel, furriers.
- (6) Lodge Halls.
- (7) Telegraph stations.
- (8) Millinery shops.
- (9) Offices.
- (10) Interior decorating, costuming, draperies.
- (11) Antique shops.
- (12) Jewelry stores.
- (13) Photograph galleries.
- (14) Post offices.
- (15) Furniture stores.
- (16) Telephone exchanges.
- (17) Theatres and motion picture houses.
- (18) Beauty parlors.
- (19) Confectionery and ice cream stores.
- (20) Drug stores.
- (21) Stationery stores.
- (22) Music stores and radio stores.
- (23) Shoe stores.
- (24) Sporting goods stores.
- (25) Luggage shops.
- (26) Bathing casinos.
- (27) Sales and show rooms.
- (28) Hardware stores.

or other similar enterprises or businesses, which are not more obnoxious or detrimental to the welfare of the particular community than the enterprises or businesses herein enumerated.

SECTION 7.

USE REGULATIONS
"BA" Business District

In the "BA" Business District no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose, unless otherwise provided for in this ordinance, excepting for one or more of the following uses:

- (1) Any use permitted in the "BAA" Business District.
- (2) Grocery stores.

or other similar enterprises or businesses, which are not

more obnoxious or detrimental to the welfare of the particular community than the enterprises or businesses herein enumerated.

SECTION 8.

USE REGULATIONS
"BB" Business District

In the "BB" Business District no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose, unless otherwise provided for in this ordinance, excepting for one or more of the following uses:

- (1) Any use permitted in the "BA" Business District.
- (2) Meat markets.
- (3) Public storage garages.
- (4) Pressing clubs.
- (5) Storage warehouses.
- (6) Conservatories.
- (7) Printing shops.
- (8) Retail plumbing stores and shops.
- (9) Gasoline or oil filling stations.
- (10) Awning stores.
- (11) Employment agencies.
- (12) Shoe repairing shops.
- (13) Retail electric stores and repair shops.

or any other similar enterprises or businesses, which are not more obnoxious or detrimental to the welfare of the particular community than the enterprises or businesses herein enumerated.

SECTION 9.

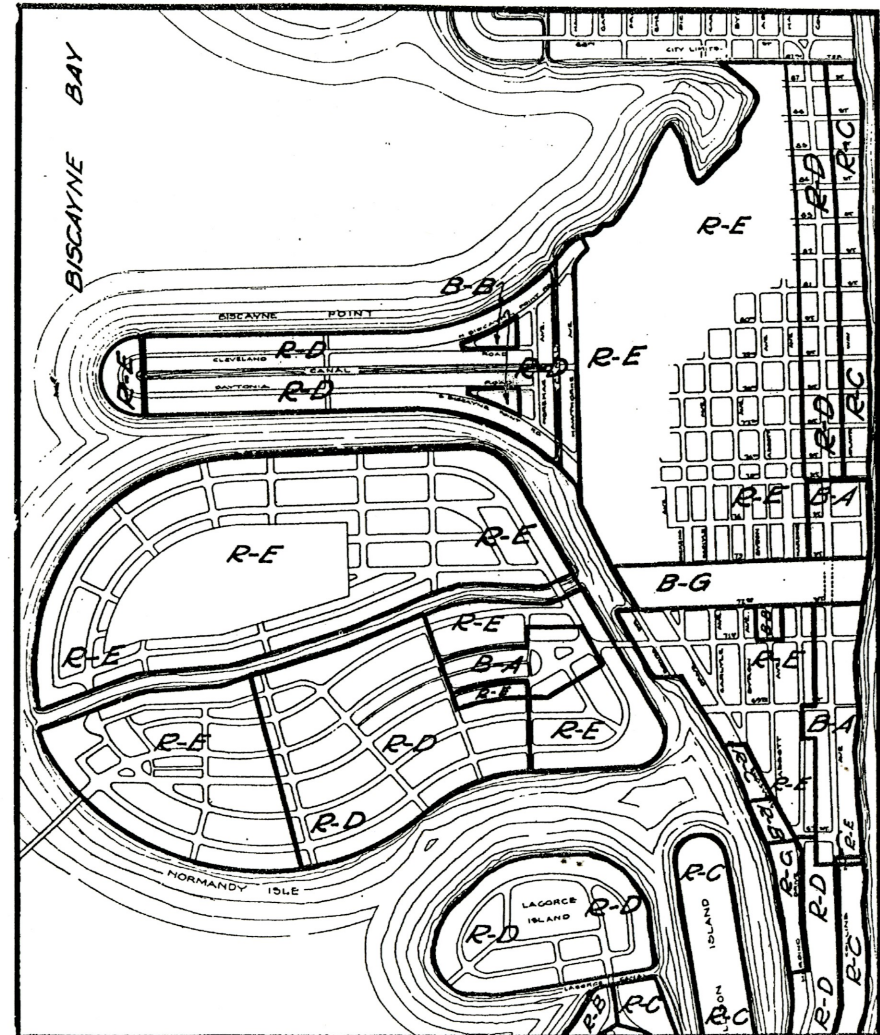
USE REGULATIONS
"BC" Business District

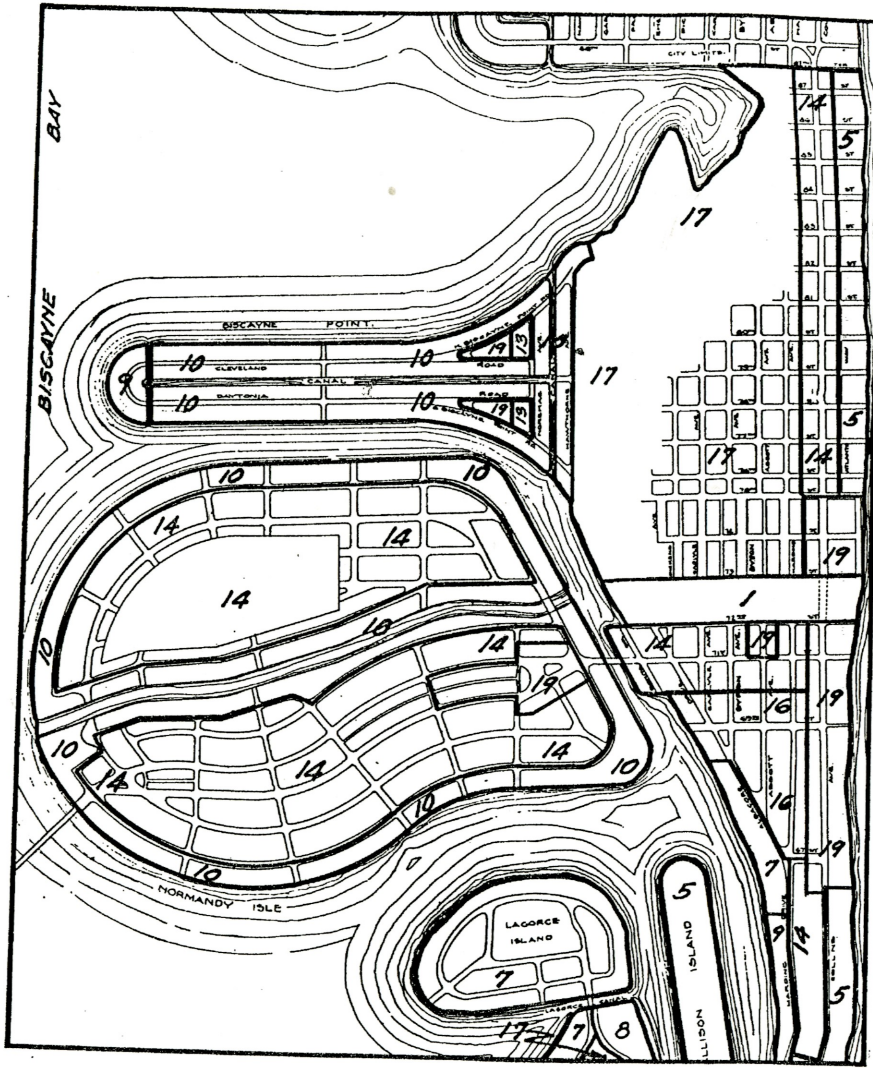
In the "BC" Business District no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided for in this ordinance, excepting for one or more of the following uses:

- (1) Any use permitted in the "BB" Business District.
- (2) Garages for mechanical service.
- (3) Automobile storage, sale or "cars for hire" lots.
- (4) Tinsmiths, roofers or plasterers.
- (5) Hand laundries.
- (6) Dry cleaning and dyeing establishments.
- (7) Dance halls.
- (8) Billiard parlors.
- (9) Locksmith shops, sharpening and grinding shops.
- (10) Painting and decorating shops.
- (11) Cabinet making, carpentry.
- (12) Wholesale salesrooms and storage rooms.
- (13) Amusement enterprises.
- (14) Cigar or cigarette making.
- (15) Artificial flower manufacture.

USE DISTRICT MAP

Plate 4





- (16) Leather goods manufacture, excluding tanning.
- (17) Metal working shops.
- (18) Bottling beverages.
- (19) Bakeries.
- (20) Barbecue stands.
- (21) Contractors plant and storage yards providing the area used is inclosed by a building or by a masonry wall not less than six (6) feet in height.
- (22) Service stations.

or other similar enterprises or businesses, which are not more obnoxious or detrimental to the welfare of the particular community than the enterprises or businesses herein enumerated.

SECTION 10.

USE REGULATIONS
"BD" Business District

In the "BD" Business District no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided for in this ordinance, excepting for one or more of the following uses:

- (1) Any use permitted in the "BC" Business District.
- (2) Boat or yachts storage and repair.
- (3) Building material storage yards.
- (4) Cast or art stone manufacture.
- (5) Concrete block manufacture.
- (6) Novelty works.
- (7) Marine warehouses.
- (8) Machine shops.
- (9) Boat slips.
- (10) Ship chandlery.
- (11) Blacksmith, gas, steam fitting shops.

or other similar enterprises or businesses, which are not more obnoxious or detrimental to the welfare of the particular community than the enterprises or businesses herein enumerated. All of the above businesses to be conducted within buildings or within areas enclosed by masonry walls not less than six (6) feet in height.

SECTION 11.

USE REGULATIONS
"BE" Business District

In the "BE" Business District no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose, unless otherwise provided for in this ordinance, excepting for one or more of the following uses:

- (1) Any use permitted in the "BD" Business District.
- (2) Oil and/or gasoline storage tanks, subject to approval and permit by the City Council.

or other similar enterprises or businesses, which are not more obnoxious or detrimental to the welfare of the par-

ticular community than the enterprises or businesses herein enumerated. All of the above businesses to be conducted within buildings or within areas enclosed by masonry walls not less than six (6) feet in height.

SECTION 12.

USE REGULATIONS
"BF" Business District

In the "BF" Business District no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose, unless otherwise provided for in this ordinance, excepting for one or more of the following uses:

- (1) Any use permitted in the "BE" Business District.
- (2) Ship yards and dry docks.
- (3) Oil and/or gasoline storage tanks.
- (4) Hazardous industries only upon approval and permit by the City Council of Miami Beach.
- (5) Any other use, trade or industry which is not likely to become objectionable by reason of the emission of dangerous, unwholesome, foul, nauseous or offensive gases, odors, fumes or other discharges.

SECTION 13.

USE REGULATIONS
"BG" Business District

In the "BG" Business District no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided for in this ordinance, except for the following use:

- (1) Unrestricted.

SECTION 14.

NON-CONFORMING USES

The lawful use of land existing at the time of the passage of this ordinance or an amendment thereto, although such use does not conform to the provisions hereof, may be continued; but if such non-conforming use is discontinued, any further use of said land shall be in conformity with the provisions of this ordinance.

The lawful use of the building existing at the time of the passage of this ordinance or of an amendment thereto may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout the building provided no structural alterations, except those required by law or ordinance, or ordered by an authorized officer to assure the safety of the building, are made therein. If no structural alterations are made, a non-conforming use of the building may

be changed to another non-conforming use of a higher restricted classification.

The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.

Nothing in this ordinance shall be taken to prevent the restoration of a building destroyed to the extent of not more than fifty (50) percent of its reasonable value by fire, explosion or other casualty, or act of God, or of the public enemy, nor the continued occupancy or use of such building after restoration.

Whenever a non-conforming use of a building has been discontinued for a period of one (1) year or more, such non-conforming use shall not thereafter be reestablished, and the future use shall be in conformity with the provisions of this ordinance.

SECTION 15.

In all Use Districts, hereinbefore designated, every building hereafter erected, constructed, reconstructed or structurally altered shall provide a lot area per family of not less than the following:

- (1) "RAA" Estate District 40,000 sq. ft. per family
- (2) "RA" Estate District 30,000 sq. ft. per family
- (3) "RB" Estate District 18,000 sq. ft. per family
- (4) "RC" Estate District 10,000 sq. ft. per family
- (5) "RD" Single-family Dist. 6,000 sq. ft. per family
- (6) "RE" Multiple-family District

- a. Single-family 6,000 sq. ft. of lot area per family.
- b. Multiple-family dwellings shall provide a floor area of not less than four hundred (400) square feet per family-unit.
- c. Bungalow or house courts hereafter erected, constructed, reconstructed or structurally altered shall provide a minimum area of not less than twenty-eight hundred (2800) square feet of ground area per family, and further, a distance of at least ten (10) feet at its least dimension shall be provided between building walls, and at least thirty (30) percent of the gross lot area shall be devoted to an outer court for safe ingress and egress.

- (7) "BAA," "BA," "BB," "BC," "BD," "BE," "BF" and "BG" Business Districts. In all business districts buildings erected for dwelling purposes shall comply with the lot area and floor area per family regulations prescribed for the "RE" Multiple-family District. Buildings constructed for residential uses in business zones shall provide a five-foot side yard on either side above the first story.

SECTION 16.

AREA REGULATIONS

In all Area Districts, hereinafter designated, there shall

be front, rear and side yards provided of no less dimensions than specified as follows:

DISTRICT No. 1. No restrictions.

DISTRICT No. 2. There shall be a front yard having a depth of not less than one hundred (100) feet when measured from any waterway, bay or ocean. There shall be a rear yard having a depth of not less than fifty (50) feet when measured from the street line. There shall be a side yard having a width of not less than five (5) feet on either side of a building.

DISTRICT No. 3. There shall be a front yard having a depth of not less than one hundred (100) feet when measured from any waterway, bay or ocean. There shall be a rear yard having a depth of not less than twenty-five (25) feet when measured from the street line. There shall be a side yard having a width of not less than five (5) feet on either side of a building.

DISTRICT No. 4. There shall be a front yard having a depth of not less than sixty-five (65) feet when measured from any waterway, bay or ocean. There shall be a rear yard having a depth of not less than ten (10) feet when measured from the street line. There shall be a side yard having a width of not less than five (5) feet on either side of a building.

DISTRICT No. 5. There shall be a front yard having a depth of not less than forty (40) feet when measured from any waterway, bay or ocean. There shall be a rear yard having a depth of not less than ten (10) feet when measured from the street line. There shall be a side yard having a width of not less than five (5) feet on either side of a building.

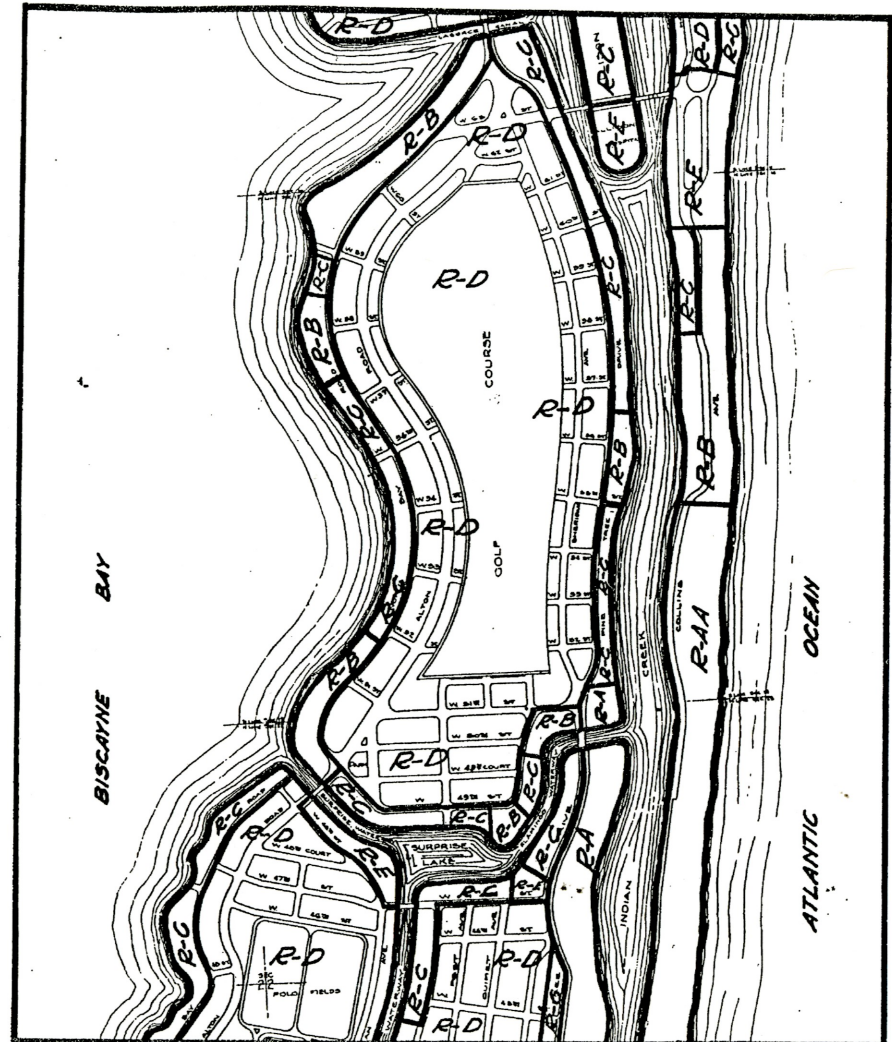
DISTRICT No. 6. There shall be a front yard having a depth of not less than forty (40) feet when measured from any waterway, bay or ocean. There shall be a rear yard having a depth of not less than thirty (30) feet when measured from the street line. There shall be a side yard having a width of not less than five (5) feet on either side of a building.

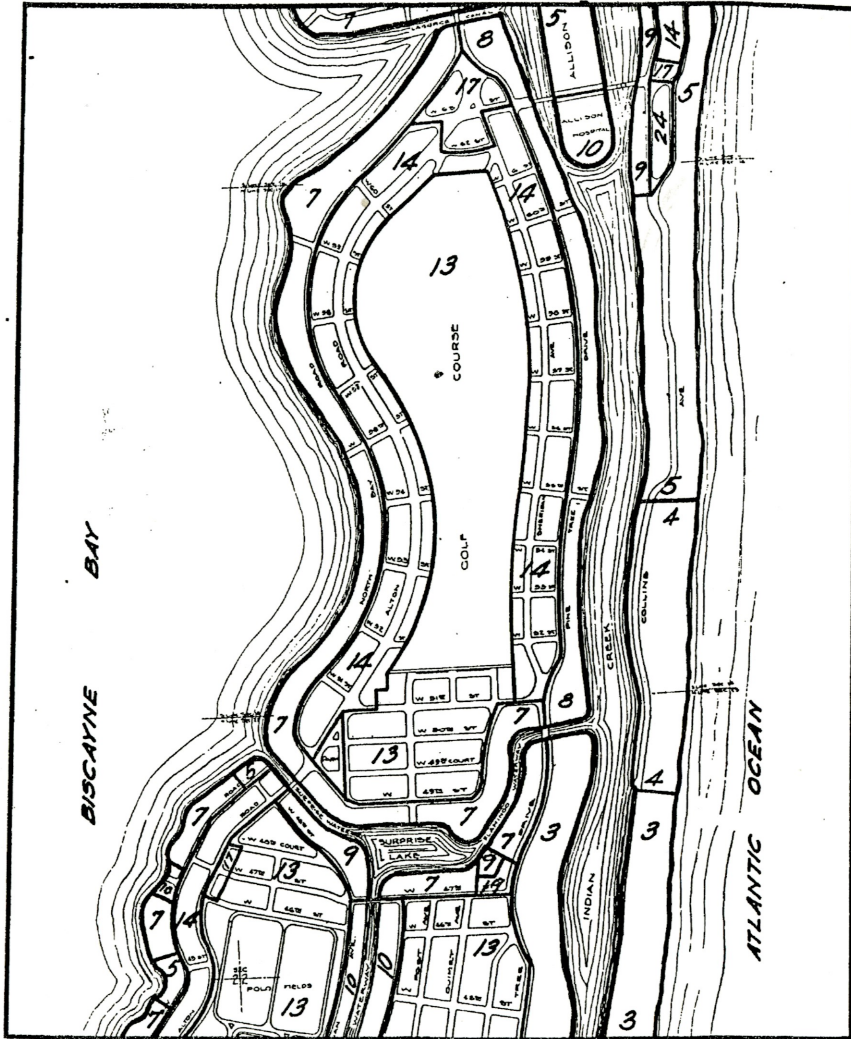
DISTRICT No. 7. There shall be a front yard having a depth of not less than forty (40) feet when measured from any waterway, bay or ocean. There shall be a rear yard having a depth of not less than twenty-five (25) feet when measured from the street line. There shall be a side yard having a width of not less than five (5) feet on either side of a building.

DISTRICT No. 8. There shall be a front yard having a depth of not less than forty (40) feet when measured from any waterway, bay or ocean. There shall be a rear yard having a depth of not less than twenty (20) feet when measured from the street line. There shall be a side yard having a width of

USE DISTRICT MAP

Plate 3





- not less than five (5) feet on either side of a building.
- DISTRICT No. 9. There shall be a front yard having a depth of not less than fifteen (15) feet when measured from any waterway, bay or ocean. There shall be a rear yard having a depth of not less than ten (10) feet when measured from the street line. There shall be a side yard having a width of not less than five (5) feet on either side of a building.
- DISTRICT No. 10. There shall be a front yard having a depth of not less than twenty-five (25) feet when measured from any waterway, bay or ocean. There shall be a rear yard having a depth of not less than fifteen (15) feet when measured from the street line. There shall be a side yard having a width of not less than five (5) feet on either side of a building.
- DISTRICT No. 11. There shall be a front yard having a depth of not less than forty (40) feet. There shall be a rear yard having a depth of not less than five (5) feet. There shall be a side yard having a width of not less than five (5) feet on either side of a building.
- DISTRICT No. 12. There shall be a front yard having a depth of not less than thirty (30) feet. There shall be a rear yard having a depth of not less than five (5) feet. There shall be a side yard having a width of not less than five (5) feet on either side of a building.
- DISTRICT No. 13. There shall be a front yard having a depth of not less than twenty-five (25) feet. There shall be a rear yard having a depth of not less than five (5) feet. There shall be a side yard having a width of not less than five (5) feet on either side of a building. Buildings on lots fronting or abutting on the southern side of Collins Canal from the alley east of Alton Road to the alley east of Meridian Avenue will not require a front yard nor will they require a side yard along the Canal.
- DISTRICT No. 14. There shall be a front yard having a depth of not less than twenty (20) feet. There shall be a rear yard having a depth of not less than five (5) feet. There shall be a side yard having a width of not less than five (5) feet on either side of a building.
- DISTRICT No. 15. There shall be a front yard having a depth of not less than fifteen (15) feet on lots facing Collins Avenue, Indian Creek Drive or on the ocean. On lots facing on the streets connecting said Avenue and Drive this front yard shall have a depth of not less than five (5) feet. There shall be a rear yard having a depth of not less than five (5) feet. There shall be a side yard having a width of not less than five (5) feet on either side of a building.
- DISTRICT No. 16. There shall be a front yard having a depth of not less than fifteen (15) feet. There shall be a rear yard having a depth of not less than five (5) feet. There shall be a side yard having a width of not less than five (5) feet on either side of a building.
- DISTRICT No. 17. There shall be a front yard having a depth of not less than ten (10) feet. There shall be a rear yard having a depth of not less than five (5) feet. There shall be a side yard having a width of not less than five (5) feet on either side of a building.
- DISTRICT No. 18. There shall be a front yard having a depth of not less than five (5) feet.
- DISTRICT No. 19. There shall be a rear yard having a depth of not less than five (5) feet, provided, however, on a lot whose rear abuts on a street, waterway or alley, no rear yard will be required, and provided further that where any building is to be constructed allowing no rear yard, adequate provision shall be made within the lot lines for the storage and handling of garbage cans and refuse. Lots zoned for business uses which adjoin lots zoned for residential uses shall provide a five (5) foot side yard on the side adjoining the residential lot. In a business zone where a side yard is provided, said yard shall be not less than five (5) feet in width.
- DISTRICT No. 20. There shall be a front yard having a depth of not less than thirty (30) feet measured from any waterway, bay or ocean. There shall be a rear yard having a depth of not less than thirty (30) feet measured from the street line. There shall be a side yard having a width of not less than ten (10) feet on either side of a building.
- DISTRICT No. 21. There shall be a front yard having a depth of not less than thirty (30) feet when measured from any waterway, bay or ocean. There shall be a rear yard having a depth of not less than twenty (20) feet when measured from the street line. There shall be a side yard having a width of not less than ten (10) feet on either side of a building.
- DISTRICT No. 22. There shall be a front yard having a depth of not less than twenty (20) feet. There shall be a rear yard having a depth of not less than five (5) feet. There shall be a side yard having a width of not less than ten (10) feet on either side of a building.
- DISTRICT No. 23. There shall be a front yard having a depth of not less than ten (10) feet. There shall be a rear yard having a depth of not less than five (5) feet. There shall be a side yard having a width of not less than ten (10) feet on either side of a building.
- DISTRICT No. 24. There shall be a front yard having a depth of not less than five (5) feet. There shall be a rear yard having a depth of not less than five (5) feet.

feet. There shall be a side yard having a width of not less than five (5) feet on either side of a building.

DISTRICT No. 25. There shall be a front yard having a depth of not less than fifty (50) feet. There shall be a rear yard having a depth of not less than five (5) feet. There shall be a side yard having a width of not less than five (5) feet on either side of a building.

SECTION 17.

GENERAL PROVISIONS

(a) In the "RAA" and "RA" Estate Districts, walls may be erected, constructed, reconstructed or structurally altered on the lot lines, provided, however, that such wall or walls shall not exceed ten (10) feet in height.

In the "RB" and "RC" Estate Districts, walls may be erected, constructed, reconstructed or structurally altered on the lot lines, provided, however, that such wall or walls shall not exceed six (6) feet in height.

In the "RD" Single-Family District, walls may be erected, constructed, reconstructed or structurally altered on the lot lines, provided, however, that such wall or walls shall not exceed five (5) feet in height.

In all other districts, except as otherwise specified, walls shall not exceed five (5) feet in height.

(b) In the "RAA," "RA," "RB," "RC" and "RD" Single-family Districts, accessory buildings shall not occupy in the aggregate more than thirty (30) per cent of the maximum rear yard area.

(c) Lot areas or dimensions shall not be so reduced or diminished that the yards or open spaces shall be smaller than those provided by this ordinance, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the District in which the building is located.

(d) Unless otherwise provided for, no dock, wharf or other structure shall be extended or built in Biscayne Bay or Indian Creek a distance greater than fifteen (15) feet from the bulkhead line nor a distance greater than three (3) feet into any other waterway within the City of Miami Beach.

(e) This ordinance shall not be construed to prevent the construction of a building on any lot of record at the time of passage of this ordinance, notwithstanding the fact that such lot may have a lesser area than is required in the particular area district in which it is situated.

(f) In the "RAA," "RA," "RB," "RC" and "RD" Single-family Districts and in the "RE" Multiple-family District, no accessory building shall be constructed except concurrently with or subsequent to the construction of the main building.

SECTION 18.

ADMINISTRATION

It shall be the duty of the Building Inspector to enforce this ordinance.

SECTION 19.

CERTIFICATE OF OCCUPANCY

(a) A Certificate of Occupancy, either for the whole or a part of a new building or for alteration of an existing building, shall be applied for coincident with the application for a building permit and shall be issued within three (3) days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this ordinance.

(b) A Certificate of Occupancy for the use or occupancy of vacant land, or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used, or changed in use, and such certificate shall be issued within three (3) days after application has been made, provided such proposed use is in conformity with the provisions of this ordinance.

(c) No vacant land shall be occupied or used, and no structure hereafter erected, constructed, reconstructed or structurally altered shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Building Inspector.

(d) A like Certificate shall be issued for the purpose of maintaining, renewing, changing or extending a non-conforming use, existing at the time of the passage of this ordinance; and such Certificate shall state that the use does not conform with the provisions of this ordinance. For the purpose of complying with this requirement, the Building Inspector shall mail such Certificates to the occupants or owners of all such property within thirty (30) days after the passage of this ordinance.

(e) A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector, and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

SECTION 20.

INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirements for the promotion of the health, safety, morals or general welfare of the community. It is not intended by this ordinance to interfere with, abrogate or annul any easements, covenants or other agreement between parties, provided however, that where this ordinance imposes a higher standard upon the use of buildings or premises, or requires larger open spaces than are imposed or required, by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this ordinance shall control.

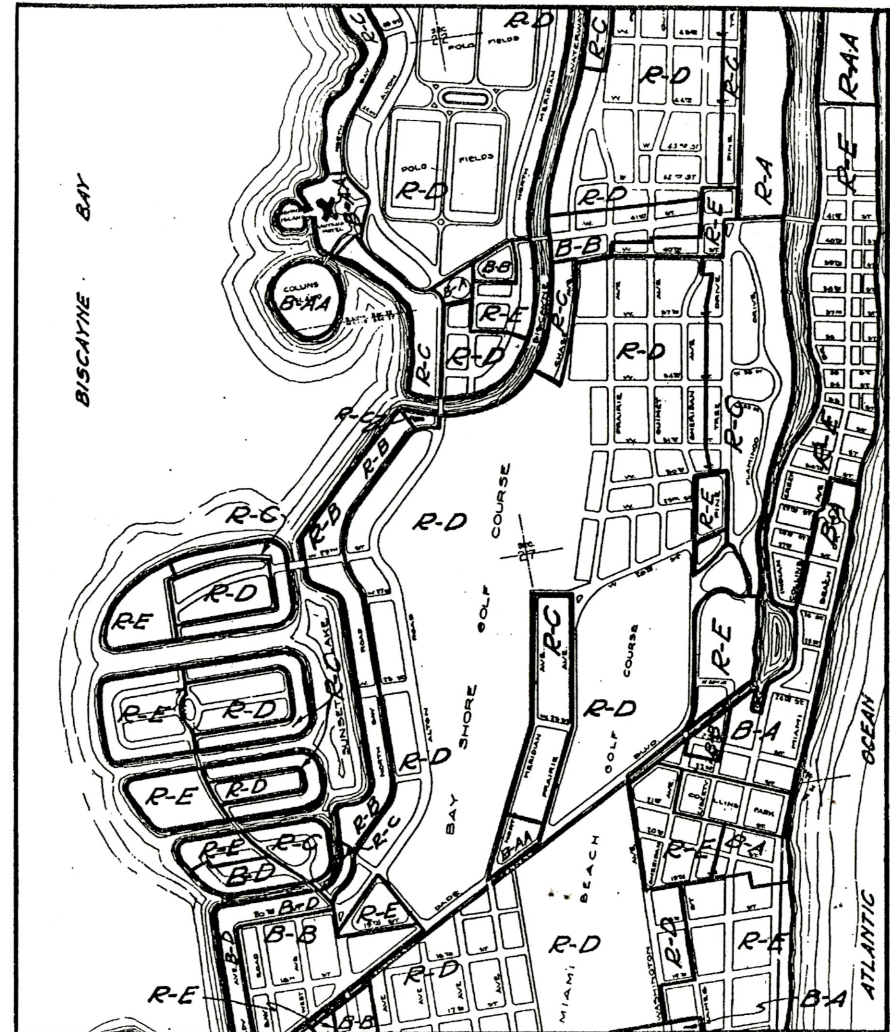
SECTION 21.

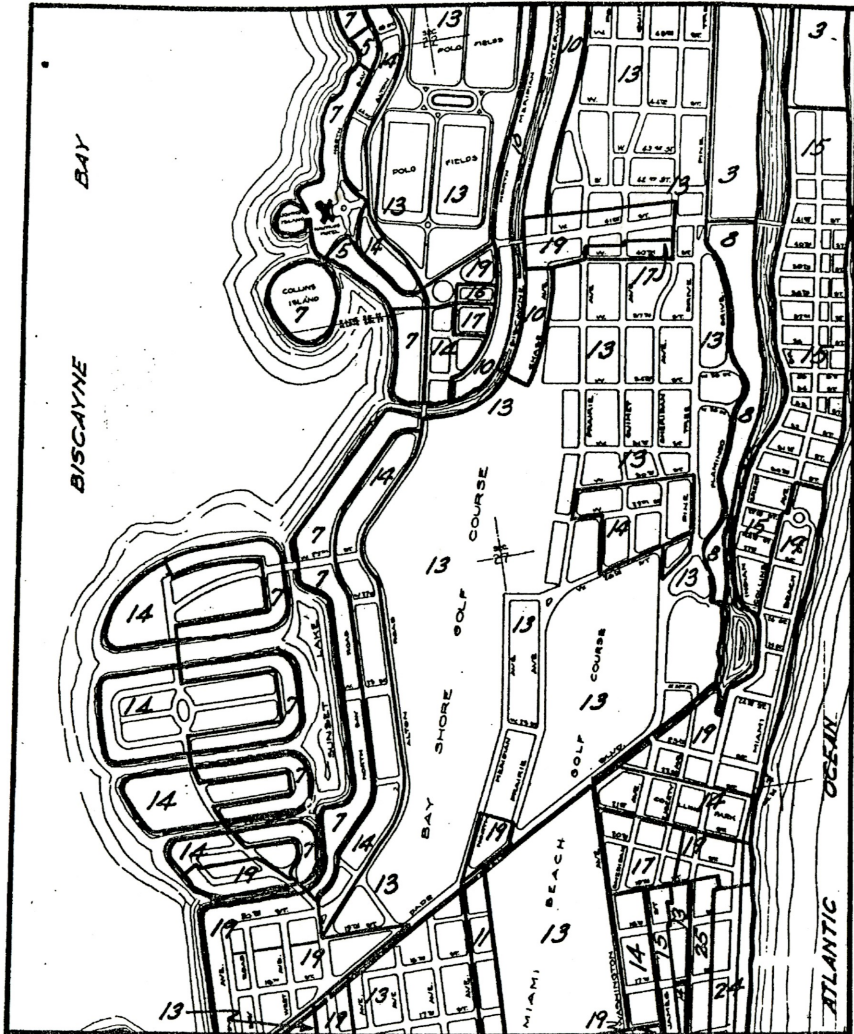
CHANGES AND AMENDMENTS

Upon its own initiative, or upon the petition of the owners of a majority of frontage in any area, the City

USE DISTRICT MAP

Plate 2





Council may, after having held a public hearing following at least fifteen (15) days notice of a time, place and object of such hearing published in an official paper, or a paper of general circulation in said City of Miami Beach, amend, supplement, change, modify or repeal the regulations, restrictions and boundaries herein established.

In case, however, of a protest against such change signed by the owners of record of twenty percent (20%) or more, either of an area of lots, included in such proposed change, or those immediately adjacent in the rear thereof, extending three hundred seventy-five (375) feet therefrom, or of those directly opposite thereto, extending three hundred seventy-five (375) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of five-sevenths (5/7) of all of the members of the City Council of said municipality.

The provisions relative to public hearings and official notices shall apply equally to all changes or amendments.

SECTION 22.

ADJUSTMENTS, PURPOSE, JURISDICTION AND APPROVAL

A Board of Adjustment is hereby established. The word "Board" when used in this ordinance shall be construed to mean the Board of Adjustment.

The Board shall consist of five (5) members appointed by the City Council, each for a term of three (3) years.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the Board of Adjustment shall have the power in passing upon appeals, to vary or modify any regulations or provisions of such ordinances relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

Meetings of the board shall be held at least once monthly, or at such other times as the Board may determine, or upon call of the chairman. All meetings of the Board shall be open to the public. The Board shall adopt its own rules of procedure and keep minutes of its proceedings showing its action on each question considered. All records of the Board and its official actions shall be filed in the office of the Board and shall be a public record.

An appeal from the decision of the Administrative Offices may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department or board of the City affected by such decision. The Board shall also hear and decide all matters referred to it, or upon which it is required to pass.

The board shall prescribe by general rule, a reasonable time within which a notice of appeal shall be filed with the Board specifying the grounds thereof, and the officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the

action appealed from, unless the officer from whom the appeal is taken certified to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property, in case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal taken within the time specified by its rules, give public notice thereof as well as due notice to the parties in interest, and decide same within a reasonable time. Upon the hearing, any person may appear in person or by agent or by attorney.

SECTION 23.

VALIDITY AND PENALTY

Should any section, clause or provision of this ordinance be declared by the Court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this ordinance shall be punished by a fine of not less than Five (\$5.00) Dollars, nor more than Fifty (\$50.00) Dollars, or be imprisoned in the City Jail for not more than Thirty (30) Days, or both, in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.

All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this ordinance are hereby repealed.

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately after its passage, approval and posting, as provided by law.

PASSED AND ADOPTED this 3rd day of December, A. D. 1930.

(Signed) JOHN H. LEVI,
President of City Council.

ATTEST:

(Signed) C. W. TOMLINSON,
City Clerk.

(SEAL)

APPROVED BY ME this 3rd day of December, A. D. 1930.

(Signed) LOUIS F. SNEDIGAR,
Mayor.

First Reading, November 19th, 1930.

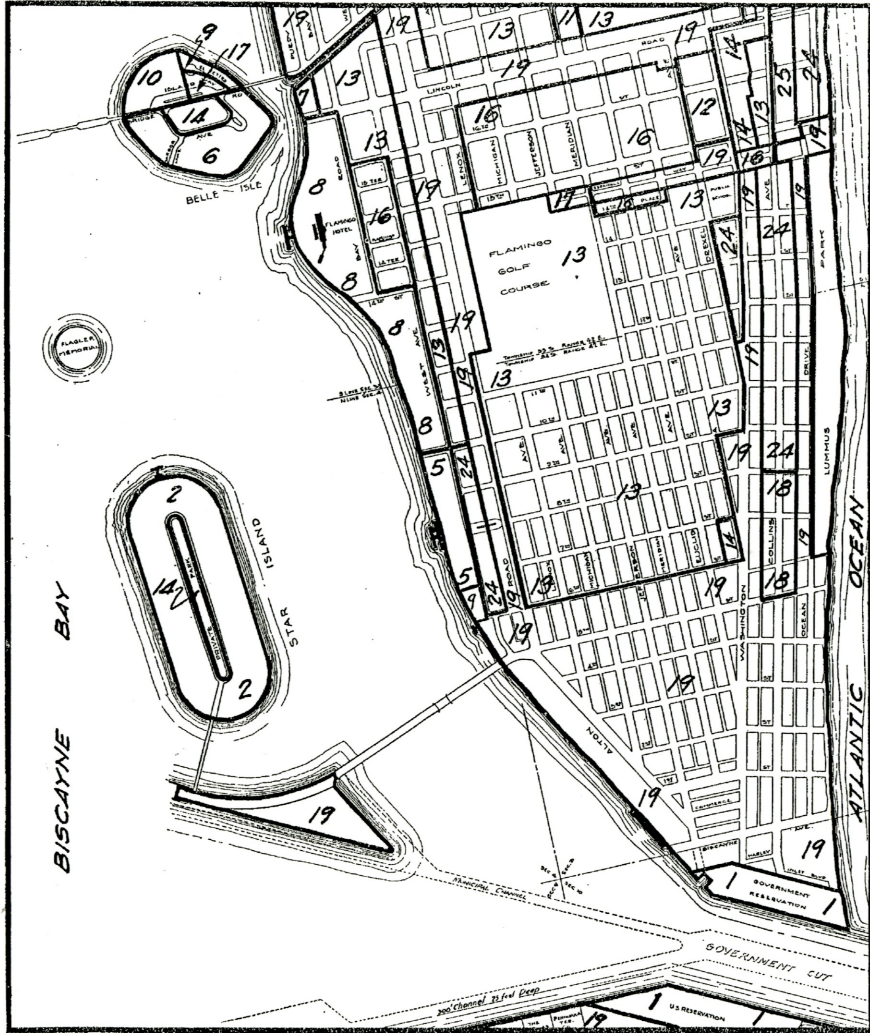
Second Reading, November 19th, 1930.

Third Reading, December 3rd, 1930.

Posted, December 18th, 1930.

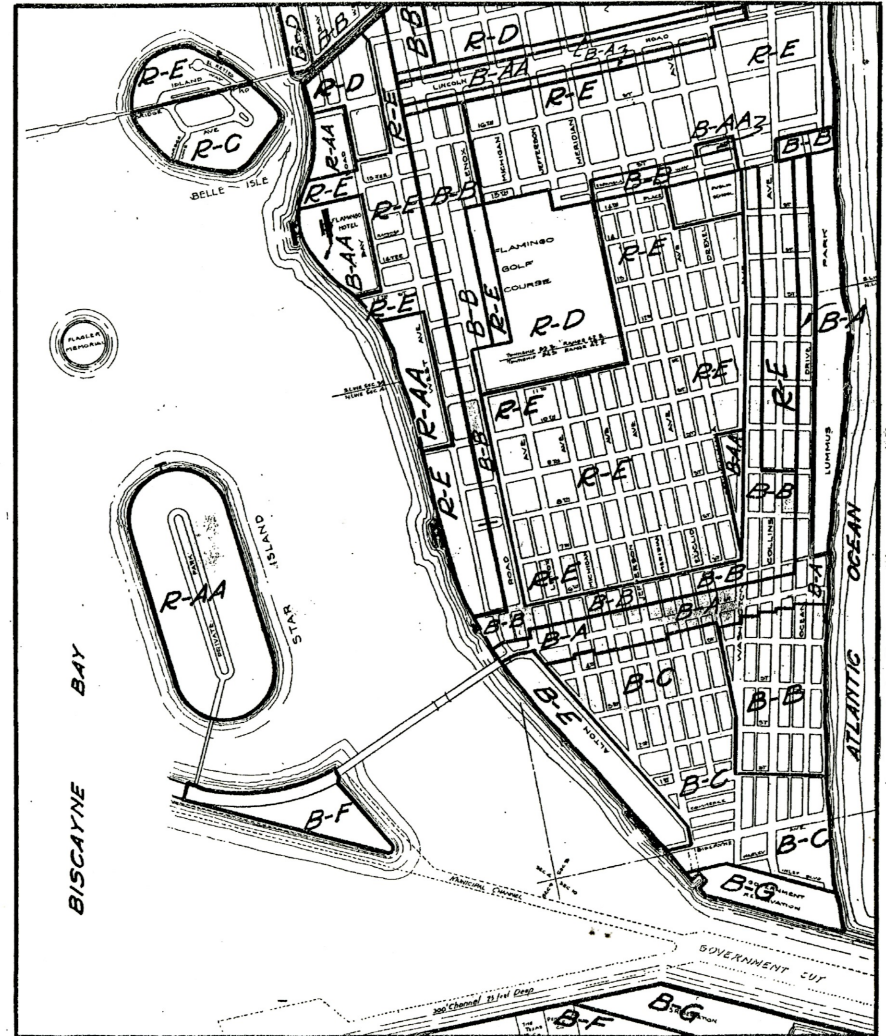
Plate 1

AREA DISTRICT MAP



USE DISTRICT MAP

Plate 1



ORDINANCE NO. 289

FOR ORIGINAL ZONING ORDINANCE SEE ZONING
BOOK