



## T3 SINGLE FAMILY HOMES Frequently Asked Questions

### WHAT TYPES OF PROPERTIES ARE INCLUDED WITHIN THE T3 TRANSECT DESIGNATION?

The T3 Transect designation under Miami 21 is equivalent to the single-family and duplex residential categories that exist in today's zoning code. The T3 transect is divided into:

- T3-R (Restricted), typical single family home equivalent to existing R-1 homes;
- T3-L (Limited) : single-family home with an accessory unit (sometimes called a "granny-flat");
- T3-O (Open) is equivalent to the R-2 (Duplex) zoning that exists today.

### ALLEYS

#### WILL SINGLE FAMILY OR DUPLEX HOMES BE REQUIRED TO ACCESS THEIR PROPERTIES THROUGH THEIR ALLEYS, IF THEY EXIST?

No. Miami 21 simply encourages the use of alleys, but would not require it.

### PARKING

#### WILL I BE ABLE TO PARK MY CAR IN THE FRONT OF MY HOME?

Yes, parking will be allowed on driveways and drop-off areas located in the front yard (First Layer) of your home. However, a garage structure may not be built in front of the main wall of the home.

#### DOES MIAMI 21 ALLOW MORE THAN 2 PARKING SPACES?

Yes. Additional parking, driveways, or drop-offs can be provided within the front setback (first layer), as long as, green space requirement is provided. One of the two spaces may be located in the front yard setback. Miami 21 requires two parking spaces per home minimum (the same as the current code). Garages may not be built in front of the main wall of the home.

#### WHAT IS TANDEM PARKING AND WHY IS IT ENCOURAGED UNDER MIAMI 21?

Tandem parking is the placement of two or more vehicles in a row directly behind one another. Allowing tandem parking: 1) reduces the space required to park multiple vehicles; 2) increases the amount of open space, decreases run-off; and 3) allows parking on-street for visitors between driveways. (Ordinance 11000 does not allow tandem parking for two required spaces.)

#### WHAT IS THE MAXIMUM WIDTH OF A DRIVEWAY ALLOWED IN THE FRONT OF MY HOUSE?

The maximum width of a driveway at the front property line is twelve (12) feet. The purpose of limiting the size of a driveway only at the property line is: 1) to reduce the distance pedestrians on the sidewalks cross vehicular pathways; and 2) increases the amount of open space, decrease run off; and 3) allows parking on-street for visitors between driveways. The driveway may become wider once it is on the property; the limit of 12 feet is only from the property line to the street curb.



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### **CAN MY EXISTING DRIVEWAY REMAIN UNDER MIAMI 21?**

Yes, Miami 21 will not force any owner to change an existing legally permitted driveway. Only new driveways will be required to meet the new standards after the zoning code is adopted.

### **GARAGES**

#### **WHERE WILL I BE ABLE TO BUILD MY GARAGE UNDER MIAMI 21?**

A garage may be built anywhere on the lot with the exception of the setback areas. The garage must be flush with or recessed behind the front wall of the house. The garage cannot extend beyond the front wall of the home.

### **FRONT OF HOUSE**

#### **WILL MIAMI 21 REGULATE ON WHICH SIDE MY FRONT DOOR ENTRANCE IS LOCATED?**

No. Miami 21 does not regulate on which side the front door has to be located if a house is located on a corner. The only thing Miami 21 regulates is that the garage door should be located flush or behind the primary setback (front door). In other words, the garage cannot extend beyond the front wall of the home.

### **PORCHES**

#### **ARE PORCHES ALLOWED ON THE FRONT OF MY HOUSE?**

Yes, Miami 21 encourages front porches or stoops on the front of homes by allowing these structures to encroach into the front setback (First Layer) up to a maximum depth of eight (8) feet and porches may be only one story in height. Balconies, bay windows, awning and roof overhangs may encroach a maximum of three (3) feet into the front setback.

### **OPEN SPACE**

#### **HOW MUCH OF MY FRONT YARD MUST REMAIN OPEN SPACE?**

The front lawn may be hardscaped with impervious surfaces such as driveways, walkways and drop-off areas up to 30% of the front setback (First Layer) for T3-R and T3-L Single Family Homes.

#### **HOW MUCH OF MY LOT MUST REMAIN GREEN SPACE?**

25% of the lot area must remain as green space. Green space helps to filter pollutants, increases water infiltration which reduces flooding, and reduces the air temperature around the home and city.



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### FENCES and HEDGES

#### HOW HIGH ARE MY FENCES ALLOWED TO BE IN THE FRONT OF MY HOUSE?

The height of solid walls along the front property line would be limited to three and a half (3.5) feet. Aluminum, iron pickets and/or posts fences would be allowed up to five (5) feet in height. By limiting the height of visual barriers in front yards, Miami 21 hopes to create safer neighborhoods through visual surveillance. More eyes on the street mean safer streets for us all.

#### CAN I HAVE HIGHER FENCES AND WALLS IN THE SIDE AND BACK OF MY PROPERTY?

Yes, fences and walls are allowed to a height of six (6) feet in the side and back of the property.

#### HOW HIGH ARE HEDGES ALLOWED?

The height of hedges along the front property line would be limited to three and a half (3.5) feet. Hedges behind the first layer (meaning on the sides and rear of the property) would be allowed up to eight (8) feet in height.

### HISTORIC HOMES

#### WILL HISTORIC HOMES BECOME NONCONFORMING UNDER MIAMI 21?

In many historic buildings, non-conformities routinely exist, as in many instances they were built long before later zoning code provisions were enacted. As a result, a significant number of historic properties have never been in strict compliance with the current zoning code 11000, and may also not be in strict compliance with Miami 21. As such, they would remain “legally nonconforming” and will continue to be legally nonconforming under Miami 21.

Chapter 23 of the Miami City Code (which regulates historic properties) includes provisions for waivers from certain zoning regulations when a property owner makes an addition, or changes the home in a historically-acceptable way. Chapter 23 has undergone an extensive rewrite, and is accompanying the Miami 21 Code through the legislative process.

### NONCONFORMITIES

#### WHAT IS A LEGAL, NONCONFORMING STRUCTURE IN THE MIAMI 21 CODE?

A legal nonconforming structure is one built legally before the Miami 21 Code is enacted and where certain conditions of the structure will become inconsistent with the proposed code after the adoption of the Miami 21 Zoning Code. (Similar to homes without hurricane shutters are nonconforming to Florida Building Code.)

Below are some of the major differences between the current zoning code 11000 and Miami 21 for single-family homes.



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Occurrence	Current Zoning Code (11000)	Miami 21
<b>Destruction in the event of a natural disaster, explosion, fire, act of God.</b>	<p>If more than 50% of the assessed value is destroyed, <u>the home may not be rebuilt as it was, except by public hearing and special exception.</u></p> <p>If less than 50% of the assessed value is destroyed, home may be restored <u>if begun</u> within six (6) months. This part of the code is unclear since it addresses the use of a structure and not the structure itself.</p>	<p>Allows reconstruction of the house and <u>does not stipulate a percentage requirement regardless of the amount of damage.</u></p> <p>Application for reconstruction must be <u>filed</u> within twelve (12) months from date of destruction. This time period may be further extended by the City Commission.</p>
<b>Repairs and Maintenance of property</b>	Only 20% of the gross square footage of the nonconforming home can be repaired within a twelve (12) month period.	Allows nonconforming home to be maintained and repaired. Does not stipulate a percentage or time frame.

### WILL MOST SINGLE-FAMILY HOMES CONFORM TO MIAMI 21?

Yes. There will be a fair number of instances when *some parts* of homes will become nonconforming. Conversely, there are existing single family homes that are legally nonconforming under Ordinance 11000 that will become conforming as a result of the adoption of Miami 21.

**Example:** A homeowner already has a two-car garage in the front of the house that occupies almost two-thirds of the frontage. As Miami 21 seeks to limit the size of the garage on the front, the existing garage structure would become legally nonconforming. The nonconforming garage could remain indefinitely; the owner would not be required to demolish it. Only the portion of the house that is non-conforming (i.e. the two-car garage) may not be expanded. All other areas of the house or property could be renovated, replaced, expanded, etc.

### IF A LEGAL NONCONFORMING PRIVATE SINGLE FAMILY HOME (STRUCTURE) IN A T3 TRANSECT IS DESTROYED BY A HURRICANE OR ACT OF GOD, WILL THE NONCONFORMING HOME BE ALLOWED TO BE REBUILT EXACTLY AS IT WAS?

Yes. The owner must apply for a building permit within one year (Ordinance 11000 restricts the time to 6 months). If the City Commission authorizes, the zoning administrator may also administratively grant an additional one year extension for extenuating circumstances.

*Miami 21 proposes to eliminate the existing Zoning Ordinance 11000 requirement for a public hearing in order for an owner to rebuild a nonconforming structure after a natural disaster.*



## **T3 SINGLE FAMILY HOMES** Frequently Asked Questions

### **WHAT HAPPENS IF I HAVE A SINGLE FAMILY HOME LOCATED IN ANOTHER TRANSECT CATEGORY AND IT IS DESTROYED BY AN ACT OF GOD?**

A single-family or duplex home in any transect zone will be allowed to rebuild exactly as it was previously (or alternatively, in conformity with the Miami 21 code), as long as building permits are applied for within one year. If the City Commission authorizes, the zoning administrator may also administratively grant an additional one year extension for extenuating circumstances.

### **WHAT HAPPENS IF I HAVE A CONFORMING HOME WITH A NONCONFORMING USE THAT IS DESTROYED BY AN ACT OF GOD?**

If damage/destruction is less than fifty percent (50%) of the structure's assessed valuation at time of destruction reconstruction may be approved by administrative Warrant. If damage/destruction is more than fifty percent (50%) of the structure's assessed valuation at time of destruction, then it would have to be approved by Exception (public hearing).

### **A HOMEOWNER IN A SINGLE-FAMILY NEIGHBORHOOD HAS CONSTRUCTED (WITHOUT PERMITS) ADDITIONS TO HIS HOME WHERE TENANTS ARE HOUSED. WILL THE OWNER BE ALLOWED TO RETAIN THESE UNITS?**

Illegal construction and illegal uses will continue to be illegal under the provisions of Miami 21; there is no change from the current Zoning Ordinance 11000.

### **ARE INTERIOR RENOVATIONS AND REPAIRS FOR NONCONFORMING STRUCTURES ALLOWED UNDER THE MIAMI 21 CODE?**

Yes. Renovations and repairs are allowed for nonconforming structures as long as the proposed repairs do not enlarge the degree of any exterior nonconformity. For example, if part of a home was built within the setback area, the code would not allow an owner to build farther into the setback. On the other hand, Miami 21 would allow an owner to make an addition to the part of the home that does comply with the code. Additionally, interior remodeling or renovations would be allowed regardless of the home's degree of conformity to the new code.

### **IF I HAVE A LEGALLY NONCONFORMING HOME, WILL I BE ABLE TO MAKE ADDITIONS OR EXTERNAL MODIFICATIONS?**

Yes, Miami 21 allows additions and external modifications to nonconforming homes. If the proposed improvements would not increase the degree of nonconformity, then a normal building permit process would be followed. If a homeowner seeks to increase the degree of nonconformity, they would follow an administrative waiver process.

### **WILL THE PROPERTY OWNER WITH THE LEGALLY NONCONFORMING GARAGES BE ALLOWED TO MAKE IMPROVEMENTS, FOR EXAMPLE, CONSTRUCT AN ADDITION TO THE HOUSE?**

Yes, the nonconformity of the garage may remain indefinitely, and the owner has a right to build additions elsewhere on the property, as long as the addition does not *increase* the nonconformity of the garage.



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### **Example:**

The owner of the home with the two-car garage also encroaches one foot into the required five foot side setback. The owner proposes to build an addition to the rear of the home. Because the addition will not encroach into the rear setback, the owner may legally construct the addition. *The owner would not be required to remove the garage.*

## McMANSIONS

### **HOW IS MIAMI 21 ADDRESSING THE ISSUE OF “McMANSIONS ?” (over-sized homes that overpower the existing homes in the neighborhood)**

Miami 21 has taken several steps in order to lessen the impact of large new homes on neighboring properties. Under Miami 21, side setbacks will be established by the aggregate lot width, rather than the current method which uses a single dimension regardless of the lot size. This means that for homes that occupy multiple lots, the side setbacks would be 20% of the total lot width as opposed to the five (5) feet now required. Additionally, maximum lot coverage for any home is limited to fifty (50) percent of the lot on the first floor and thirty (30) percent of the lot on the second floor.

## GRANNY FLATS (only allowed in T3-L Transect)

### **WHAT IS AN ACCESSORY UNIT OR “GRANNY FLAT”?**

An accessory Unit, or “granny flat,” is a smaller structure detached from the main home that is allowed to occupy a part of the single family lot. A second story may be built above an existing detached garage or a separate structure may be built at the rear of the property in the T3-L transect. These units are excellent sources for affordable housing and can serve as additional income sources for property owners or to facilitate caring for an elderly family member. (Enclosed garages are not considered accessory structures or granny flats.)

### **WHO CAN LIVE IN THESE GRANNY FLATS?**

A resident of a granny flat is not required to be related to the owner. However, the owner must live on the property.

### **DO GRANNY FLATS HAVE TO BE SEPARATED FROM THE MAIN HOME?**

Yes, the structure must be separated from the main home by a minimum of 10 feet. However, a backbuilding (single story structure with a maximum width of 12 feet) may connect the two structures.

### **CAN I CONVERT MY GARAGE INTO AN EFFICIENCY UNIT UNDER MIAMI 21?**

Only if the garage would qualify as a granny flat as proposed in Miami 21: 1) located in the back of the property; and 2) at least 10 feet of separation exist between the main house structure and the garage structure; 3) the lot is located in a T3-L designated transect area. Garages located within the existing single family house are not allowed to be converted into efficiency units under Miami 21 (efficiency units within garages are not permitted under Ordinance 11000).



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### OTHER ISSUES

#### **IF I OWN A SINGLE-FAMILY HOME OR DUPLEX, WILL I HAVE TO STORE MY GARBAGE CAN AT A PARTICULAR LOCATION?**

Miami 21 is a Zoning Code that regulates permanent structures built within the City of Miami. It does not regulate where a single family home places its trash cans. It does, however, regulate where large permanent structures such as trash dumpsters or trash enclosures may be located. The reason the code regulates where these structures can be located is to limit the adverse affects of these facilities on neighboring properties.

#### **WHERE CAN THE UTILITY CONNECTIONS ON THE HOUSE BE LOCATED?**

Utility connections on the house can be located anywhere on the side or rear of the house (beyond the front setback, also known as the first layer). This is to prevent unsightly electrical meters, satellite dishes, telephone, and cable boxes being located on the front wall of the house. (Water meters and other utilities located within underground meter boxes are permitted. Telephone poles and other utilities on the public right of way will remain.)

#### **WHERE CAN I HAVE A POOL?**

Miami 21 does not regulate where your pool can be located.