1	ORDINANCE NO
2 3 4 5 6 7 8 9	AN ORDINANCE OF THE VILLAGE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA, RELATING TO ZONING, APPENDIX "A", AMENDING ARTICLE V, DIVISION V, "OFF-STREET PARKING REQUIREMENTS", ADDING SECTION 521(2)(c), "REPLACEMENT OF NON-CONFORMING DRIVEWAYS"; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.
10 11 12	WHEREAS , over time, amendments to the Village Code have made certain driveways non-conforming in districts throughout the Village; and
13 14 15 16	WHEREAS , due to amendments to the Village Code, there are existing driveways that are considered legal non-conforming as a result of those amendments to the Code of Ordinances; and
18 19 20 21	WHEREAS , the Village Code permits existing legal non-conforming driveways to remain and change ownership as long as the use remains unchanged and there are no substantial improvements (greater than 50% of the area or cost) or changes of material; and
22 23 24 25 26	WHEREAS , the Village Code may lack adequate specificity regarding the requirements for the replacement of or substantial improvement of a legally established non-conforming driveway; and
27 28	WHEREAS , Village Council now desires to standardize the requirements to obtain permits to repair or renovate such driveways; and
29 30 31 32	NOW, THEREFORE, BE IT ENACTED BY THE VILLAGE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA, AS FOLLOWS:
33 34 35	 Section 1: Article V, Division 5 Off-Street Parking Requirements, of the Zoning Appendix of the Village Code is hereby amended so as to add a new Section 521(2)(c) as follows:
36 37 38	Section 521(2)(c) Replacement of Legal Non-Conforming Driveways:
39 40 41 42 43	A legal non-conforming driveway, as defined herein, may be replaced with new construction thereof, without losing its status as a legal non-conforming structure, only if such replacement complies with all of the following standards:
44 45	1. Replacement materials must comply with and be

1 2 3	consistent with Section 536(2). 2. Replacement of legal non-conforming driveways shall be required to comply with Section			
4	521(b)(1)(f) safe distance visibility requirements.			
5	3. The new driveway to replace a legal non-			
6 7	conforming driveway, in order to preserve its legal			
8	non-conforming status, must be in the same location as was the legal non-conforming driveway			
9	and must be no larger than the size of the legal			
10	non-conforming driveway.			
11				
12	For purposes of this Section, a "legal non-conforming driveway" shall be defined			
13	as a driveway that, when first installed, complied with the then requirements of			
14	the Village Code, and was installed with a lawful permit, but which does not			
15 16	comply with current provisions of the Village Code enacted after the construction			
17	of said driveway. Only legal non-conforming driveways meeting this definition shall have the benefits provided under this Section.			
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21	Section 2. Conflicting Provisions. The provisions of the Code of Ordinances			
22	of Miami Shores Village, Florida and all ordinances or parts of ordinances in			
23	conflict with the provisions of this ordinance are hereby repealed but only to the			
24 25	extent of such conflict.			
26	Section 3. Severability. The provisions of this Ordinance and the code			
27	amendment described herein are declared to be severable, and if any sentence,			
28	section, clause or phrase shall, for any reason, be held to be invalid or			
29	unconstitutional, such decision shall not affect the validity of the remaining			
30	sentences, sections, clauses or phrases thereof, but they shall remain in effect it			
31	being the legislative intent that such provisions shall stand notwithstanding the			
32	invalidity of any part.			
33 34	Section 4 Codification It is the intention of the Village Council and it is			
35	<u>Section 4.</u> <u>Codification.</u> It is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made			
36	part of the Zoning Appendix to the Code of Ordinances of the Miami Shores			
37	Village, Florida, that sections of this Ordinance may be renumbered or re-lettered			
38	to accomplish such intentions, and that the word "Ordinance" shall be changed to			
39	"Section" or other appropriate word.			
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41	Section 5. Effective Date. This ordinance shall take effect immediately after			
42 43	enactment, on second reading.			
43 44	PASSED and ENACTED this day of January, 2022.			
45	12, 5 = 1			
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1 2	First Reading:Second Reading:	
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5	Attest:	
6	Ysabely Rodriguez, CMC	Sandra Harris
7	Village Clerk	Mayor
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10	APPROVED AS TO FORM AND LEGAL S	SUFFICIENCY:
11	:	
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14		
15	Richard Sarafan	
16	Village Attorney	
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18	FINAL VOTE AT ADOPTION:	
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20	Council Member	
21		
22	Council Member	
23	Council Mambar	
24	Council Member	
25	Vice Mover	
26 27	Vice-Mayor	
28	Mayor	
29	Mayor	
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