

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 3, 2025 9:55 a.m. Second Reading Public Hearing

TITLE: FAR EXCEPTION FOR GENDER-NEUTRAL RESTROOMS  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "MIAMI BEACH RESILIENCY CODE," CHAPTER 1, ENTITLED "GENERAL PROVISIONS," ARTICLE II, ENTITLED "DEFINITIONS," SECTION 1.2.1, ENTITLED "GENERAL DEFINITIONS," BY AMENDING THE DEFINITION FOR FLOOR AREA TO CREATE AN EXCEPTION FOR UNISEX OR GENDER-NEUTRAL RESTROOMS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) adopt the ordinance.

### **BACKGROUND/HISTORY**

On June 26, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred an item pertaining to a Floor Area Ratio (FAR) exception for gender neutral restrooms (C4 T) to the Land Use and Sustainability Committee (LUSC) and the LGBTQIA+ Advisory Committee. On September 5, 2024, the LUSC discussed the proposal and recommended that the City Commission refer an ordinance to the Planning Board. On September 10, 2024, the LGBTQIA+ Advisory Committee discussed and unanimously endorsed the proposal to amend the definition of "Floor Area" to exempt Unisex/Gender Neutral Restrooms from the definition of "Floor Area."

On October 30, 2024, at the request of Commissioners Alex Fernandez and Joseph Magazine, the City Commission referred the subject ordinance to the Planning Board.

### **ANALYSIS**

The attached draft ordinance amends the General Definitions Section (1.2.1) of the Land Development Regulations of the City Code (LDRs) to create an exception to the definition of floor area for gender neutral restrooms.

Gender neutral restrooms have several benefits, including creating a safe and accessible environment for all people. This includes accommodating people with special needs, families with small children, elderly individuals with a caregiver, as well as transgender and gender non-conforming individuals. Exempting such restrooms from floor area calculations is intended to encourage their use by allowing the square footage of such facilities to be allocated for other uses in a building.

### **PLANNING BOARD REVIEW**

On November 26, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (6-0).

**UPDATE**

On December 11, 2024, the subject ordinance was approved by the City Commission at First Reading with no changes.

**FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 1/6/2025  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

**FINANCIAL INFORMATION**

Not Applicable

**CONCLUSION**

The Administration recommends that the City Commission adopt the ordinance.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Planning

**Sponsor(s)**

Commissioner Alex Fernandez

**Co-sponsor(s)**

Commissioner Joseph Magazine  
Commissioner Laura Dominguez  
Commissioner Tanya K. Bhatt

**Condensed Title**

9:55 a.m. 2nd Rdg PH, FAR Exception for Gender Neutral Restrooms. (AF/JM/LD/TB) PL 5/7