

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: September 5, 2024

TITLE: **AMEND THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR ADMINISTRATIVE REVIEW AND APPROVAL OF UNDERSTORY AREAS, AND TO REVIEW THE CURRENT MAXIMUM BUILDING HEIGHT REQUIREMENTS FOR SINGLE-FAMILY HOMES TO PROMOTE RESILIENCY AND REDUCE FLOOD RISK**

### **RECOMMENDATION**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the Planning Board.

### **BACKGROUND/HISTORY**

On July 24, 2024, at the request of Commissioner David Suarez, the Mayor and City Commission referred the item (C4 W) to the Land Use and Sustainability Committee (LUSC) and the Planning Board.

As noted in the attached referral memo, the item sponsor has requested that the LUSC discuss and consider an amendment to the Land Development Regulations of the City Code (LDRs) to allow for administrative review of understory areas. Additionally, the sponsor has requested that as part of this review the LUSC consider any related amendments to height and design requirements. Following review by the LUSC, an ordinance will be transmitted to the Planning Board.

### **ANALYSIS**

In 2023, the City Commission adopted comprehensive updates to the Land Development Regulations of the City Code (LDRs) and the City's first Resiliency Code. As part of the review process for the updated LDR's, Planning staff had recommended that the mandatory review by the Design Review Board (DRB) or Historic Preservation Board (HPB) for single family homes designed with an understory no longer be required and that such homes be permitted administratively.

The administrative review of understory homes was not included in the final adoption of the updated LDRs, but the City Commission did approve an increase in the allowable height of up to 31 feet, for single-family homes utilizing an understory. The additional height is intended to ensure comfortable and climate responsive ceiling heights and ensure that an understory home can achieve the same floor to ceiling heights for the habitable floors that can be achieved in a non-understory home.

Although this increased height limit for understory homes currently applies uniformly to all RS districts, the DRB has consistently limited the additional height on smaller RS-3 and RS-4 zoned properties to no more than 3 feet above the maximum permitted height of 24 feet. Since RS-1 and RS-2 districts already had a higher maximum height allowance of 28 feet, the DRB has

typically allowed understory homes on these properties to add up to an additional 3 feet, not to exceed 31 feet.

Attached is a proposed amendment to Section 7.2.2.3 of the LDRs, pertaining to the development regulations for the RS-1, RS-2, RS-3, and RS-4 single-family residential districts. Specifically, the following is proposed:

1. Understory homes would no longer require mandatory approval from the DRB or HPB. Approval from the DRB or HPB would be required if waivers or variances are sought.
2. The maximum height for understory homes has been clarified, pursuant to the specific zoning district, and in a manner consistent with previous approvals by the DRB.
3. For RS-3 properties that have a minimum lot size of 18,000 square feet, the height may be increased by up to three (3') feet, which is commensurate with the maximum height limit of similar sized parcels in the RS-1 and RS-2 districts.

The minimum requirements set forth under the development regulations for all single-family homes provide an established framework for new construction and are considered an expectation. The primary responsibility of the DRB is to review applications involving waivers and variances, and the DRB process provides an opportunity for affected property owners to provide comment and feedback regarding such exceptions.

The development regulations specific to understory homes are very detailed and any proposal to vary from these requirements, either in the form of a waiver or variance, would still require DRB review. The proposal to allow administrative review of understory homes that comply with all the requirements set forth in the Code would result in more homes utilizing this type of design and would significantly further the City's resiliency goals and objectives.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact

**Does this Ordinance require a Business Impact Estimate?** No  
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

### **FINANCIAL INFORMATION**

N/A

### **CONCLUSION**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the Planning Board.

### **Applicable Area**

Citywide

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

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

Yes

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 David Suarez

**Co-sponsor(s)**

**Condensed Title**

Amend The Land Development Regulations To Allow For Administrative Review And Approval Of Understory Areas, And To Review The Current Maximum Building Height Requirements For Single-Family Homes To Promote Resiliency And Reduce Flood Risk