



**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission

FROM: Rickelle Williams, Interim City Manager

DATE: July 24, 2024

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS RETAINING WALL SETBACKS AND REQUIREMENTS IN SINGLE FAMILY DISTRICTS.

**RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) refer the discussion item to the Land Use and Sustainability Committee (LUSC).

**BACKGROUND/HISTORY**

On July 26, 2023, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred a discussion item (C4 F), pertaining to the protection of single-family homes from new construction to the Public Safety and Neighborhood Quality of Life Committee (PSNQLC). On April 17, 2024, the PSNQLC discussed the item and recommended that a separate referral be made to the Land Use and Sustainability (LUSC), to further discuss design, landscape and setback requirements for retaining walls in single family districts.

**ANALYSIS**

On April 17, 2024, at the request of the item sponsor, the PSNQLC discussed the issue of elevated properties in single family districts and the requirements for retaining walls to ensure that abutting properties are not flooded. The Land Development Regulations of the City Code (LDRs) include the following requirements pertaining to onsite water retention and retaining walls:

- Stormwater retention. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations, as determined by the Public Works Department.
- For properties in which the required yard elevation is greater than the yard elevation of the neighboring lot, either a retaining wall at the perimeter of the property or a slope maximum of 5:1, or a combination of both, shall be provided.
- Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria.

Additionally, the maximum height of a retaining wall along an interior side property line shall not exceed seven (7) feet, as measured from future adjusted grade. The portion of the wall above four (4) feet is required to consist of an open picket fence, so that the wall does not have an overbearing appearance on a lower, abutting neighbor.

For reference, future adjusted grade is defined as follows:

Future Adjusted Grade means the midpoint elevation between the future crown of the road, and the base flood elevation (BFE) plus minimum freeboard (1') for a lot or lots.

At the conclusion of the discussion on April 17, 2024, the PSNQLC recommended that a separate discussion be referred to the LUSC regarding the design, landscape and setback requirements for retaining walls in single family districts.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact

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

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

### **FINANCIAL INFORMATION**

N/A

### **CONCLUSION**

Pursuant to the recommendation of the PSNQLC, the Administration recommends that the City Commission refer the discussion item to the LUSC.

### **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 Kristen Rosen Gonzalez

### **Co-sponsor(s)**

### **Condensed Title**

Ref: LUSC - Retain Wall Setbacks and Requirements in Single Family Districts. (Rosen Gonzalez) PL