

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO:	Honorable Mayor and Members of the City Commission
FROM:	Commissioner Alex Fernandez
DATE:	June 26, 2024
TITLE:	REFERRAL TO LAND USE AND SUSTAINABILITY COMMITTEE AND LGBTQIA+ ADVISORY COMMITTEE TO AMEND DEFINITION OF "FLOOR AREA" TO EXEMPT UNISEX/GENDER-NEUTRAL RESTROOMS FROM THE DEFINITION OF "FLOOR AREA."

### **RECOMMENDATION**

Please place the above item on the June 26, 2024 City Commission meeting agenda as a dual referral to the Land Use and Sustainability Committee ("LUSC") and LGBTQIA+ Advisory Committee.

"Floor area ratio" (FAR) is the method used by the City to regulate the overall size of a building. The term "floor area," as defined in the Land Development Regulations, establishes what parts of a building count toward a building's maximum FAR. There are currently fourteen (14) exceptions from the definition of "floor area" (see attached Code excerpt).

In 2023, the Florida Legislature adopted HB 1521/SB 1674, creating a number of requirements on the use of public restrooms. These requirements discriminate against transgender people. Florida law now requires state and local governments, educational institutions, and correctional/detention facilities to maintain separate male and female restrooms (or a unisex restroom), and to prohibit individuals from using restrooms that do not correspond with their sex assigned at birth. This effectively prohibits transgender people from using public restrooms that correspond with their gender. Violators can be disciplined, prosecuted or trespassing, or subject to enforcement action by the Attorney General.

I would like the LUSC and LGBTQIA+ Advisory Committee to consider whether the definition of "floor area" should be amended to exclude unisex or gender-neutral bathrooms from the calculation of a building's floor area. This would provide property owners with an incentive to construct unisex or gender-neutral bathrooms which, for non-conforming buildings (including certain historic buildings), may not be possible if there is no available FAR on the property.

### **BACKGROUND/HISTORY**

### **ANALYSIS**

### **FISCAL IMPACT STATEMENT**

N/A

**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**

**CONCLUSION**

**Applicable Area**

Citywide

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

No

**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**

Office of Commissioner Alex Fernandez

**Sponsor(s)**

Commissioner Alex Fernandez

**Co-sponsor(s)**