

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members  
FROM: Eric Carpenter, City Manager  
DATE: February 20, 2025  
TITLE: DISCUSS AND REVIEW PLANNING/ZONING RESTRICTIONS THAT DELAY THE PERMIT PROCESS AND CONSIDER POSSIBLE AMENDMENTS.

### **RECOMMENDATION**

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed amendments to the Land Development Regulations of the City Code (LDRs) and recommend that the Mayor and City Commission (City Commission) refer a draft ordinance to the Planning Board.

### **BACKGROUND/HISTORY**

On December 11, 2024, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the item (C4 E) to the LUSC.

### **ANALYSIS**

As noted in the attached referral memo, the item sponsor has requested that the LUSC discuss and review planning and zoning restrictions that delay the permit process and consider possible amendments. Additionally, the sponsor has requested that the Administration be prepared to discuss and outline the essential steps to navigate the permitting process from the planning and zoning perspective and to consider ways to help those become familiar with our zoning rules and restrictions.

For purposes of this discussion, the following is a general summary of the planning and zoning part of the permit review process

#### Building Permits

1. Planning receives permits submitted to the building department.
2. Plans are reviewed and comments issued typically within 7-10 business days, depending on the type of permit. If a permit cannot be approved, comments are issued specific to any deficiencies.
3. Permit plans that need to be resubmitted to address previously issued comments become part of a new review cycle.
4. If the permit is not approved after a 3rd review, a mandatory meeting is set up by the building department to discuss pending corrections with all disciplines that have not yet approved the permit.
5. For permits within local historic districts, the property is required to be posted for 15 days, prior to approval of the permit.

#### Planning (PZ) Permits

NOTE: PZ permits are for work regulated by the Land Development Regulations of the City Code (LDRs) that does not require a Building Permit.

1. PZ permits are routed directly to Planning.

2. Plans are reviewed and comments issued typically within 7-10 business days, depending on the type of permit. If a PZ permit cannot be approved, comments are issued specific to any deficiencies.
3. Plans and additional exhibits that need to be resubmitted to address previously issued comments become part of a new workflow for review.
4. For PZ permits within local historic districts, the property is required to be posted for 15 days, prior to approval of the permit.
5. Once all comments are addressed the PZ permit is approved.
6. Upon completion of the work on site, an inspection is requested by the applicant.

One of the factors resulting in extended review time for permits is the complexity of the LDRs. The following are areas of the LDRs, specific to single family home regulations, which could be simplified:

#### Permanent Fences

The LDR's could be amended so that there is a uniform standard for the maximum height of permanent fences. Specifically, fence heights should be measured from existing or proposed yard elevations, and the overall height should be reflective of the actual yard elevation.

#### Required Setbacks for Second Floor

Currently, when a 2-story home exceeds 25% lot coverage, the second level of the home must incorporate minimum setbacks from the first level. This requirement could be further simplified.

#### Habitable projections for architecturally significant homes

Allow any habitable projection with a minimum 5'-0" setback along interior side and rear yards without a 25% maximum projection.

#### Retaining Walls

Adjust those sections specific to retaining walls, where they overlap maximum fence height and maximum yard elevation requirements.

#### General Regulations

While more comprehensive, a more straightforward set of regulations that relies less on allowable encroachments and exceptions to setbacks, unit size and lot coverage. Instead, an outer limit pertaining to setbacks, lot coverage and unit size could be established, that removes sometimes overlapping and complex rules for setback encroachments and exceptions to unit size and lot coverage.

If there is consensus on these, or other potential amendments, a draft ordinance can be prepared for further discussion by the LUSC at a later date, or for referral to the Planning Board by the City Commission.

### **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**

Not Applicable

**CONCLUSION**

The Administration recommends that the LUSC endorse the proposed amendment to the LDRs and recommend that the City Commission refer a draft ordinance to the Planning Board.

**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**

Discuss And Review Planning/Zoning Restrictions That Delay The Permit Process And Consider Possible Amendments.