

Accessibility Ramps in Single Family Districts

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, AT CHAPTER 7, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” ARTICLE 2, “DISTRICT REGULATIONS,” SECTION 7.2.2, ENTITLED “RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS,” TO AMEND THE DEVELOPMENT REGULATIONS FOR ACCESSIBILITY WALKWAYS AND RAMPS IN SINGLE-FAMILY DISTRICTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Miami Beach Comprehensive Plan and Land Development Regulations seek to ensure equal access to all single-family housing; and

WHEREAS, the City of Miami Beach (the “City”) finds that there is a need to further enhance access to single-family homes built prior to October 30, 2024; and

WHEREAS, due to current zoning requirements, it may be difficult to make an existing single family home accessible with the addition of an accessibility ramp; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 7 of the Miami Beach Resiliency Code, entitled “Zoning Districts and Regulations,” Article 2, “District Regulations,” is hereby amended as follows:

CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

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ARTICLE 2. DISTRICT REGULATIONS

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7.2.2 RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS

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7.2.2.3 Development Regulations (RS)

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b. The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

1. The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building

height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

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DEVELOPMENT REGULATIONS TABLE (RS)		
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<p>(5) If an Understory is not provided, at least 50 percent (50%) of the required front yard and side facing a street yard areas (including portions of the rear and front yards) shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than 5 feet to the front of the building. When a pool is located in the side yard, facing a street the area of the water may count as part of the open space.</p> <p>In the event that an existing single-family home has an abutting street raised pursuant to an approved city project, and such home was previously permitted with less than 50 percent (50%) of the required front yard area consisting of sodded or landscaped pervious open space, such property may retain the most recent, previously permitted pervious open space configuration, provided the front yard is raised to meet the new street elevation. However, in no instance shall less than 30 percent (30%) of the required front yard be sodded or landscaped pervious open space.</p> <p><u>Notwithstanding the above, for homes issued a certificate of occupancy or certificate of completion prior to October 30, 2024, the addition of one accessible ramp/walkway, not to exceed five feet (5') in width, leading from the front or street side property line to the first habitable level, shall be an allowable exemption to the minimum 50% pervious open space requirement.</u></p>		
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12. Allowable encroachments within required yards.

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- N. Projections.** Every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent (25%) of the required yard up to a maximum height of 6 feet, unless otherwise noted.

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XI. Walkways: Maximum 44 inches. May be increased to a maximum of 5 feet for those portions of walkways necessary to provide Americans with Disabilities Act (ADA)-required turn-around areas and spaces associated with doors and gates. Walkways in required yards may exceed these restrictions when approved through the design review or certificate of appropriateness procedure, as applicable, and pursuant to section 2.5.3, of this Code. Notwithstanding the foregoing, when required to accommodate ADA access to a single-family home in the RS district that was issued a certificate of occupancy or certificate of completion prior to

October 30, 2024, or an existing contributing building within a local historic district, or National Register District, an ADA walkway and ramp may be located within a front, street side or interior side yard, with no minimum setback, provided all of the following are adhered to:

1. The maximum width of the walkway and ramp shall not exceed 44 inches, and 5 feet for required ADA landings;
2. The height of the proposed ramp and landing shall not exceed the finished first floor of the building(s); and
3. The slope and length of the ramp shall not exceed that which is necessary to meet the minimum building code requirements.
4. Additionally, subject to the approval of the design review board or historic preservation board, as applicable, an awning may be provided to protect users of the ADA walkway and ramp from the weather.

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SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2024.

ATTEST:

Rafael E. Granado, City Clerk

First Reading: July 24, 2024
Second Reading: October 30, 2024

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

Steven Meiner, Mayor

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney NK

11/5/2024
Date