

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members
FROM: Eric Carpenter, City Manager
DATE: May 8, 2025
TITLE: DISCUSS UPDATES TO THE RESILIENCY CODE

RECOMMENDATION

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the attached ordinance, as well as the additional amendments to the Land Development Regulations of the City Code (LDRs) proposed herein, and recommend that the City Commission refer an updated ordinance to the Planning Board.

BACKGROUND/HISTORY

On February 3, 2025, at the request of Commissioner Alex Fernandez, the Mayor and City Commission (City Commission) referred an item pertaining to periodic updates to the Resiliency Code (C4 S) to the LUSC.

ANALYSIS

On February 1, 2023, the City Commission adopted the Resiliency Code (Ordinance No. 2023-4537), which updated and amended the LDRs. The Resiliency Code took effect on June 1, 2023, and one of the new components was the creation of a provision for periodic updates to the code. To this end, section 2.3.1 of the Resiliency Code provides the following:

2.3.1 PERIODIC REVIEW

It shall be the duty of the planning board and the board of adjustment, in cooperation with the planning director and the city attorney to continuously review the provisions and the regulations in these land development regulations, including the district maps, and the comprehensive plan and from time to time, to offer recommendations to the city commission as to the sufficiency thereof, in accomplishing the development plans of the city.

Consistent with section 2.3.1, applicable provisions of the Resiliency Code were reviewed with the Board of Adjustment (BOA) on September 6, 2024, and the Planning Board on September 24, 2024. Pursuant to these discussions, the attached draft ordinance has been prepared, and is summarized hereto:

Definitions

- Clarify that the definition of 'yard' (front and side) includes for corner lots with radial corners, the front setback and the side setback facing the street shall be taken from the midpoint of the curve of the corner of the property.
- Modify the definition of 'high albedo surface' to include specific colors that reflect sunlight in the rating standard.

- Clarify the definition of 'lot' to clearly specify that a lot must meet applicable zoning requirements for a use.

Use Clarifications and Updates

- Clarify that outdoor commercial recreation is permitted in commercial districts.
- For clarity purposes, prohibited and allowable accessory uses are now included within the applicable zoning district tables.
- Providing improved uniformity in use tables in all zoning districts.
- Providing additional clarity to uses permitted in the Government Use (GU) and Light Industrial (I-1) districts.
- Updating the sidewalk cafe definition to clarify that sidewalk cafés are administered under the sidewalk café concession program.
- Clarify that hotel occupancy limits are applicable to the C-PS1 and MXE districts

Allowable Yard Encroachments

- Add bicycle parking as an allowable yard encroachment (up to 25%) in non-single-family districts.
- Add art installations as an allowable yard encroachment in non-single-family districts.
- Clarify that allowable marine structure projections are specific to the parallel extension of the side property lines seaward of the seawall, and that the regulatory requirements for all seaward projections are subject to County approval.

Planning (PZ) Permits

- A definition for 'planning and zoning' (PZ) permit has been created. This permit is for improvements that are subject to the provisions in the LDRs but do not require a building permit.
- Clarify that required landscaping must obtain a PZ permit if the proposed improvements are not subject to a building permit.
- Clarify that a paint permit is not required when painting up to 25% of a building and using pre-approved colors.

Residential Single-Family Districts (RS 1-4)

- Clarify the height limit of single-story homes in the development regulations table.
- Clarify that pools and ponds are permitted within an understory area.
- Clarify the minimum front yard setback requirements for the first and second floors of new homes.
- Clarify that there is a minimum clearance of 7 feet and a maximum height of 9 feet for carports.
- Clarify the requirements for porches, platforms, and terraces within required yards.

- Clarify that swimming pools have a minimum front setback of 20 feet, including the pool deck.
- Clarify that interior side yard fence heights are measured from the future crown of road.
- Allow for up to 1 foot of insulation for roof drainage as an allowable height exception on all homes.

Parking

- Clarify the parking requirement for restaurant areas not used for seating refers to public areas intended for patrons to stand, such as bar areas or dance floors.
- Clarify that fractional rounding is rounded up to the nearest whole number for proposed uses and credits.

Hearing Procedures/Appeals

- The quasi-judicial procedure in the Resiliency Code have been reconciled with Chapter 2 of the City Code by replacing “Special Master” with “Special Magistrate”.

Amendment Process

- Increase the timeframe for the planning board to hold a public hearing on an amendment application from the current 60 days to 120 days.
- Increase the timeframe that an ordinance transmitted by the planning board must be placed on a City Commission agenda from 30 days to 120 days.

Signage

- Clarify that real estate signs do not require PZ Permit, but must comply with the requirements set forth in the temporary signs section.

General Updates

- Clarify that the residential first habitable level standards in Chapter 7, Article I, are specific to non-single-family homes.
- Allow for up to 1 foot of insulation for roof drainage as an allowable height exception.

SUMMARY

In addition to the amendments in the attached draft ordinance, the Administration recommends the following additional clarifying amendments:

1. In Chapters 2 and 7, clarify that notices for DRB Advisory Review and GU Waivers can be through the Miami-Dade website, consistent with other land use board applications, as follows:

Chapter 2 Article V

2.5.3.2 Applicability

* * *

b. Advisory review. The design review board shall be required to review certain specified city neighborhood projects, stormwater pump stations, and related apparatus (which are otherwise exempt from design review, in a non-binding, advisory capacity, and provide

written recommendations on such projects to the city commission, subject to the following regulations:

* * *

6. Notice. The advisory review by the design review board shall be noticed by ~~publication in a newspaper of general circulation on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes~~ at least 15 days in advance of the meeting. Additionally, for stormwater pump stations and related apparatus, notice shall be posted on the land subject to the application, and mailed to owners of record of land lying within 375 feet of the land pursuant to section 2.2.4.1.

Chapter 7 Article II

7.2.16.3 Development Regulations (GU)

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- h. When a public hearing is required to waive development regulations before the city commission, the public notice shall be ~~advertised in a newspaper of general paid circulation in the city~~ on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes, at least 15 days prior to the hearing. Fifteen days prior to the public hearing date, both a description of the request and the time and place of such hearing shall be posted on the property, and notice shall also be given by mail to the owners of land lying within 375 feet of the property. A five-sevenths vote of the city commission is required to approve a waiver or use that is considered under this regulation.
2. To better address evolving minimum base flood elevation requirements in non-single family home districts, additional clarifying text in Chapter 7 should be developed to address the minimum height of the first habitable floor from base flood elevation plus minimum freeboard.
3. In Chapter 7, clarify that the minimum ground elevation for understory buildings in multifamily districts is the future crown of the road elevation.
4. In Chapter 7, develop criteria specific to the RS districts for air conditioners to be located closer than 5 feet to a setback line when a building has non-conforming setbacks and there are no practical alternatives.
5. In Chapter 7, establish standards for outdoor commercial recreation, by creating section 7.5.4.14 under the supplementary use regulations as follows:

7.5.4.14 Outdoor commercial recreation.

Outdoor commercial recreation shall comply with the following general provisions:

- a. Outdoor commercial recreation shall only be permitted in the following zoning districts: CD-2, CD-3, C-PS2, C-PS3, C-PS4, TC-2, TC-3, TC-C, and I-1.
- b. Outdoor commercial recreation shall be permitted on the ground level, rooftops.
- c. Outdoor commercial recreation shall be subject to the review and approval of the historic preservation board or design review board, as applicable, subject to the certificate of appropriateness or design review criteria, as applicable.
- d. When located on a rooftop, the establishment shall be subject to the applicable maximum height limitation and allowable height exceptions of the underlying zoning district and applicable overlays.
- e. When located on the ground level, the establishment shall be subject to the following:
 1. The ground shall be raised at a minimum to the future crown of road elevation.
 2. The maximum height of fences shall be 10 feet and the fences shall be set back at least 10 feet from all property lines.

3. *Accessory lighting fixtures, when customarily associated with the use of the outdoor commercial recreation establishment, shall be erected so as to direct light only on the premises on which they are located. The maximum height of light fixtures shall not exceed 10 feet when located in a required yard; otherwise, the maximum height shall not exceed 20 feet. Light is permitted to be cast on any public right-of-way.*
4. *All chainlink fences shall be coated with green, brown or black materials.*
5. *Fences shall be substantially screened from view from adjacent properties, public rights-of-way, and waterways by landscape materials.*
6. *Landscaping, when associated with tennis courts, shall be allowed to equal the height of the fence. The area between the tennis court fence and the front lot line shall be landscaped and approved by the planning and zoning director prior to the issuance of a building permit.*

If there is consensus on these proposed additional amendments, an updated draft ordinance can be prepared, for referral by the City Commission to the Planning Board.

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 attached draft ordinance, as well as the additional amendments to the LDRs proposed herein, and recommend that the City Commission refer an updated 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 Alex Fernandez

Co-sponsor(s)

Condensed Title

Discuss Updates to the Resiliency Code