

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: May 8, 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. On February 20, 2025, the LUSC discussed and continued the item to a future LUSC meeting, with direction to staff to prepare draft text amendments in accordance with the applicable recommendations in the LUSC memorandum.

### **ANALYSIS**

As noted in the attached referral memorandum, 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.

### **UPDATE**

Pursuant to the direction of the LUSC at the February 20, 2025, meeting, the following are draft amendments to Chapter 7 of the LDRs:

#### Required Setbacks for Second Floor of Single Family Homes

Currently, when a 2-story home exceeds 25% lot coverage, the second level of the home must incorporate minimum setbacks from the first level. The following draft amendment simplifies this requirement as follows:

##### *Section 7.2.2.3.b.2*

*B. For two story homes with an overall lot coverage of 25 percent (25%) or greater, the following additional requirements shall apply to the enclosed second floor (including any portion of the enclosed home above a height of 18 feet as measured from base flood elevation plus freeboard):*

- I. At least 35 percent (35%) of the enclosed second floor along the front elevation shall be set back a minimum of 5 feet ~~from the minimum required setback~~ 35'-0" from the front property line.*
- II. At least ~~35~~ 50 percent (35%) (50%) of the enclosed second floor along a side elevation facing a street shall be set back ~~a minimum of~~ an additional 5 feet from the minimum required setback.*

*The DRB or HPB may forego these requirements, in accordance with the applicable design review or appropriateness criteria.*

#### Habitable projections for architecturally significant homes

The following draft amendment would allow a habitable projection with a minimum 5'-0" setback along the interior side and rear yards without being limited by a 25% maximum projection:

##### *Section 7.2.2.4.b.4.A.*

*VIII. Projections. Habitable one or two-story additions to, as well as the relocation of, architecturally significant structures, may project into a required rear or interior side yard ~~for with a minimum setback of 5'-0" distance~~. Along the street side and rear waterfront, habitable projections shall not to exceed 25 percent (25%) of the required yard, up to the following maximum projections:*

- ~~1. Interior side yard: 5 feet~~*
- 2. Street side yard: 7 feet 6 inches.*
- 3. Rear yard waterfront: 15 feet.*

As it pertains to potential adjustments to those sections of the LDRs specific to retaining walls, after reviewing these regulations in comparison to the current fence height and maximum yard elevation requirements, the Administration does not recommend modifying this section of the

code at this time.

If there is consensus on these amendments, a draft ordinance can be prepared 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.