

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: September 5, 2024

TITLE: AMEND DEFINITION OF "FLOOR AREA" TO EXEMPT UNISEX/GENDER-NEUTRAL RESTROOMS FROM THE DEFINITION OF "FLOOR AREA."

### **RECOMMENDATION**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the Mayor and City Commission (City Commission).

### **BACKGROUND/HISTORY**

On June 26, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred the item (C4 T) to the Land Use and Sustainability Committee (LUSC) and the LGBTQIA+ Advisory Committee.

As noted in the attached referral memo, the item sponsor has requested that the LUSC discuss 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 Floor Area Ratio (FAR) on the property.

### **ANALYSIS**

The following is a draft amendment to the General Definitions Section (1.2.1) of the Land Development Regulations of the City Code (LDRs):

*Floor area means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the exterior face of an architectural projection, from the centerline of walls separating two attached buildings. For the purpose of clarity, floor area includes, but is not limited to, stairwells, stairways, covered steps, elevator shafts at every floor (including mezzanine level elevator shafts), and mechanical chutes and chases at every floor (including mezzanine level).*

*For the avoidance of doubt, unless otherwise provided for in these land development regulations, floor area excludes only the spaces expressly identified below:*

- a. Accessory water tanks or cooling towers.*
- b. Uncovered steps.*
- c. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet six inches.*
- d. Terraces, breezeways, or open porches.*
- e. Floor space used for required accessory off-street parking spaces. However, up to a maximum of two spaces per residential unit may be provided without being included in the calculation of the floor area ratio.*

- f. *Commercial parking garages and noncommercial parking garages when such structures are the main use on a site.*
- g. *Mechanical equipment rooms located above main roof deck.*
- h. *Exterior unenclosed private balconies.*
- i. *Floor area located below grade when the top of the slab of the ceiling is located at or below grade. However, if any portion of the top of the slab of the ceiling is above grade, the floor area that is below grade shall be included in the floor area ratio calculation. Despite the foregoing, when the top of the slab of an existing ceiling of a partial basement is located above grade, one-half of the floor area of the corresponding floor that is located below grade shall be included in the floor area ratio calculation in the following instances:*
  - 1. *Existing contributing structures that are located within a local historic district, national register historic district, or local historic site.*
  - 2. *Structures located within Block 1 Properties as more specifically defined in section [7.2.15.3.f.1.D](#).*
- j. *Enclosed garbage rooms, enclosed within the building on the ground floor level.*
- k. *Stairwells and elevators located above the main roof deck.*
- l. *Electrical transformer vault rooms.*
- m. *Fire control rooms and related equipment for life-safety purposes.*
- n. *Secured bicycle parking.*
- o. *Restrooms permitted and maintained as either unisex or general neutral, as more specifically defined under the applicable building code.*

*Volumetric buildings, used for storage, where there are no interior floors, the floor area shall be calculated as if there was a floor for every eight feet of height.*

*When transfer of [development rights](#) are involved, see [chapter 2 article XIV](#) for additional regulations that address floor area.*

If there is consensus on the above noted draft amendment, a separate referral by the Mayor and City Commission to the Planning Board, to amend the LDRs, would be required.

### **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-notices/>

### **FINANCIAL INFORMATION**

N/A

### **CONCLUSION**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the Mayor and City Commission.

### **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**

Amend Definition Of "Floor Area" To Exempt Unisex/Gender-Neutral Restrooms From The  
Definition Of "Floor Area."