

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: May 21, 2025 9:55 a.m. First Reading Public Hearing

TITLE: INCREASED AND ENHANCED POROUS SURFACE REQUIREMENTS  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "MIAMI BEACH RESILIENCY CODE," BY AMENDING CHAPTER 5, ENTITLED "OFF-STREET PARKING," ARTICLE III, ENTITLED "DESIGN STANDARDS," SECTION 5.3.11, ENTITLED "PARKING LOT DESIGN STANDARDS," BY MODIFYING THE POROUS PAVEMENT REQUIREMENTS FOR SURFACE PARKING LOTS; BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," SECTION 7.2.2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY MODIFYING THE MINIMUM OPEN SPACE AND PERVIOUS AREA REQUIREMENTS IN SINGLE FAMILY DISTRICTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for July 23, 2025.

### **BACKGROUND/HISTORY**

On June 26, 2024, at the request of Commissioner Tanya K. Bhatt, the City Commission referred an item pertaining to the enhancement and expansion of pervious and porous area requirements (C4 V) to the Land Use and Sustainability Committee (LUSC). On July 9, 2024, the LUSC discussed and continued the item to the September 5, 2024, meeting with direction to the Administration to develop options in accordance with the following:

1. Increase and enhance porous attributes of driveways and walkways in residential districts.
2. Establishing minimum porous requirements in surface parking lots.
3. Explore the use of porous material within on-street parking spaces.
4. Increase and enhance water quality and water retention elements in residential districts.

On September 5, 2024, the item was deferred to a future LUSC meeting date, with no discussion. On October 14, 2024, the LUSC recommended that the City Commission refer an ordinance amendment to the Planning Board in accordance with the recommendations in the LUSC memo.

On November 20, 2024, at the request of Commissioner Tanya K. Bhatt, the City Commission referred the attached ordinance to the Planning Board (C4 M).

## **ANALYSIS**

### **Existing Requirements**

Pursuant to Chapter 5 of the Land Development Regulations of the City Code (LDRs), pertaining to off-street parking, open-air parking lots, including all parking spaces and drive lanes, must be constructed with one of the following:

1. A high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect; or
2. Porous pavement.

High albedo surface and porous pavement are defined as follows:

*High albedo surface* means a material that has a solar reflectance value of 0.65 or greater on the Solar Reflectance Index ("SRI"), consistent with the Cool Roof Rating Council Standard Product Rating Program Manual ("CRRC-1"), as may be amended from time-to-time.

*Porous pavement* means a pavement material that allows for water to drain through the pavement surface into the ground. Such pavement shall have a minimum of 20 percent of air content, or voids to allow for the water to drain.

Additionally, all parking lots must comply with the minimum landscaping requirements set forth in Chapter 4 of the Resiliency Code.

Pursuant to Chapter 7 of the of the LDRs, the following is required as it pertains to minimum open space and yard requirements in single family (RS) districts:

- 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.
- If an understory is provided, at least 70 percent (70%) of the required front yard and street side yard areas shall consist of sodded or landscaped pervious open space.
- At least 70 percent (70%) of the required rear yard shall be sodded or landscaped pervious open space.

Depending on the lot size, there are also minimum open space requirements in the residential multi-family districts.

### **Proposed Amendments**

The attached draft ordinance proposes to amend Chapters 5 and 7 of the LDRs, to increase and enhance porous area requirements for driveways and parking lots, as well as required yards in single family (RS) districts. The following is a summary of the proposed amendments:

#### **Section 5.3.11. Parking Lot Design Standards**

Open-air parking lots, open to the sky, must be constructed with the following:

1. A high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect shall be required on all non-landscape surfaces and areas that do not consist of porous pavement.
2. A minimum of 60% of all non-landscape surfaces and areas shall consist of porous pavement.

#### **Section 7.2.2.3 Development Regulations (RS)**

The following applies to all properties located in the RS-1, RS-2, RS-3, RS-4 single-family residential districts:

1. For non-understory (berm) homes, the minimum required pervious landscape area within a front yard and side facing a street yard has been increased from 50% to 70%. However, this pervious open space requirement may be less than 70%, but no less than 50%, if all driveways, paths, walkways and any other paved areas consist of porous pavers set in sand.
2. For understory homes, the current requirement for at least 70% of the required front yard and street side yard areas to consist of sodded or landscaped pervious open space remains. Additionally, allowable exterior walkways and driveways within the front and street side yards are now required to have porous pavers, set in sand, as opposed to consisting of semi-pervious material.
3. If a swimming pool or any other water feature is located in the side yard, facing a street the area of the water may not count as part of the open space.
4. At least 70% of the required rear yard shall be sodded or landscaped pervious open space and the water portion of a swimming pool may no longer count toward this requirement.

### Regulatory Review Changes

Currently, building permit applications, whether part of unincorporated Miami-Dade County, or a municipality, such as Miami Beach, are also reviewed by DERM (Department of Environmental Resources Management). This includes, but is not limited to, permits related to new construction, additions, interior remodeling, change of use, demolition, docks, sea walls, and pools. As part of an amended county ordinance, which was adopted by the County on September 4, 2024, DERM will also now be enforcing new pervious area requirements, in accordance with the amended county regulations.

Also, as of March 31, 2025, non-structural improvements, such as a concrete decks, pavers, or an extension of a pool deck, are now reviewed by DERM, in addition to the City of Miami Beach for consistency with city regulations. DERM will be reviewing all of these standalone application types, when not tied to a building permit, for compliance with the county's new pervious requirements.

All municipalities in the County, including Miami Beach, must provide confirmation that the city code meets the minimum standards of the county ordinance by December 31, 2025. If the municipalities do not meet the minimum county requirements, DERM will review the improvements noted above for consistency with the county requirements.

The following is an illustrative summary of the county's new requirements related to single family districts:

		Lots Less than 5,500 SF	Lot Larger than 5,500 SF
5 feet of pervious area setback on 3 sides of the property	6-inch-deep swale along the property perimeter	20% of pervious lot area	25% of pervious lot area
OR			
2.5 feet of pervious area setback on 2 sides of the property and 10 feet of pervious area setback on 1 side	6-inch-deep swale along the property perimeter	20% of pervious lot area	25% of pervious lot area



## **Swimming Pools**

While the water portion of swimming pools are counted toward the minimum pervious area requirements under existing regulations, they do not function as pervious surfaces. A pervious surface is defined as one that allows water to infiltrate into the ground, contributing to groundwater recharge and reducing surface runoff. However, swimming pools are impermeable structures that prevent water infiltration, effectively increasing runoff rather than mitigating it. Further, with the increasing frequency of heavy rainstorms, pools often fill quickly and overflow. Removing pools from pervious surface calculations reflects the functional reality of how they impact stormwater management and drainage.

Amending the regulations to exclude the water portions from swimming pools from pervious surface requirements also promotes more effective stormwater management and will encourage property owners to install pervious surfaces such as permeable pavers, gravel, or landscaped areas, which directly contribute to groundwater recharge and reduced runoff. This adjustment would enhance local flood control, improve water quality, and support environmental sustainability efforts.

Finally, the current inclusion of pools in pervious surface calculations creates confusion and inconsistency in the application of land-use and building regulations. Removing pools from the definition would provide clearer guidance to homeowners, builders, and regulatory authorities, ensuring more consistent enforcement and reducing the potential for disputes over compliance.

## **PLANNING BOARD REVIEW**

On January 7, 2025, the Planning Board reviewed the proposed ordinance and continued it to a date certain of February 4, 2025. On February 4, 2025, the Board continued the review to a date certain of March 4, 2025. On March 4, 2025, review of the ordinance was continued to a date certain of April 8, 2025.

On April 8, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0). The Board also recommended the following:

1. The following applicability section be included in the ordinance:

*This Ordinance shall not apply to land use board applications that paid an initial application fee, obtained a land use board file number, and presented a proposed design at a pre-application conference with Planning Department staff, or obtained a building permit process number no later than sixty (60) days following adoption.*

2. With the elimination of the allowance for the water portion of a pool to count towards the minimum landscape requirements in the rear yard, the Board recommended that an allowance be given for landscaped courtyards to help make up for deficiencies in the rear yard requirements.

The Administration is supportive of these recommendations, with some additional modifications as noted in the summary and conclusion.

## **SUMMARY**

Amending the current regulations to reflect the current requirements of Miami-Dade County and removing swimming pools from pervious surface calculations is a necessary step toward improving regulatory clarity, enhancing environmental protection, and supporting sustainable development. This adjustment would align local standards with best practices in stormwater management while giving property owners more effective tools to meet environmental and development goals.

As it pertains to the Planning Board recommendations, the Administration recommends the following:

1. The applicability provision be limited to applications that were in process prior to the transmittal date of the ordinance by the Planning Board. Additionally, this provision should be clarified so that it does not supersede County requirements.
2. The following additional text be added to Section 7.2.2.3 of the LDRs to provide an additional option for addressing pervious surface area in rear yards:

*The aforementioned sodded or landscaped pervious open space requirement may be reduced to less than 70 percent (70%) but shall be no less than 50 percent (50%), provided that additional sodded or landscaped pervious area is included along an interior or street side elevation, the area of which is equal to or greater than the deficiency in the 70% rear yard requirement.*

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

**If applicable, 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 the following:

1. The City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for July 23, 2025.
2. The ordinance shall be revised for Second Reading, with the following amendments noted in **bold**:

*7.2.2.3 Development Regulations (RS)*

\* \* \*

*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:*

\* \* \*

*(7) At least 70 percent (70%) of the required rear yard shall be sodded or landscaped pervious open space; the water portion of a swimming pool may not count toward this requirement; ~~when located above adjusted grade, the water portion of a swimming pool may count towards~~*

~~50 percent of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention. The aforementioned sodded or landscaped pervious open space requirement may be reduced to less than 70 percent (70%) but shall be no less than 50 percent (50%), provided that additional sodded or landscaped pervious area is included along an interior or street side elevation, the area of which is equal to or greater than the deficiency in the 70% rear yard requirement.~~

\* \* \*

**SECTION 6. APPLICABILITY.** *This Ordinance shall not apply to land use board applications that paid an initial application fee, obtained a land use board file number, and presented a proposed design at a pre-application conference with Planning Department staff, or obtained a building permit process number, prior to April 8, 2025. Notwithstanding the foregoing, this applicability section shall not supersede any requirements set forth in the Miami-Dade County Code.*

**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 Tanya K. Bhatt

**Co-sponsor(s)**

**Condensed Title**

9:55 a.m. 1st Rdg PH, Increased & Enhanced Porous Surface Requirements. (Bhatt) PL 5/7

**Previous Action (For City Clerk Use Only)**