



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Eric Carpenter, City Manager  
DATE: February 3, 2025  
TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE –  
RESILIENCY CODE UPDATES.

**RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) refer the item to the Land Use and Sustainability Committee (LUSC).

**BACKGROUND/HISTORY**

On February 1, 2023, the City Commission adopted the Resiliency Code (Ordinance No. 2023-4537), which updated and amended the Land Development Regulations of the City Code (LDRs). The Resiliency Code took effect on June 1, 2023.

On September 6, 2024, the Board of Adjustment (BOA) discussed proposed Resiliency Code updates and recommendations. On September 24, 2024, the Planning Board discussed proposed Resiliency Code updates and recommendations.

**ANALYSIS**

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 BOA on September 6, 2024 and the Planning Board on September 24, 2024. Pursuant to these discussions, the following updates and clarifications to the Resiliency Code are recommended:

**1. Definitions**

- Clarify “**Yard**” definition provide that “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.”
- Create definition for “Detached Building” – “Detached Building” includes “Detached Addition.”
- **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.

- **Cool pavement** means a paving material that has a high albedo surface and reflects more solar energy than standard paving materials, or that has been otherwise modified to remain cooler than conventional pavements.
- **Lot** means a parcel of land of at least sufficient size to meet minimum applicable zoning requirements for a use, minimum width, and area, and to provide such yards and other open spaces as are required in these land development regulations. Such lot shall have frontage on a public street, and may consist of:
  - a. A single lot of record;
  - b. A portion of a lot of record;
  - c. A combination of complete lots of record, and portions of lots of record; or of portions of lots of record;
  - d. A parcel of land described by metes and bounds."Lot" includes the word "plot" or "parcel" or "tract" or "site."

## 2. Use Clarifications

- Define Outdoor Commercial Recreation and clarify that it is permitted in commercial districts
- Clarify Accessory Uses by moving the district specific uses to applicable zoning districts
- Clarify districts that Nuisance Uses are not permitted in residential districts
- Provide greater uniformity in use tables in all zoning districts
- GU District – Clarify allowable government uses
- Provide additional clarity to Industrial Uses and Auto-Related Uses in the I-1 district
- Clarify that Sidewalk Café's are Sidewalk Café "Concession Program" Areas
- Clarify that hotel occupancy limits are applicable to C-PS1 and MXE districts

## 3. Yard Encroachments

- Clarify that "Central air conditioners, emergency generators, swimming pool equipment, and other mechanical equipment" are allowable yard encroachments for all districts; not just RM-1 and TH
- Clarify that Bicycle Parking is an allowable yard encroachment (25%) in non-single-family districts.
- Clarify that Art Installations are an allowable yard encroachment in non-single-family districts, subject to Design Review or COA approval.
- Clarify that Accessory building limits include walkways.
- Clarify Marine Structure regulations by clearly indicating that the seaward side yard shall consist of the parallel extension of the side property lines seaward of the seawall.

## 4. PZ Permits

- Define "Planning and Zoning (PZ) Permit" – a permit development related activities that do not require a building permit, but do require the approval from the Planning Director or designee.
- Landscaping – Clarify that landscaping that requires a permit not subject to a building permit can be authorized with a PZ Permit.
- Clarify that a paint permit is not required when painting up to 25% of the façade of a building or when using pre-approved colors.

## 5. RS-1, 2, 3, & 4 Residential Single-Family Districts

- Clarify height limit of Single Story Homes in Building Heights table
  - 18 feet in height for a flat roof structure and 21 feet for a sloped roof structure

- Understory homes clarify that pools and ponds can go in the understory
- Clarify that a 20' front yard setback for the 1<sup>st</sup> floor and a 40' front yard setback for the second floor is permitted for new construction.
- Move minimum floor-to-ceiling height that is applicable to single family ground floors in 7.1.2.2 to RS district.
  - Clarify that the minimum 12-foot floor-to-ceiling clearance is intended from BFE + 1.
- Carports - clarify that there is a minimum clearance of 7 feet and a maximum height of 9 feet.
- Clarify requirements for yard encroachments.
  - Remove "height" from the definition of projections
  - Porches, platforms and terraces up to the DFE up to BFE+5' instead of 30 inches above the yard elevation.
- SF front setback allow for 20' for 1<sup>st</sup> floor if 2<sup>nd</sup> floor setback 40' for new construction.
- Clarify that swimming pools have a minimum front setback of 20'.
  - Clarify that pool setbacks include the pool deck.
- Clarify that requirement for landscaped open space for water areas of a pool when located in a rear yard.
- Interior Side and Non-Waterfront Rear Yard Fence Heights measured from minimum required yard elevation.
- Allow for up to 1 foot of insulation for roof drainage as an allowable height exception.
- Incentives for Pre-1966 Architecturally Significant Homes:
  - Clarify that sum of side yards setback does not apply.
  - Clarify that allowable projections are not required to be habitable spaces and can include garages or carports.
  - Permit habitable projections to be detached from the main structure.
  - Simplify finalization requirements for architectural significance letters.

## 6. Parking

- Clarify that the parking requirement for restaurant areas not used for seating includes those 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.

## 7. Hearing Procedures/Appeals

- Reconcile the quasi-judicial procedure in the Resiliency Code with Chapter 2 of the City Code, where appropriate.
- Replace "Special Master" with "Special Magistrate".

## 8. Amendment Process

- Within ~~60~~ 120 days of receiving an application the [planning] board shall hold a public hearing. Within ~~30~~ 120 days from the close of the public hearing date that the board transmits the amendment to the City Commission the planning director shall ~~submit a report~~ place the amending ordinance on a City Commission agenda for first reading and include a summary of the board's recommendations on the proposal to the city commission.
- Within ~~60~~ 120 days of transmission of the recommendation of the planning board to the city commission, the commission shall consider the proposed amendment at first reading. At second reading, the city commission, at a public hearing(s), may adopt, adopt with changes, or deny the application. Notice of the public hearing(s) shall be provided as set forth in subsection 2.4.2.(d) for changes to the text of the land development regulations; and notice of the public hearing regarding proposed amendments to the city's comprehensive plan shall be in accordance with the applicable requirements of

chapter 163, Florida Statutes and the public participation procedures set forth in the city's comprehensive plan as they may be amended from time to time.

## **9. Signage**

- Clarify that Real Estate Signs do not require PZ Permit, though they must comply with the temporary signs section.
- Clarify the dimension requirements for wall signage by indicating that the minimum sign area allowed is not the minimum area required for wall signs.

## **10. General**

- Allow for up to 1 foot of insulation for roof drainage as an allowable height exception.
- Clarify supper club hours of operation.
- GU Scrivener's Error

After these, as well as any additional updates, are discussed by the LUSC, a draft ordinance will be prepared, for referral by the City Commission to the Planning Board.

### **FISCAL IMPACT STATEMENT**

Not Applicable

### **Does this Ordinance require a Business Impact Estimate?** (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 that the City Commission refer the item to the LUSC.

### **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**

Ref: LUSC - Resiliency Code Updates. (Fernandez) PL

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