

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: April 8, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

^{DS}
 For TRM

SUBJECT: **PB24-0734. Increase of Porous Surface Requirements**

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY

On June 26, 2024, at the request of Commissioner Tanya K. Bhatt, the Mayor and City Commission (City Commission) referred an item (C4 V), pertaining to the enhancement and expansion of pervious and porous area requirements to the Land Use and Sustainability Committee (LUSC). On July 9, 2024, the LUSC discussed and continued the item to the September 5, 2024, LUSC 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 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).

On January 7, 2025, the Planning Board reviewed the 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.

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not applicable – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Not applicable – The proposed Ordinance does not affect the overall scale of development.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed amendment does not increase loads on public facilities or infrastructures.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not applicable – The proposed change does not modify existing district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The proposed change is necessary in order to minimize storm water runoff and reduce flooding.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not increase traffic congestion.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The proposed change will not reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change will not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change will not be a deterrent to the improvement or development of adjacent properties.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

1. **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

2. **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Consistent – The proposal will increase the resiliency of the City.

3. **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

Consistent – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

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.

The attached draft ordinance proposes to amend Chapters 5 and 7 of the LDR's, 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 is required for the RS-1, RS-2, RS-3, RS-4 single-family residential districts:

Non-Understory (Berm) Homes

1. 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. If a swimming pool or any other water feature is located in the side yard, facing a street the area of the water may no longer count as part of the open space.

3. In the event that an existing single-family home has an abutting street raised pursuant to an approved city project, and such home was previously permitted with less than 50 percent (50%) of the required front yard area consisting of sodded or landscaped pervious open space, such property may retain the most recent, previously permitted pervious open space configuration, provided the front yard is raised to meet the new street elevation. However, in no instance shall less than 30 percent (30%) of the required front yard be sodded or landscaped pervious open space.

Understory Homes

1. 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.

2. 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.

3. 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.

UPDATE (April 8, 2025)

When the proposed ordinance was initially reviewed by the Planning Board on January 7, 2025, concerns were raised by the public and some Board members regarding the proposal to no longer allow pools to count as part of the minimum pervious landscape area requirements. General changes to County review requirements were discussed as part of the reason for this change, and action on the ordinance was continued so that details of the county requirements could be provided.

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.

Currently, non-structural improvements, such as a concrete deck, pavers, or an extension of a pool deck, are not reviewed by DERM, but are reviewed by Miami Beach for consistency with city regulations. Starting March 31, 2025, 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.

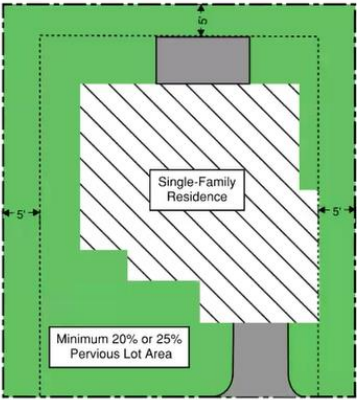
Below is a summary of the county’s new requirements related to single family districts:

Section 24-42.8(4)(b)(i)

Single Family and Duplex Residences Stormwater Quantity

The following is considered equivalent to the **25-year/10-minute storm event** with zero off-site discharge.

		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



Included as an online supplement to this staff report, is an 87-page Miami Dade Commission Memo, dated May 21, 2024. Staff has highlighted the portions of this document that are directly related to the city’s proposed amendments to pervious surface requirements. For the reasons outlined below, pools, when located in a required rear yard or side yard facing a street, should not be counted as part of the required pervious landscaped area.

While 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 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.

SUMMARY

Amending the current regulations to reflect updated county requirements and removing 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.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance to the City Commission with a favorable recommendation.

Increased and Enhanced Porous Surface Requirements

ORDINANCE NO. _____

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.

WHEREAS, the Mayor and City Commission desire to amend the current requirements in the Land Development Regulations pertaining to porous areas and open space; and

WHEREAS, increasing the size of porous and landscaped areas for residential properties and surface parking lots is an important component of the City’s resiliency strategy; and

WHEREAS, strengthening the City’s porous area requirements for residential properties and surface parking lots promotes the general health, safety and welfare of the residents of the City; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 5 of the Miami Beach Resiliency Code, entitled “Off-Street Parking,” Article III, entitled “Design Standards,” is hereby amended as follows:

CHAPTER 5 OFF-STREET PARKING

* * *

ARTICLE III. DESIGN STANDARDS

* * *

SECTION 5.3.11. PARKING LOT DESIGN STANDARDS

Main use commercial and noncommercial parking lots shall be located on a separate lot, and shall be subject to the following regulations in addition to the other regulations of this article:

* * *

c. Open-air parking lots, open to the sky, shall ~~be constructed~~ comply with the following requirements:

1. ~~A a high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect, or shall be required on all non-landscape surfaces and all 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.

The provisions of this ~~paragraph subsection~~ (c) shall apply to all parking areas, and all drive lanes and ramps in open-air parking lots that are open to the sky.

SECTION 2. Chapter 7 of the Miami Beach Resiliency Code, entitled “Zoning Districts and Regulations,” Article II, entitled “District Regulations,” is hereby amended as follows:

CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II – DISTRICT REGULATIONS

* * *

7.2.2 RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS

* * *

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:*

* * *

(5) If an Understory is not provided, at least 70 percent (70%) ~~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. 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 all driveways, paths, walkways and any other paved areas

~~consist of pavers set in sand, which allow water to percolate and infiltrate into the soil below. With the exception of driveways and paths leading to the building, paving may not extend any closer than 5 feet to the front of the building. When a pool~~ 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 required open space.

In the event that an existing single-family home has an abutting street raised pursuant to an approved city project, and such home was previously permitted with less than 50 percent (50%) of the required front yard area consisting of sodded or landscaped pervious open space, such property may retain the most recent, previously permitted pervious open space configuration, provided the front yard is raised to meet the new street elevation. However, in no instance shall less than 30 percent (30%) of the required front yard be sodded or landscaped pervious open space.

(6) 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. For purposes of this section, the required front yard shall be the same as the required front setback of the principal structure. All allowable exterior walkways and driveways within the front and street side yards shall consist of pavers set in sand, which allow water to percolate and infiltrate into the soil below or other semi-pervious material. The use of concrete, asphalt or similar material for walkways, driveways, or paths within the required front or street side yards shall be prohibited. 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 required open space.

(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.~~

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect sixty (60) days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: _____, 2025

Second Reading: _____, 2025

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

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