

Increasing and Enhancing Porous Surface Requirements for Parking Lots and Driveways

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 City Code pertaining to porous areas and open space; and

WHEREAS, increased porous and landscape areas for residential properties and surface parking lots is an important component of the city’s resiliency strategy; and

WHEREAS, increasing 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**

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ARTICLE III. DESIGN STANDARDS

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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 with the following:

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 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 shall apply to all parking areas, and all drive lanes and ramps.

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**

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ARTICLE II – DISTRICT REGULATIONS

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

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7.2.2.3 Development Regulations (RS)

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b. The development regulations 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 less than 70 percent (70%), but no less than 50 percent (50%), provided all driveways, paths, walkways and any other paved areas consist of pavers set in sand, which have water percolation attributes. 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 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 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 have water percolation attributes ~~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 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: February____, 2025

Second Reading: April____, 2025

Verified By: _____

Thomas R. Mooney, AICP
Planning Director

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