

Understory Requirements in Single Family Districts
(Amended for Second Reading)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, 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,” AT SUBSECTION 7.2.2.3, ENTITLED “DEVELOPMENT REGULATIONS (RS),” TO AMEND THE REQUIREMENTS FOR UNDERSTORY HOMES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, in 2023, the City Commission adopted comprehensive updates to the Land Development Regulations of the City Code (LDRs) and established the City’s first Resiliency Code to enhance community sustainability and resilience; and

WHEREAS, although the proposal for administrative review of understory homes was not included in the final adoption of the updated LDRs, the City Commission approved an increase in the allowable height for these homes up to 31 feet, ensuring climate-responsive ceiling heights; and

WHEREAS, the proposed amendment to Section 7.2.2.3 of the LDRs eliminates mandatory DRB or HPB approval for understory homes, while still requiring DRB review for applications seeking waivers or variances; and

WHEREAS, the amendment clarifies maximum height allowances for understory homes based on specific zoning districts and maintains consistency with previous DRB approvals; and

WHEREAS, the existing development regulations provide a foundational framework for new construction, ensuring that the DRB process allows for community input on waivers and variances, thus protecting neighborhood integrity; and

WHEREAS, detailed regulations governing understory homes ensure that any deviations from the established requirements necessitate DRB review, thereby upholding standards while promoting flexibility in design; and

WHEREAS, enabling administrative review for compliant understory homes is expected to increase the adoption of this design type and significantly advance the City’s resiliency goals and objectives; and

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

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

SECTION 1. Chapter 7 of the Resiliency Code, 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,” at Sub-Section 7.2.2.3, entitled “Development Regulations (RS),” is hereby amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

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ARTICLE II. DISTRICT REGULATIONS

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SECTION 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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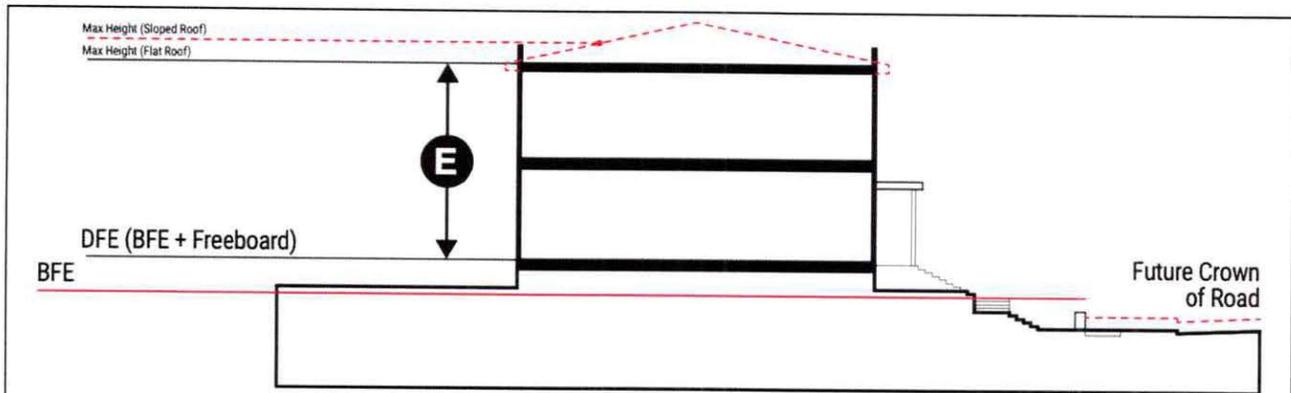
b. The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

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:*

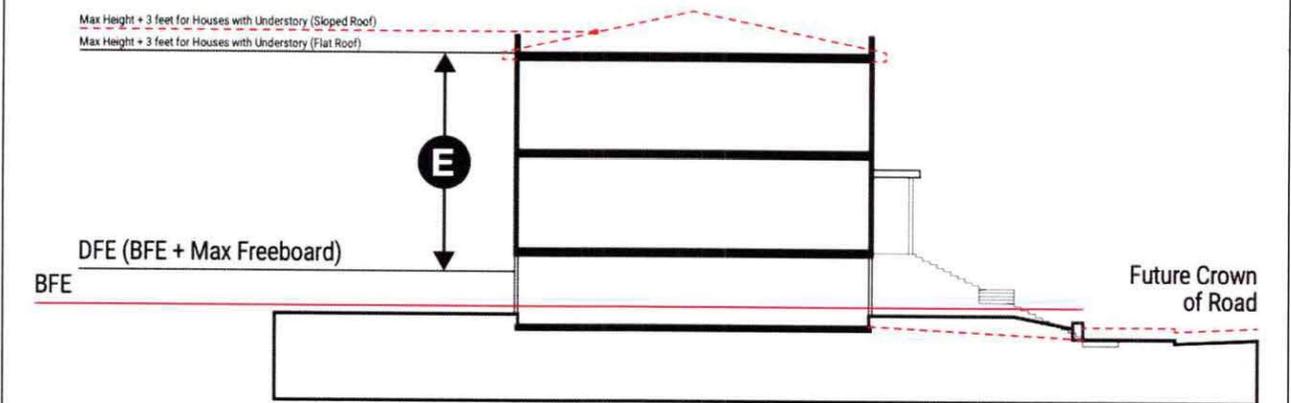
DEVELOPMENT REGULATIONS TABLE (RS)

* * *

BUILDING HEIGHT	RS-1	RS-2	RS-3	RS-4
Maximum Height (stories)	2 stories			
Maximum Height (feet) (3) (8) (4) No Understory	28 feet - flat roofs (3) (8) 31 feet – sloped roofs (3) (8)		24 feet – flat roofs (3) (4) (8) 27 feet – sloped roofs (3) (4) (8)	24 feet – flat roofs (3) (8) 27 feet – sloped roofs (3) (8)
Maximum Height (feet) (3) (4) Understory Home	31 feet - flat roofs 34 feet – sloped roofs (8)		28 feet – flat roofs (7) 31 feet – sloped roofs (7)(8)	28 feet – flat roofs 31 feet – sloped roofs



NO UNDERSTORY



WITH UNDERSTORY

- (1). Except those lots fronting on a cul-de-sac or circular street as defined in lot width.
- (2). Single story homes shall follow the requirements of section 7.2.2.3.b.7.B.
- (3). Height shall be measured from the required base flood elevation for the lot, plus freeboard. (See Height of Building definition). Single story homes shall follow the requirements of section 7.2.2.3.b.7.B.
- (4). **Height variances shall be prohibited. However, an additional three (3) feet in overall height, above the maximum permitted height above, may be May be increased up to 28 feet for flat roofs and 31 feet sloped roofs when** approved by the Design Review Board (DRB) or Historic Preservation Board (HPB), in accordance with the applicable design review or appropriateness criteria.
- (5). If an Understory is not provided, 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. 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 is located in the side yard, facing a street the area of the water may count as part of the open space. Understory homes shall comply with the Understory Level Standards as outlined in subsection 7.2.2.3(b)(6)

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 or other semi-pervious material. The use of concrete, asphalt or similar material within the required front or street side yards shall be prohibited.~~

~~(7). (6) 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 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.~~

~~(8). (7) The Design Review Board (DRB) or Historic Preservation Board (HPB), as applicable, may approve Understory areas. For RS-3 zoned properties, with a minimum lot size of 18,000 square feet, the maximum height is increased to 31 feet for flat roofs and 34 feet for sloped roofs. If an Understory is provided, then the maximum height is increased to 31 feet for flat roofs and 34 feet for sloped roofs.~~

(8) For single family homes utilizing an understory, if any portion of the home or any accessory structure utilizes a sloped roof, approval of the home by the DRB or HPB, as applicable, shall be required, regardless of building height.

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6. *Understory Level Standards*

The following regulations shall apply to on-air conditioned Understory space located below minimum flood elevation, plus freeboard; ~~shall require Design Review Board (DRB) or Historic Preservation Board (HPB) approval, as applicable.~~ The following regulations shall also apply ~~to the understory area(s)~~ Except as otherwise provided in this Code, homes with understories may be approved administratively, as provided herein:

- A. Understory area(s) shall be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage. Such areas shall be designed and maintained to be free of obstructions and shall not be enclosed and/or air-conditioned at any time, with the exception of limited access areas to the first habitable floor. However, understory area(s) below the lowest habitable floor can utilize non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments, provided they are open a minimum of 50 percent (50%) on each side.
- B. All unenclosed, non-air-conditioned areas located directly below the first habitable floor shall not count in the unit size calculations.
- C. Understory building access. Enclosed, air-conditioned elevator and stair vestibules, for access to the first habitable level of the home, shall be permitted under the first habitable floor and shall be located as close to the center of the floor plan as possible and be visually recessive such that they do not become vertical extensions of exterior

building elevations. The total area of enclosed and airconditioned building access shall be limited to no greater than 5 percent (5%) of the lot area. All airconditioned floor space located directly below the first habitable floor shall count in the total unit size calculations.

- D. Enclosed, non-air-conditioned areas, for parking and storage, may be permitted and shall not count in the unit size calculations, provided such areas do not exceed 600 square feet. Any portion of such enclosed parking and storage area exceeding 600 square feet shall count in the unit size calculations.
- E. All parking, including required parking, shall be provided within the understory area, and shall be clearly delineated by a different surface finish or bollards. No parking or vehicle storage shall be permitted within a required yard, unless approved by the DRB or HPB, in accordance with the applicable design review or certificate of appropriateness criteria.
- F. A continuous soffit shall be lowered a minimum of 2 feet from the lowest slab of the first level above the understory area in order to screen from view all lighting, sprinkler, piping, plumbing, electrical conduits, and all other building services, unless concealed by other architectural method(s).
- G. Understory ground elevation **and minimum height**. The minimum elevation of the understory ground shall be constructed no lower than future crown of road as defined in chapter 54, of the city Code. **Additionally, a minimum height of nine (9) feet to the bottom of the first habitable floor of the home shall be required.** All portions of the understory area that are not air-conditioned shall consist of pervious or semi-pervious material, such as wood deck, gravel or pavers set in sand. Concrete, asphalt and similar material shall be prohibited within the non-air-conditioned portions of the understory area.
- H. Understory edge. All allowable decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments located in the understory area shall be set back a minimum of 5 feet from each side of the underneath of the walls of the first habitable floor above, with the exception of driveways and walkways leading to the property, and access walkways and/or steps or ramps for the front and side area. The front and side understory edge shall be designed to accommodate on-site water capture from adjacent surfaces and expanded landscaping opportunities from the side yards.
- I. **Roof insulation. For flat roofs, up to twelve (12") inches of insulation shall be an allowable height exception and may be located above the roof slab. Portions of insulation exceeding twelve (12") inches above the roof slab shall be included in the overall height of the home.**
- J. **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 or other semi-pervious material. The use of concrete, asphalt or similar material within the required front or street side yards shall be prohibited.**
- K. **For single family homes utilizing an understory, the applicant shall mount a laminated posting, in a form prescribed by the planning director, at the front of the property in a manner and location clearly visible from the public right-of-way, indicating that an application for a home utilizing an understory has been filed. At a minimum, such posting shall include a description of the application, as well as contact information for the property owner.** The applicant shall provide evidence to the planning director that the posting has been installed on site prior to the issuance of a

building permit. The posting shall be for informational purposes only and the validity of any building permit shall not be affected by any failure to mount or continuously maintain the posting.

SECTION 2. REPEALER.

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

SECTION 3. 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 4. SEVERABILITY.

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

SECTION 5. 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 before October 29, 2024.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of 2025.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney NK

1/22/2025
Date

First Reading: November 20, 2024
Second Reading: February 3, 2025

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