



# MIAMIBEACH

## PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: [www.miamibeachfl.gov/planning](http://www.miamibeachfl.gov/planning)

### LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

<b>Application Information</b>			
FILE NUMBER PB24-0718		Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report)	
<b>Board of Adjustment</b> <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision <input type="checkbox"/> Modification of existing Board Order		<b>Design Review Board</b> <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<b>Planning Board</b> <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Lot Split <input checked="" type="checkbox"/> Amendment to the Land Development Regulations or Zoning Map <input type="checkbox"/> Amendment to the Comprehensive Plan or Future Land Use Map <input type="checkbox"/> Modification of existing Board Order		<b>Historic Preservation Board</b> <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic District/Site Designation <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<input type="checkbox"/> <b>Other:</b>			
<b>Property Information – Please attach Legal Description as "Exhibit A"</b>			
ADDRESS OF PROPERTY N/A			
FOLIO NUMBER(S)			
<b>Property Owner Information</b>			
PROPERTY OWNER NAME N/A			
ADDRESS		CITY	STATE
			ZIPCODE
BUSINESS PHONE		CELL PHONE	EMAIL ADDRESS
<b>Applicant Information (if different than owner)</b>			
APPLICANT NAME City of Miami Beach			
ADDRESS 1700 Convention Center Drive		CITY Miami Beach	STATE FL
			ZIPCODE 33139
BUSINESS PHONE 3056737550		CELL PHONE	EMAIL ADDRESS N/A
<b>Summary of Request</b>			
PROVIDE A BRIEF SCOPE OF REQUEST SEE AFFIDAVIT			

<b>Project Information</b>			
Is there an existing building(s) on the site?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.		SQ. FT.	
Provide the gross floor area of the new construction (including required parking and all usable area).		SQ. FT.	
<b>Party responsible for project design</b>			
NAME		<input type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE      ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
<b>Authorized Representative(s) Information (if applicable)</b>			
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE      ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE      ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE      ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

**Please note the following information:**

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

**Please read the following and acknowledge below:**

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
  - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☐ Owner of the subject property    ☒ Authorized representative

**SIGNATURE**

David Martinez

**PRINT NAME**

**DATE SIGNED**



**AFFIDAVIT**

I, David Martinez, being duly sworn, depose and say that I am the (Interim Assistant) City Manager of the City of Miami Beach and as such, have been authorized by the city, to file the following application for a Planning Board public hearing:

**PB24-0718. UNDERSTORY AND HEIGHT REQUIREMENTS IN SF DISTRICTS. 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.**

This instrument is executed pursuant to the requirements of the Planning Department and attests to the accuracy of the above statement. Execution hereof does not constitute approval or disapproval of the application which it addresses.

  
\_\_\_\_\_  
INTERIM ASSISTANT CITY MANAGER'S SIGNATURE

STATE OF FLORIDA )

) SS

COUNTY OF MIAMI-DADE)

Sworn to and subscribed before me this 7 day of October, 2024. The foregoing instrument was acknowledged before me by David Martinez, who is personally known to me and who did/did not take an oath.

My commission expires: 1/8/27

  
\_\_\_\_\_  
NOTARY PUBLIC  
STATE OF FLORIDA  
(Type, print or stamp name)

# MIAMIBEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: October 29, 2024

FROM: Thomas R. Mooney, AICP  for TRM  
Planning Director

SUBJECT: **PB24-0718. Understory and Height Requirements in SF Districts – LDR Text Amendment**

#### **RECOMMENDATION**

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

#### **HISTORY**

On July 24, 2024, at the request of Commissioner David Suarez, the Mayor and City Commission referred a proposed ordinance amendment pertaining to understory single family homes (C4 W) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. On September 5, 2024, the LUSC discussed the proposal and recommended that the Planning Board transmit the proposed ordinance to the City Commission with a favorable recommendation. Additionally, the LUSC recommended including a provision in the ordinance for the posting of a property for which an understory home is proposed; this provision has been included in the draft ordinance.

#### **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.**

**Consistent** – 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 increase the use of more resilient understory homes and further the City's resiliency goals and objectives.

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

**Consistent** – The proposed ordinance amendment will not 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 affect 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 properties in the City.

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

**Not Applicable** – The proposed ordinance does not affect the use of single family zoned properties.

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 likely increase the resiliency of the city by removing a hurdle for the construction of more resilient understory homes.

- (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**

In 2023, the City Commission adopted comprehensive updates to the Land Development Regulations of the City Code (LDR's) and the City's first Resiliency Code. As part of the review process for the updated LDR's in 2022 and 2023, Planning staff recommended that mandatory review by the Design Review Board (DRB) or Historic Preservation Board (HPB) for single family homes designed with an understory no longer be required and that such homes be reviewed for permit administratively.

The administrative review of understory homes was not included in the final adoption of the updated LDR's, but the City Commission did approve an increase in the allowable height of up to 31 feet, for single-family homes utilizing an understory. The additional height is intended to ensure livable and climate responsive ceiling heights for the understory area, while allowing the same floor to ceiling heights for the habitable floors that can be achieved in non-understory homes.

Although this increased height limit for understory homes applied uniformly to all RS districts, the DRB has consistently limited the additional height on smaller RS-3 and RS-4 zoned properties no more than 3 feet above the maximum permitted height of 24 feet for flat roofs. Since RS-1 and RS-2 districts already had a higher maximum height allowance of 28 feet, the DRB has typically



allowed understory homes on these properties to add up to an additional 3 feet, not to exceed 31 feet.

The attached ordinance is an amendment to Section 7.2.2.3 of the LDR's, pertaining to the development regulations for the RS-1, RS-2, RS-3, and RS-4 single-family residential districts. Specifically, the following is proposed:

1. Understory homes would no longer require mandatory approval from the DRB or HPB. Approval from the DRB or HPB would be required if waivers or variances are sought.
2. The maximum height for understory homes has been clarified, pursuant to the specific zoning district, and in a manner consistent with previous approvals by the DRB.
3. For RS-3 properties that have a minimum lot size of 18,000 square feet, the height may be increased by up to three (3') feet, which is commensurate with the maximum height limit of similar sized parcels in the RS-1 and RS-2 districts.
4. A provision for the posting of a property containing a future understory home has been included, to allow adjacent neighbors to be notified of a permit application.

The minimum requirements set forth under the development regulations for all single-family homes provide an established framework for new construction and are considered an expectation. The primary responsibility of the DRB and HPB would be to review applications involving waivers and variances, and the review process for both boards provides an opportunity for affected property owners to provide comment and feedback regarding such exceptions.

The development regulations specific to understory homes are very detailed and any proposal to vary from these requirements, either in the form of a waiver or variance, would still require DRB or HPB review. The proposal to allow administrative review of understory homes that comply with all the requirements set forth in the Code would result in more homes utilizing this type of design and would significantly further the City's resiliency goals and objectives.

### **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.

## **Understory Requirements in Single Family Districts**

**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 seeks to eliminate 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 coded, entitled “Zoning Districts And Regulations”, Article II, entitled “District Regulations,” Section 7.2.2, entitled “RS-1, RS-2, RS-3, RS-4 single

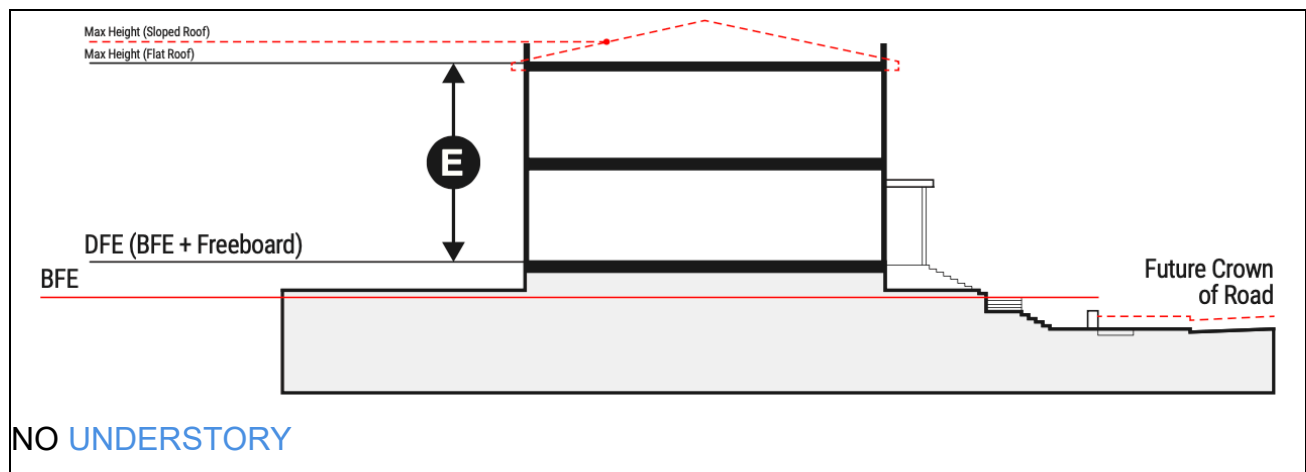
family residential districts,” at Sub-Section 7.2.2.3, entitled “Development Regulations (RS)” is hereby amended as follows:

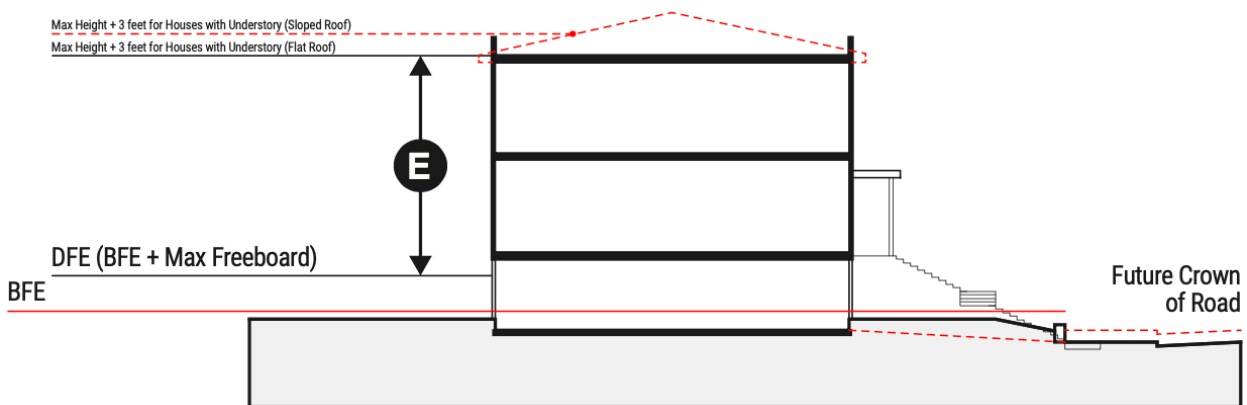
### 7.2.2.3 Development Regulations (RS)

- 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:*

### DEVELOPMENT REGULATIONS TABLE (RS)

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





### 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). May be increased up to 28 feet for flat roofs and 31 feet sloped roofs when approved by the DRB or 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 height limit may be increased by up to three (3') additional feet. If an Understory is provided, then the maximum height is increased to 31 feet for flat roofs and 34 feet for sloped roofs.~~

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## 6. **Understory Level Standards**

The following regulations shall apply to Non-airconditioned 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):

- 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. 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. 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. 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
- J. 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. 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. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.



**PASSED AND ADOPTED** this \_\_\_\_\_ day of 2024

\_\_\_\_\_  
Steven Meiner, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: November 20, 2024

Second Reading: January \_\_, 2025

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

F:\PLAN\SPLB\2024\10-29-2024\PB24-0718 - Understory and Height Requirements SF Districts\PB24-0718 Understory and Height Requirements in SF Districts - ORD Oct 29 2024 PB.docx