

C4 M REFERRAL TO THE PLANNING BOARD – INCREASING AND ENHANCING
POROUS SURFACE REQUIREMENTS FOR PARKING LOTS AND DRIVEWAYS.
Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Eric Carpenter, City Manager
DATE: November 20, 2024
TITLE: REFERRAL TO THE PLANNING BOARD – INCREASING AND ENHANCING POROUS SURFACE REQUIREMENTS FOR PARKING LOTS AND DRIVEWAYS.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) refer the attached draft ordinance to the Planning Board.

BACKGROUND/HISTORY

On June 26, 2024, at the request of Commissioner Tanya K. Bhatt, the 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 memorandum as follows:

Increase and enhance porous attributes of driveways and walkways in residential districts

The following amendments to Section 7.2.2.3.b of the LDR's, pertaining to the development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are recommended:

(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.~~

Establishing minimum porous requirements in surface parking lots

The following amendments to Section 5.3.11.c, pertaining to open-air parking lots, are recommended:

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.

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.

For informational purposes, 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 LDRs, to increase and enhance porous area requirements for driveways and parking lots.

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

Should this proposal be referred to the Planning Board, the Administration recommends that the City Commission determine that the proposed amendment is necessary based on circumstances unique to the proposed amendment and waive the applicable fees.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

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-notices/>

FINANCIAL INFORMATION

N/A

CONCLUSION

The Administration recommends the following:

1. The City Commission refer the attached draft ordinance to the Planning Board.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

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 Tanya K. Bhatt

Co-sponsor(s)

Condensed Title

Ref: PB – Increase/Enhance Porous Surface Requirements for Parking Lots/Driveways. (Bhatt)
PL

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

* * *

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 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

* * *

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:

* * *

(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.

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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.

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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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