

17. DISCUSS AND REVIEW PLANNING/ZONING RESTRICTIONS THAT DELAY THE PERMIT PROCESS AND CONSIDER POSSIBLE AMENDMENTS.
Applicable Area:

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members
FROM: Eric Carpenter, City Manager
DATE: May 8, 2025
TITLE: DISCUSS AND REVIEW PLANNING/ZONING RESTRICTIONS THAT DELAY THE PERMIT PROCESS AND CONSIDER POSSIBLE AMENDMENTS.

RECOMMENDATION

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed amendments to the Land Development Regulations of the City Code (LDRs) and recommend that the Mayor and City Commission (City Commission) refer a draft ordinance to the Planning Board.

BACKGROUND/HISTORY

On December 11, 2024, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the item (C4 E) to the LUSC. On February 20, 2025, the LUSC discussed and continued the item to a future LUSC meeting, with direction to staff to prepare draft text amendments in accordance with the applicable recommendations in the LUSC memorandum.

ANALYSIS

As noted in the attached referral memorandum, the item sponsor has requested that the LUSC discuss and review planning and zoning restrictions that delay the permit process and consider possible amendments. Additionally, the sponsor has requested that the Administration be prepared to discuss and outline the essential steps to navigate the permitting process from the planning and zoning perspective and to consider ways to help those become familiar with our zoning rules and restrictions.

For purposes of this discussion, the following is a general summary of the planning and zoning part of the permit review process

Building Permits

1. Planning receives permits submitted to the building department.
2. Plans are reviewed and comments issued typically within 7-10 business days, depending on the type of permit. If a permit cannot be approved, comments are issued specific to any deficiencies.
3. Permit plans that need to be resubmitted to address previously issued comments become part of a new review cycle.
4. If the permit is not approved after a 3rd review, a mandatory meeting is set up by the building department to discuss pending corrections with all disciplines that have not yet approved the permit.
5. For permits within local historic districts, the property is required to be posted for 15 days, prior to approval of the permit.

Planning (PZ) Permits

NOTE: PZ permits are for work regulated by the Land Development Regulations of the City Code

(LDRs) that does not require a Building Permit.

1. PZ permits are routed directly to Planning.
2. Plans are reviewed and comments issued typically within 7-10 business days, depending on the type of permit. If a PZ permit cannot be approved, comments are issued specific to any deficiencies.
3. Plans and additional exhibits that need to be resubmitted to address previously issued comments become part of a new workflow for review.
4. For PZ permits within local historic districts, the property is required to be posted for 15 days, prior to approval of the permit.
5. Once all comments are addressed the PZ permit is approved.
6. Upon completion of the work on site, an inspection is requested by the applicant.

UPDATE

Pursuant to the direction of the LUSC at the February 20, 2025, meeting, the following are draft amendments to Chapter 7 of the LDRs:

Required Setbacks for Second Floor of Single Family Homes

Currently, when a 2-story home exceeds 25% lot coverage, the second level of the home must incorporate minimum setbacks from the first level. The following draft amendment simplifies this requirement as follows:

Section 7.2.2.3.b.2

- B. For two story homes with an overall lot coverage of 25 percent (25%) or greater, the following additional requirements shall apply to the enclosed second floor (including any portion of the enclosed home above a height of 18 feet as measured from base flood elevation plus freeboard):*
- I. At least 35 percent (35%) of the enclosed second floor along the front elevation shall be set back a minimum of 5 feet from the ~~minimum required setback~~ 35'-0" from the front property line.*
 - II. At least ~~35~~ 50 percent (35%) (50%) of the enclosed second floor along a side elevation facing a street shall be set back ~~a minimum of~~ an additional 5 feet from the minimum required setback.*

The DRB or HPB may forego these requirements, in accordance with the applicable design review or appropriateness criteria.

Habitable projections for architecturally significant homes

The following draft amendment would allow a habitable projection with a minimum 5'-0" setback along the interior side and rear yards without being limited by a 25% maximum projection:

Section 7.2.2.4.b.4.A.

- VIII. Projections. Habitable one or two-story additions to, as well as the relocation of, architecturally significant structures, may project into a required rear or interior side yard ~~for~~ with a minimum setback of 5'-0" distance. Along the street side and rear waterfront, habitable projections shall not to exceed 25 percent (25%) of the required yard, up to the following maximum projections:*
- 1. ~~Interior side yard: 5 feet~~*
 - 2. Street side yard: 7 feet 6 inches.*
 - 3. Rear yard waterfront: 15 feet.*

As it pertains to potential adjustments to those sections of the LDRs specific to retaining walls, after reviewing these regulations in comparison to the current fence height and maximum yard elevation requirements, the Administration does not recommend modifying this section of the

code at this time.

If there is consensus on these amendments, a draft ordinance can be prepared for referral to the Planning Board by the City Commission.

FISCAL IMPACT STATEMENT

No Fiscal Impact

Does this Ordinance require a Business Impact Estimate?
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends that the LUSC endorse the proposed amendment to the LDRs and recommend that the City Commission refer a draft ordinance to the Planning Board.

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 Kristen Rosen Gonzalez

Co-sponsor(s)

Condensed Title

Discuss And Review Planning/Zoning Restrictions That Delay The Permit Process And Consider Possible Amendments.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Kristen Rosen Gonzalez
DATE: December 11, 2024
TITLE: REFERRAL TO LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS AND REVIEW PLANNING/ZONING RESTRICTIONS THAT DELAY THE PERMIT PROCESS AND CONSIDER POSSIBLE AMENDMENTS.

RECOMMENDATION

BACKGROUND/HISTORY

Please place on the December 11, 2024 City Commission meeting agenda, a referral to the Land Use and Sustainability Committee to discuss and review planning/zoning restrictions that delay the permit process and consider possible amendments.

Zoning classifications, which categorize land based on its intended use, are integral to urban planning. Common classifications include residential, commercial, and industrial, each with distinct parameters governing density, building height, and land use. These classification and restrictions often result in delays in the permitting process as mistakes will delay the issuance of the permit and final completion of the project.

I would like for administration to be prepared to discuss and outline the essential steps to navigate the permitting process from the planning and zoning perspective and to consider ways to help those become familiar with our zoning rules and restrictions.

ANALYSIS

FISCAL IMPACT STATEMENT

NA

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-notice/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

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Department

Office of Commissioner Kristen Rosen Gonzalez

Sponsor(s)

Commissioner Kristen Rosen Gonzalez

Co-sponsor(s)

Condensed Title

Ref: LUSC - Review Planning/Zoning Restrictions Delaying Permit Process/Consider Amendments. (Rosen Gonzalez)