

R5 J INCREASED AND ENHANCED POROUS SURFACE REQUIREMENTS
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.

Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: May 21, 2025 9:55 a.m. First Reading Public Hearing

TITLE: INCREASED AND ENHANCED POROUS SURFACE REQUIREMENTS
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.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for July 23, 2025.

BACKGROUND/HISTORY

On June 26, 2024, at the request of Commissioner Tanya K. Bhatt, the City Commission referred an item pertaining to the enhancement and expansion of pervious and porous area requirements (C4 V) to the Land Use and Sustainability Committee (LUSC). On July 9, 2024, the LUSC discussed and continued the item to the September 5, 2024, 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 LUSC 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 memo.

On November 20, 2024, at the request of Commissioner Tanya K. Bhatt, the City Commission referred the attached ordinance to the Planning Board (C4 M).

ANALYSIS

Existing Requirements

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.

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.

Proposed Amendments

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, as well as required yards in single family (RS) districts. The following is a summary of the proposed amendments:

Section 5.3.11. Parking Lot Design Standards

Open-air parking lots, open to the sky, must be constructed with the following:

1. A high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect 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.

Section 7.2.2.3 Development Regulations (RS)

The following applies to all properties located in the RS-1, RS-2, RS-3, RS-4 single-family residential districts:

1. For non-understory (berm) homes, the minimum required pervious landscape area within a front yard and side facing a street yard has been increased from 50% to 70%. However, this pervious open space requirement may be less than 70%, but no less than 50%, if all driveways, paths, walkways and any other paved areas consist of porous pavers set in sand.
2. For understory homes, the current requirement for at least 70% of the required front yard and street side yard areas to consist of sodded or landscaped pervious open space remains. Additionally, allowable exterior walkways and driveways within the front and street side yards are now required to have porous pavers, set in sand, as opposed to consisting of semi-pervious material.
3. 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.
4. At least 70% of the required rear yard shall be sodded or landscaped pervious open space and the water portion of a swimming pool may no longer count toward this requirement.

Regulatory Review Changes

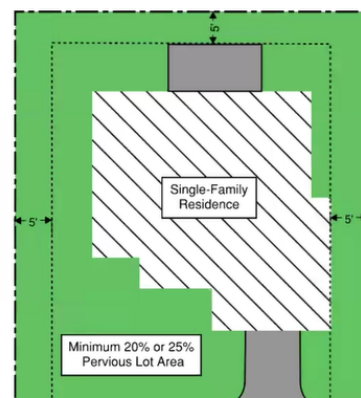
Currently, building permit applications, whether part of unincorporated Miami-Dade County, or a municipality, such as Miami Beach, are also reviewed by DERM (Department of Environmental Resources Management). This includes, but is not limited to, permits related to new construction, additions, interior remodeling, change of use, demolition, docks, sea walls, and pools. As part of an amended county ordinance, which was adopted by the County on September 4, 2024, DERM will also now be enforcing new pervious area requirements, in accordance with the amended county regulations.

Also, as of March 31, 2025, non-structural improvements, such as a concrete decks, pavers, or an extension of a pool deck, are now reviewed by DERM, in addition to the City of Miami Beach for consistency with city regulations. DERM will be reviewing all of these standalone application types, when not tied to a building permit, for compliance with the county's new pervious requirements.

All municipalities in the County, including Miami Beach, must provide confirmation that the city code meets the minimum standards of the county ordinance by December 31, 2025. If the municipalities do not meet the minimum county requirements, DERM will review the improvements noted above for consistency with the county requirements.

The following is an illustrative summary of the county's new requirements related to single family districts:

		Lots Less than 5,500 SF	Lot Larger than 5,500 SF
5 feet of pervious area setback on 3 sides of the property	6-inch-deep swale along the property perimeter	20% of pervious lot area	25% of pervious lot area
OR			
2.5 feet of pervious area setback on 2 sides of the property and 10 feet of pervious area setback on 1 side	6-inch-deep swale along the property perimeter	20% of pervious lot area	25% of pervious lot area



Swimming Pools

While the water portion of swimming pools are counted toward the minimum pervious area requirements under existing regulations, they do not function as pervious surfaces. A pervious surface is defined as one that allows water to infiltrate into the ground, contributing to groundwater recharge and reducing surface runoff. However, swimming pools are impermeable structures that prevent water infiltration, effectively increasing runoff rather than mitigating it. Further, with the increasing frequency of heavy rainstorms, pools often fill quickly and overflow. Removing pools from pervious surface calculations reflects the functional reality of how they impact stormwater management and drainage.

Amending the regulations to exclude the water portions from swimming pools from pervious surface requirements also promotes more effective stormwater management and will encourage property owners to install pervious surfaces such as permeable pavers, gravel, or landscaped areas, which directly contribute to groundwater recharge and reduced runoff. This adjustment would enhance local flood control, improve water quality, and support environmental sustainability efforts.

Finally, the current inclusion of pools in pervious surface calculations creates confusion and inconsistency in the application of land-use and building regulations. Removing pools from the definition would provide clearer guidance to homeowners, builders, and regulatory authorities, ensuring more consistent enforcement and reducing the potential for disputes over compliance.

PLANNING BOARD REVIEW

On January 7, 2025, the Planning Board reviewed the proposed ordinance and continued it to a date certain of February 4, 2025. On February 4, 2025, the Board continued the review to a date certain of March 4, 2025. On March 4, 2025, review of the ordinance was continued to a date certain of April 8, 2025.

On April 8, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0). The Board also recommended the following:

1. The following applicability section be included in the ordinance:

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, or obtained a building permit process number no later than sixty (60) days following adoption.

2. With the elimination of the allowance for the water portion of a pool to count towards the minimum landscape requirements in the rear yard, the Board recommended that an allowance be given for landscaped courtyards to help make up for deficiencies in the rear yard requirements.

The Administration is supportive of these recommendations, with some additional modifications as noted in the summary and conclusion.

SUMMARY

Amending the current regulations to reflect the current requirements of Miami-Dade County and removing swimming pools from pervious surface calculations is a necessary step toward improving regulatory clarity, enhancing environmental protection, and supporting sustainable development. This adjustment would align local standards with best practices in stormwater management while giving property owners more effective tools to meet environmental and development goals.

As it pertains to the Planning Board recommendations, the Administration recommends the following:

1. The applicability provision be limited to applications that were in process prior to the transmittal date of the ordinance by the Planning Board. Additionally, this provision should be clarified so that it does not supersede County requirements.
2. The following additional text be added to Section 7.2.2.3 of the LDRs to provide an additional option for addressing pervious surface area in rear yards:

The aforementioned sodded or landscaped pervious open space requirement may be reduced to less than 70 percent (70%) but shall be no less than 50 percent (50%), provided that additional sodded or landscaped pervious area is included along an interior or street side elevation, the area of which is equal to or greater than the deficiency in the 70% rear yard requirement.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate? Yes
(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

Not Applicable

CONCLUSION

The Administration recommends the following:

1. The City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for July 23, 2025.
2. The ordinance shall be revised for Second Reading, with the following amendments noted in **bold**:

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:*

* * *

(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. **The aforementioned sodded or landscaped pervious open space requirement may be reduced to less than 70 percent (70%) but shall be no less than 50 percent (50%), provided that additional sodded or landscaped pervious area is included along an interior or street side elevation, the area of which is equal to or greater than the deficiency in the 70% rear yard requirement.**~~

* * *

SECTION 6. 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, or obtained a building permit process number, prior to April 8, 2025. Notwithstanding the foregoing, this applicability section shall not supersede any requirements set forth in the Miami-Dade County Code.*

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

9:55 a.m. 1st Rdg PH, Increased & Enhanced Porous Surface Requirements. (Bhatt) PL 5/7

Previous Action (For City Clerk Use Only)

Setback Regulations for Air Conditioning Units

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 V, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," SECTION 7.5.3, ENTITLED "SUPPLEMENTARY YARD REGULATIONS," BY AMENDING THE ALLOWABLE SETBACK ENCROACHMENTS FOR AIR CONDITIONING UNITS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission seeks to provide for limited relief from setback requirements for existing apartment buildings to facilitate the installation of air-conditioning systems, including, but not limited to, packaged terminal air conditioners (PTAC) and mini-split air conditioning units; and

WHEREAS, PTAC units are ductless, self-contained systems designed to heat and cool individual spaces efficiently, and are commonly utilized in residential buildings; and

WHEREAS, PTAC units offer a cost-effective and energy-efficient solution for climate control in smaller areas; and

WHEREAS, mini-split systems provide similar benefits to PTAC units, offering flexible and efficient temperature management for various residential and commercial applications; and

WHEREAS, amending setback requirements for existing buildings to meet minimum life safety requirements and to accommodate these types of air-conditioning units would enhance flexibility and minimize costs for property owners, as well as support broader adoption of energy-efficient air conditioning solutions; 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 7 of the Miami Beach Resiliency Code, entitled "Zoning Districts and Regulations," Article III, entitled "Overlay Districts," is hereby amended as follows:

CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS

* * *

7.5.3 SUPPLEMENTARY YARD REGULATIONS

* * *

7.5.3.2 Allowable encroachments within required yards for districts other than single-family districts.

The following regulations shall apply to allowable encroachments in all districts except single-family residential districts, unless otherwise specified in this Code.

* * *

- e. Reserved. Central air conditioners, packaged terminal air conditioners (PTAC) and mini-split air conditioning units. Accessory central air conditioners, packaged terminal air conditioners (PTAC) and mini-split air conditioning units, including attached screening elements, may occupy a required interior side or rear yard, in townhome districts and in the RM-1, RM-2, R-PS1, R-PS2 and R-PS3 residential multifamily districts only, provided that:
 - 1. For buildings existing as of January 1, 2015, the above noted air conditioning units shall not be closer than 18 inches to a rear or interior side lot line, provided all applicable egress requirements for the property are satisfied. For buildings receiving a temporary certificate of occupancy or certificate of occupancy after January 1, 2015, the above noted air conditioning units shall not be closer than 5 feet to a rear or interior side lot line.
 - 2. The maximum height of equipment located on the ground, including attached screening elements, shall not exceed 10 feet above current flood elevation.
 - 3. If visible from the right-of-way, physical and/or landscape screening shall be required.
 - 4. Any required sound buffering equipment shall comply with the setback requirements specified in subsection e.1 of this section.
 - 5. If the air conditioning equipment does not conform to subsections 1, 2, 3, and 4 above, then such equipment shall follow the setbacks of the main structure.
- f. ~~Central air conditioners, e~~Emergency generators, swimming pool equipment, and other mechanical equipment. Accessory ~~central air conditioners,~~ generators, swimming pool equipment, and any other mechanical equipment, including attached screening elements, may occupy a required side or rear yard, in townhome or in the RM-1, RM-2, R-PS1 and R-PS2 residential multifamily ~~low intensity~~ districts only, provided that:
 - 1. They are not closer than 5 feet to a rear or interior side lot line or 10 feet to a side lot line facing a street.
 - 2. The maximum height of the equipment including attached screening elements, shall not exceed 5 feet above current flood elevation, with a maximum height not to exceed 10 feet above grade, as defined in section 1.2.1, of the lot at which they are located.
 - 3. If visible from the right-of-way, physical and/or landscape screening shall be required.
 - 4. Any required sound buffering equipment shall comply with the setback requirements specified in subsection f.1 of this section.
 - 5. If the ~~central air conditioning and other~~ mechanical equipment does not conform to subsections 1, 2, 3, and 4 above, then such equipment shall follow the setbacks of the main structure.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith 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 _____, 2025.

ATTEST:

Steven Meiner, Mayor


Rafael E. Granado, City Clerk

First Reading: May 21, 2025

Second Reading: July 23, 2025

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

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK Date 5/17/2025