

R5 I ACCESSIBILITY RAMPS IN SINGLE FAMILY DISTRICTS

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, AT CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE 2, "DISTRICT REGULATIONS," SECTION 7.2.2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," TO AMEND THE DEVELOPMENT REGULATIONS FOR ACCESSIBILITY WALKWAYS AND RAMPS IN SINGLE-FAMILY DISTRICTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: September 11, 2024 First Reading

TITLE: ACCESSIBILITY RAMPS IN SINGLE FAMILY DISTRICTS
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, AT CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE 2, "DISTRICT REGULATIONS," SECTION 7.2.2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," TO AMEND THE DEVELOPMENT REGULATIONS FOR ACCESSIBILITY WALKWAYS AND RAMPS 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 October 30, 2024.

BACKGROUND/HISTORY

On February 21, 2024, at the request of Commissioner Alex Fernandez, the Mayor and City Commission referred a discussion item pertaining to accessible walkways and ramps in single family zoning districts (Item C4 K) to the Land Use and Sustainability Committee (LUSC). On March 19, 2024, the LUSC discussed the item and recommended that the City Commission refer an ordinance amendment to the Planning Board in accordance with the text changes proposed in the LUSC memorandum. On May 15, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred the ordinance (Item C4 Z) to the Planning Board.

ANALYSIS

Under the single-family development regulations in the Land Development Regulations of the City Code (LDRs), ramps and walkways are a limited allowable encroachment within a required yard, up to the first habitable level of a home. However, within single-family districts walkways or ramps providing access to the first habitable level of a home may not exceed a maximum projection of 25% into the required yard, and at least 50% of the front yard and side yard facing a street must be sodded or landscaped pervious open space.

While ramps and walkways can easily comply with these setback and open space requirements when part of a new home, it can be challenging for older homes to meet these requirements. To address this issue comprehensively, the attached LDR amendment, as recommended by the LUSC, provides an exception from these requirements for accessible ramps on existing single-family properties.

PLANNING BOARD REVIEW

On June 25, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (6-0). The Planning Board also recommended that the applicability date in the ordinance be changed from January 1, 2024 to the effective date of the ordinance. This change has been included in the attached ordinance for First Reading.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

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

The Business Impact Estimate (BIE) was published on: 8/14/2024. See BIE at <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

N/A

CONCLUSION

The Administration recommends that the City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for October 30, 2024.

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 Alex Fernandez

Co-sponsor(s)

Commissioner Laura Dominguez

Condensed Title

NR- 1st Rdg, Accessibility Ramps in Single Family Districts. (Fernandez/Dominguez) PL 5/7

Accessibility Ramps in Single Family Districts

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, AT CHAPTER 7, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” ARTICLE 2, “DISTRICT REGULATIONS,” SECTION 7.2.2, ENTITLED “RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS,” TO AMEND THE DEVELOPMENT REGULATIONS FOR ACCESSIBILITY WALKWAYS AND RAMPS IN SINGLE-FAMILY DISTRICTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Miami Beach Comprehensive Plan and Land Development Regulations seek to ensure equal access to all single-family housing; and

WHEREAS, the City of Miami Beach (the “City”) finds that there is a need to further enhance access to single-family homes built prior to October 30, 2024; and

WHEREAS, due to current zoning requirements, it may be difficult to make an existing single family home accessible with the addition of an accessibility ramp; 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 2, “District Regulations,” is hereby amended as follows:

CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE 2. 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:

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)		
	*	*
	*	*
<p>(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.</p> <p>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.</p> <p><u>Notwithstanding the above, for homes issued a certificate of occupancy or certificate of completion prior to October 30, 2024, the addition of one accessible ramp/walkway, not to exceed five feet (5') in width, leading from the front or street side property line to the first habitable level, shall be an allowable exemption to the minimum 50% pervious open space requirement.</u></p>		
	*	*

* * *

12. Allowable encroachments within required yards.

* * *

N. Projections. Every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent (25%) of the required yard up to a maximum height of 6 feet, unless otherwise noted.

* * *

XI. Walkways: Maximum 44 inches. May be increased to a maximum of 5 feet for those portions of walkways necessary to provide Americans with Disabilities Act (ADA)-required turn-around areas and spaces associated with doors and gates. Walkways in required yards may exceed these restrictions when approved through the design review or certificate of appropriateness procedure, as applicable, and pursuant to section 2.5.3, of this Code. Notwithstanding the foregoing, when required to accommodate ADA access to a single-family home in the RS district that was issued a certificate of occupancy or certificate of completion prior to

October 30, 2024, or an existing contributing building within a local historic district, or National Register District, an ADA walkway and ramp may be located within a front, street side or interior side yard, with no minimum setback, provided all of the following are adhered to:

1. The maximum width of the walkway and ramp shall not exceed 44 inches, and 5 feet for required ADA landings;
2. The height of the proposed ramp and landing shall not exceed the finished first floor of the building(s); and
3. The slope and length of the ramp shall not exceed that which is necessary to meet the minimum building code requirements.
4. Additionally, subject to the approval of the design review board or historic preservation board, as applicable, an awning may be provided to protect users of the ADA walkway and ramp from the weather.

* * *

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 _____, 2024.

ATTEST:

Rafael E. Granado, City Clerk

First Reading: July 24, 2024
Second Reading: October 30, 2024

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

Steven Meiner, Mayor

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney NK

11/5/2024
Date