

2. Resiliency Code Clarification Amendments



**City of Miami Beach
Resiliency Code
Clarification Update**

MIAMIBEACH PLANNING DEPARTMENT

Definitions

- Clarify “**Yard**” definition provide that “for corner lots with radial corners, the front setback and the side setback facing the street shall be taken from the midpoint of the curve of the corner of the property.”
- Create definition for “Detached Building” – “Detached Building” includes “Detached Addition”
- **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.
- **Cool pavement** means a paving material that has a high albedo surface and reflects more solar energy than standard paving materials, or that has been otherwise modified to remain cooler than conventional pavements.
- **Lot** means a parcel of land of at least sufficient size to meet ~~minimum~~ applicable zoning requirements for a use, minimum width, and area, and to provide such yards and other open spaces as are required in these land development regulations. Such lot shall have frontage on a public street, and may consist of:
 - a. A single lot of record;
 - b. A portion of a lot of record;
 - c. A combination of complete lots of record, and portions of lots of record; or of portions of lots of record;
 - d. A parcel of land described by metes and bounds."Lot" includes the word "plot" or "parcel" or "tract" or "site."

Use Clarifications

- Define Outdoor Commercial Recreation
 - Clarify that it is permitted in commercial districts
- Accessory Use Clarification
 - Move district specific uses to applicable districts
- Clarify districts that Nuisance Uses are not permitted in residential districts
- Provide greater uniformity in use tables in all zoning districts
- GU District – Clarify allowable government uses
- Clarify that Sidewalk Cafes are Sidewalk Café “Concession Program” Areas
- Clarify that hotel occupancy limits are applicable to C-PS1 and MXE districts
 - Hotels located in the C-PS1, C-PS2, MXE, R-PS3, R-PS4, RM-1, RM-2 and RM-3 zoning districts, as well as the Sunset Harbour neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road, and Dade Boulevard, shall not exceed the following occupancy limits per individual unit:

Yard Encroachments

- Clarify that “Central air conditioners, emergency generators, swimming pool equipment, and other mechanical equipment” are allowable yard encroachments for all districts; not just RM-1 and TH
- Clarify that Bicycle Parking is an allowable yard encroachment (25%) in non-single-family districts.
- Clarify that Art Installations are an allowable yard encroachment in non-single-family districts, subject to Design Review or COA approval.
- Clarify that Accessory building limits include walkways.
 - *Accessory buildings.* Accessory buildings which are not a part of the main building including walkways may be constructed in a rear yard, provided such accessory building and walkways does not occupy more than 30 percent (30%) of the area of the required rear yard and provided that accessory buildings are ~~it is~~ not located closer than 7 feet and 6 inches to a rear or interior side lot line and 15 feet when facing a street. Areas enclosed by screen shall be included in the computation of area occupied in a required rear yard lot but an open uncovered swimming pool shall not be included.
- Clarify Marine Structure regulations:
 - **Marine structures.** Seaward side yard setbacks for boat slips, decks, wharves, dolphin poles, mooring piles, davits, or structures of any kind shall not be less than 7 feet and 6 inches. For purposes of this section, the seaward side yard shall consist of the parallel extension of the side property lines seaward of the seawall. This requirement pertains to the enlargement of existing structures as well as to the construction of new structures. It is further provided that any boat, ship, or vessel of any kind shall not be docked or moored so that its projection extends into the required seaward side yard setback, and the mooring of any type of vessel or watercraft shall be prohibited along either side of the walkway leading from the seawall to a boat dock. Land-side decks may extend to the deck associated with the marine structure. Lighting associated with, but not limited to, the deck, or marine structure shall be installed in such a manner to minimize glare and reflection on adjacent properties and not to impede navigation. The maximum projection of a marine structure shall be determined by the applicable county department having jurisdiction of environmental resource management. ~~If a dock or any kind of marine structure/equipment, whether or not it is attached to a dock, projects more than 40 feet into the waterway or extends beyond the maximum projection permitted under section 66-113 in General Ordinances, the review and approval of the applicable state and county authorities shall be required.~~

PZ Permits

- Define “Planning and Zoning (PZ) Permit” – a permit development related activities that do not require a building permit, but do require the approval from the Planning Director or designee
- Clarify that Real Estate Signs do not require PZ Permit, though they must comply with the temporary signs section.
- Landscaping – Clarify that landscaping that requires a permit not subject to a building permit can be authorized with a PZ Permit.
- Clarify that a paint permit is not required when painting up to 25% of the façade of a building or when using pre-approved colors.

RS-1, 2, 3, & 4 - Residential Single-Family Districts

- Clarify height limit of Single Story Homes in Building Heights table
 - 18 feet in height for a flat roof structure and 21 feet for a sloped roof structure
- Understory homes clarify that pools and ponds can go in the understory
- Clarify that a 20' front yard setback for the 1st floor and a 40' front yard setback for the second floor is permitted for new construction.
- Move minimum floor-to-ceiling height that is applicable to single family ground floors in 7.1.2.2 to RS district.
 - Clarify that the minimum 12-foot floor-to-ceiling clearance is intended from BFE + 1.
- Carports - clarify that there is a minimum clearance of 7 feet and a maximum height of 9 feet.
- Clarify that sum of side yards setback does not apply to architecturally significant homes.
- Clarify requirements for yard encroachments.
 - Remove "height" from the definition of projections
 - Porches, platforms and terraces up to the DFE up to BFE+5' instead of 30 inches above the yard elevation.
- SF front setback allow for 20' for 1st floor if 2nd floor setback 40' for new construction.
- Clarify that swimming pools have a minimum front setback of 20'.
 - Clarify that pool setbacks include the pool deck.
- Clarify that requirement for landscaped open space for water areas of a pool when located in a rear yard.
- Interior Side and Non-Waterfront Rear Yard Fence Heights measured from minimum required yard elevation.

Parking

- Clarify parking requirement for restaurant areas not used for seating is for areas that intended for public areas intended for patrons to stand, such as bar areas or dance floors.
- Clarify that fractional rounding is rounded up to the nearest whole number for proposed uses and credits.

Hearing Procedures/Appeals

- Section 2.2.4.3 – clarify timing for cross-examination in quasi-judicial hearings (i.e., during the applicant’s case or opponents/supporters’ time, but not during rebuttal).
- Replace “Special Master” with “Special Magistrate”.

Amendment Process

ARTICLE IV – Amendments to Comprehensive Plan and to the Text of the Land Development Regulations

2.4.1 GENERALLY

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e. Review by Planning Board

1. The Planning Board shall review the following requests at a public hearing and provide the city commission with a recommendation as to whether the proposed amendment should be approved or denied. In reviewing the application, the planning board may propose an alternative ordinance on the same subject for consideration by the city commission.
 - A. Amendment to the actual list of permitted, conditional or prohibited uses in a zoning category or categories;
 - B. Amendment otherwise to the text of these land development regulations; and
 - C. Amendment to the Comprehensive Plan.
2. Notice
 - A. Notices of any public hearing regarding proposed amendments to the city's comprehensive plan shall be in accordance with the applicable requirements of chapter 163, Florida Statutes, and the public participation procedures set forth in the city's comprehensive plan as they may be amended from time to time.
 - B. Notices of any public hearing before the Planning Board regarding an amendment to the text of these land development regulations, including an amendment to the actual list of permitted, conditional or prohibited uses in a zoning category, shall be by publication in a newspaper of general circulation in the city at least ten days prior to the hearing. The notice of the hearing shall state the date, time and place of the meeting; the title or titles of proposed ordinances; and the place or places within the city where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the hearing and be heard with respect to the proposed ordinance.
3. Procedures
 - A. Within 60 120 days of receiving an application the board shall hold a public hearing. Within 30 120 days from the close of the public hearing the date the board transmits the amendment to the City Commission the planning director shall submit a report place the amending ordinance on a City Commission agenda for first reading and include a summary of the board's recommendations on the proposal to the city commission.
 - B. The following applications may be withdrawn by the owner applicant at any time before a decision of the planning board:
 - i. An application for a change in the actual list of permitted, conditional or prohibited uses in zoning categories;
 - ii. An application for any other amendment to these land development regulations; or
 - iii. An application for an amendment to the comprehensive plan
 - C. If the application is withdrawn after advertisement for a public hearing, the same or a substantially similar petition covering the same property shall not be resubmitted except by an official of the city or the city commission for at least one year after the date established for the prior hearing. Filing fees shall not be refunded once the public hearing has been advertised.

f. Review by city commission.

1. Within 60 120 days of transmission of the recommendation of the planning board to the city commission, the commission shall consider the proposed amendment at first reading. At second reading, the city commission, at a public hearing(s) and may adopt, adopt with changes, or deny the application. Notice of the public hearing(s) shall be provided as set forth in subsection 2.4.2(d) for changes to the text of the land development regulations; and notice of the public hearing regarding proposed amendments to the city's comprehensive plan shall be in accordance with the applicable requirements of chapter 163, Florida Statutes and the public participation procedures set forth in the city's comprehensive plan as they may be amended from time to time.
2. The following applications may be withdrawn by the owner applicant at any time before a decision of the city commission:
 - D. An application for a change in the actual list of permitted, conditional or prohibited uses in zoning categories;
 - E. An application for any other amendment to these land development regulations; or
 - F. An application for an amendment to the comprehensive plan.
3. If the application is withdrawn after advertisement for a public hearing, the same or a substantially similar petition covering the same property shall not be resubmitted except by an official of the city or the city commission for at least one year after the date established for the prior hearing. Filing fees shall not be refunded once the public hearing has been advertised.



Questions? Comments? Recommendations?