

5. AMEND THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR ADMINISTRATIVE REVIEW AND APPROVAL OF UNDERSTORY AREAS, AND TO REVIEW THE CURRENT MAXIMUM BUILDING HEIGHT REQUIREMENTS FOR SINGLE-FAMILY HOMES TO PROMOTE RESILIENCY AND REDUCE FLOOD RISK
Applicable Area:

Understory and Height Requirements in SF Districts

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 II, ENTITLED “DISTRICT REGULATIONS,” SECTION 7.2.2, ENTITLED “RS-1, RS-2, RS-3, RS-4 SINGLE FAMILY RESIDENTIAL DISTRICTS,” AT SUBSECTION 7.2.2.3, ENTITLED “DEVELOPMENT REGULATIONS (RS)”, TO AMEND THE REQUIREMENTS FOR UNDERSTORY HOMES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS,

WHEREAS,

WHEREAS,

WHEREAS,

WHEREAS,

WHEREAS,

WHEREAS, the amendments set forth below are necessary to accomplish 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 Resiliency coded, 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,” at Sub-Section 7.2.2.3, entitled “Development Regulations (RS)” is hereby amended as follows:

7.2.2.3 Development Regulations (RS)

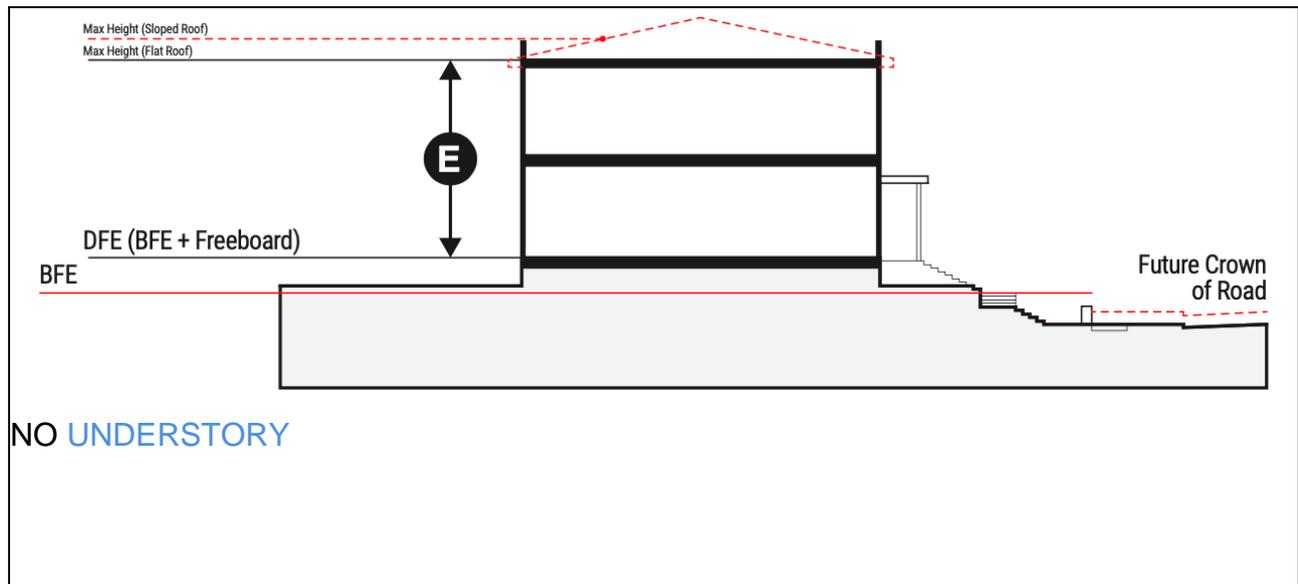
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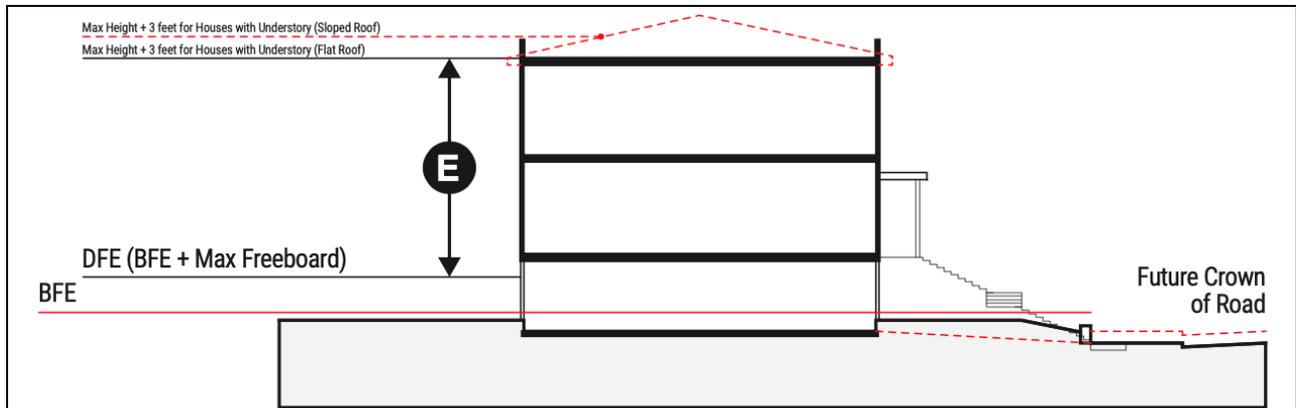
- b. The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:
 - 1. *The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

DEVELOPMENT REGULATIONS TABLE (RS)

* * *

BUILDING HEIGHT	RS-1	RS-2	RS-3	RS-4
Maximum Height (stories)	2 stories			
Maximum Height (feet) (3) (8) <u>No Understory</u>	28 ft - flat roofs (3) (8) 31 ft – sloped roofs (3) (8)		24 ft – flat roofs (3)-(4) (8) 27 feet – sloped roofs (3) (4) (8)	24 ft – flat roofs (3) (8) 27 feet – sloped roofs (3) (8)
Maximum Height (feet) (3) <u>Understory Home</u>	31 ft - flat roofs 34 ft – sloped roofs		28 ft – flat roofs (7) 31 feet – sloped roofs (7)	28 ft – flat roofs 31 feet – sloped roofs





WITH UNDERSTORY

- (1). Except those lots fronting on a cul-de-sac or circular street as defined in lot width.
- (2). Single story homes shall follow the requirements of section 7.2.2.3.b.7.B.
- (3). Height shall be measured from the required [base flood elevation](#) for the lot, plus [freeboard](#). (See Height of Building definition). Single story homes shall follow the requirements of section 7.2.2.3.b.7.B.
- (4). May be increased up to 28 feet for flat roofs and 31 feet sloped roofs when approved by the DRB or HPB, in accordance with the applicable design review or appropriateness criteria.
- (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. [Understory](#) homes shall comply with the Understory Level Standards as outlined in subsection 7.2.2.3(b)(6).

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 or other semi-pervious material. The use of concrete, asphalt or similar material within the required front or street side yards shall be prohibited.~~

(7). ~~(6)~~ 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 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.

~~(8). (7) The Design Review Board (DRB) or Historic Preservation Board (HPB), as applicable, may approve Understory areas. For RS-3 zoned properties, with a minimum lot size of 18,000 square feet, the height limit may be increased by up to three (3') additional feet. If an Understory is provided, then the maximum height is increased to 31 feet for flat roofs and 34 feet for sloped roofs.~~

* * *

6. **Understory Level Standards**

Non-airconditioned **Understory** space located below minimum flood elevation, plus **freeboard**, shall require Design Review Board (DRB) or Historic Preservation Board (HPB) approval, as applicable. The following regulations shall also apply to the **understory** area(s):

- A. **Understory** area(s) shall be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage. Such areas shall be designed and maintained to be free of obstructions and shall not be enclosed and/or air-conditioned at any time, with the exception of limited access areas to the first habitable floor. However, **understory** area(s) below the lowest habitable floor can utilize non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments, provided they are open a minimum of 50 percent (50%) on each side.
- B. All unenclosed, non-air-conditioned areas located directly below the first habitable floor shall not count in the unit size calculations.
- C. **Understory** building access. Enclosed, air-conditioned elevator and stair vestibules, for access to the **first habitable level** of the home, shall be permitted under the first habitable floor and shall be located as close to the center of the floor plan as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations. The total area of enclosed and airconditioned building access shall be limited to no greater than 5 percent (5%) of the lot area. All airconditioned floor space located directly below the first habitable floor shall count in the total unit size calculations.
- D. Enclosed, non-air-conditioned areas, for parking and storage, may be permitted and shall not count in the unit size calculations, provided such areas do not exceed 600 square feet. Any portion of such enclosed parking and storage area exceeding 600 square feet shall count in the unit size calculations.
- E. All parking, including required parking, shall be provided within the **understory** area, and shall be clearly delineated by a different surface finish or bollards. No parking or vehicle storage shall be permitted within a required yard, unless approved by the DRB or HPB, in accordance with the applicable design review or **certificate of appropriateness** criteria.
- F. A continuous soffit shall be lowered a minimum of 2 feet from the lowest slab of the first level above the **understory** area in order to screen from view all lighting, sprinkler, piping, plumbing, electrical conduits, and all other building services, unless concealed by other architectural method(s).
- G. **Understory** ground elevation. The minimum elevation of the **understory** ground shall be constructed no lower than future **crown of road** as defined in **chapter 54**, of the city Code. All portions of the **understory** area that are not air-conditioned shall consist of

pervious or semi-pervious material, such as wood deck, gravel or pavers set in sand. Concrete, asphalt and similar material shall be prohibited within the non-air-conditioned portions of the **understory** area.

- H. **Understory** edge. All allowable decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments located in the **understory** area shall be set back a minimum of 5 feet from each side of the underneath of the walls of the first habitable floor above, with the exception of driveways and walkways leading to the property, and access walkways and/or steps or ramps for the front and side area. The front and side **understory** edge shall be designed to accommodate on-site water capture from adjacent surfaces and expanded landscaping opportunities from the side yards.
- I. 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 or other semi-pervious material. The use of concrete, asphalt or similar material within the required front or street side yards shall be prohibited.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney

Date

First Reading: November 20, 2024

Second Reading: January __, 2025

Verified by: _____

Thomas R. Mooney, AICP
Planning Director

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MIAMI BEACH

COMMISSION MEMORANDUM

TO:	Honorable Mayor and Members of the City Commission
FROM:	Commissioner David Suarez
DATE:	July 24, 2024
TITLE:	REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND PLANNING BOARD - AMEND THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR ADMINISTRATIVE REVIEW AND APPROVAL OF UNDERSTORY AREAS, AND TO REVIEW THE CURRENT MAXIMUM BUILDING HEIGHT REQUIREMENTS FOR SINGLE-FAMILY HOMES TO PROMOTE RESILIENCY AND REDUCE FLOOD RISK.

RECOMMENDATION

N/A

BACKGROUND/HISTORY

N/A

ANALYSIS

Please place the above item on the July 24, 2024 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee ("LUSC") and Planning Board.

Construction at higher elevations and the use of understory areas are important strategies to protect single-family homes from floods. "Understory areas" are defined in the Resiliency Code as "the non-air-conditioned space(s) located below the first elevated habitable floor."

Under Section 7.2.2.3.b.1 of the Resiliency Code, single-family homes with understories can only be approved by the Design Review Board ("DRB"), and may not be approved administratively. This creates a hurdle for applicants seeking to build homes with a more resilient design.

I would like the LUSC to consider amending the Land Development Regulations to allow for administrative review of understory areas. This is consistent with the Planning Department's recommendation when the Resiliency Code was first adopted. As part of this review, the LUSC should consider any related amendments to height and design requirements. Following review by LUSC, an Ordinance will be transmitted to the Planning Board.

FISCAL IMPACT STATEMENT

N/A

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

N/A

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

No

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

Office of Commissioner David Suarez

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)

Condensed Title

Ref: LUSC/PB - Admin Review of Single-Family Homes, Including Height and Understory Areas (Suarez)