MIAMI BEACH
PLANNING DEPARTMENT

Staff Report & Recommendation — PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 25, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

DS MK for TRM

SUBJECT: **PB24-0662.**
Accessibility Ramps in Single Family Districts

RECOMMENDATION
Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY
On February 21, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion item (C4 K) to the Land Use and Sustainability Committee (LUSC) pertaining to accessible walkways and ramps in single family zoning districts.

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 memo.

On May 15, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred the ordinance (C4 Z) to the Planning Board.

REVIEW CRITERIA
Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

   Consistent – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent – The proposed amendment does not create an isolated district unrelated to adjacent or nearby districts.

3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Consistent - The proposed ordinance is not out of scale with the needs of the city.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Consistent – The proposed ordinance will not affect the load on public facilities and infrastructure.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not applicable – The proposed amendment does not modify district boundaries.

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent – The need to enable existing homes to be easily retrofitted with accessibility ramps makes the passage of the proposed change necessary.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

Consistent – The proposed ordinance will not affect traffic.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistent – The proposed change will not reduce light and air.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent – The proposed change will not adversely affect property values in adjacent areas.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Consistent – The proposed will not be a deterrent to the improvement or development of properties in the City.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not applicable.

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.

Consistent – The proposal will not impact the resiliency of the City with respect to sea level rise.

(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

Consistent – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

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, 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. Additionally, within single-family districts, there is a requirement for at least 50% of the front yard and side yard facing a street to 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, is proposed. The following is a summary of the proposed amendments:

1. For homes issued a certificate of occupancy or certificate of completion prior to January 1, 2024, the addition of one accessible ramp/walkway, not to exceed five (5') feet 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.

2. The allowable encroachments for walkways have been expanded to include single family homes in the RS district that were issued a certificate of occupancy or certificate of completion prior to January 1, 2024.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation:

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," 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 January 1, 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

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ARTICLE 2. – DISTRICT REGULATIONS

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7.2.2 RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS

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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:

* * *

(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.

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.

Notwithstanding the above, for homes issued a certificate of occupancy or certificate of completion prior to January 1, 2024, the addition of one accessible ramp/walkway, not to exceed five (5') feet 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.

* * *

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 January 1, 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:

_____
Steven Meiner, Mayor

_____
Rafael E. Granado, City Clerk

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

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

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