SINGLE FAMILY REGULATIONS – UNDERSTORY AREAS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY MODIFYING, EXPANDING, AND CLARIFYING REGULATIONS FOR NON-AIR CONDITIONED AND AIR CONDITIONED 'UNDERSTORY' SPACE LOCATED BELOW ELEVATED HOMES IN THE SINGLE FAMILY RESIDENTIAL DISTRICTS, AND ALLOWING FOR ROOFTOP GARDENS OR BUILT-IN PLANTERS AS AN ALLOWABLE HEIGHT EXCETPION FOR SINGLE FAMILY HOMES; AMENDING ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 4, "SUPPLEMENTARY YARD REGULATIONS," BY MODIFYING ALLOWABLE ENCROACHMENTS FOR ACCESS TO A BUILDING; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, sea level rise and flooding is an ongoing concern of the City; and

WHEREAS, the City has implemented 'freeboard,' the additional height, usually expressed as a factor of safety in feet, above a minimum flood level for purposes of floodplain management, which is utilized in construction projects in developing first floor elevations, in order to protect the structures from flooding events; and

WHEREAS, single-family districts (RS zoned properties) have a maximum height limit measured in feet from base flood elevation (BFE) plus maximum freeboard of five feet; and

WHEREAS, single-family districts have a story limit of two habitable floors that are measured from BFE plus allowable freeboard; and

WHEREAS, the instances in which the first habitable level of one and two-story homes is constructed at the maximum BFE plus 5 feet of freeboard are increasing; and

WHEREAS, the current single-family district regulations also permit 'non air-conditioned space' below the first habitable floor in instances that the first habitable level of a home is more than six feet above grade; and

WHEREAS, property owners are progressively constructing single-family homes above allowable 'understory' spaces instead of infilling with berms and tiered site work; and

WHEREAS, factors, such as the future raising of roads and the need to provide tangible transition spaces in order to access the main level of a home, all need to be taken into consideration; and

WHEREAS, the City desires to have new single family construction utilize a Low Impact Development (LID) approach in order to capture and retain on site, 95th percentile average annual storm event rainfall; and

WHEREAS, the City desires to have new single family construction incorporate LID/Green Infrastructure into the overall landscape and site plan design for storm water quality as part of a comprehensive storm water management system; and

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved in the City's single-family districts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," is hereby amended, as follows:

Sec. 142-105. - Development regulations and area requirements.

* * *

(b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

* * *

(4) *Unit size requirements.*

a. Minimum unit size: 1,800 square feet.

b. For purposes of this subsection, unit size means the sum of the gross horizontal areas of the floors of a single-family home, measured from the exterior faces of exterior walls. However, the unit size of a single-family home shall not include the following, unless otherwise provided for in these land development regulations:

1. Uncovered steps.

2. Attic space, providing structural headroom of less than seven feet six inches.

3. Those portions of covered terraces, breezeways, or open porches that are attached to or part of the principal structure, and that do not project more than ten feet from the main home building(s).

4. Single-story covered terraces and porches, which, with the exception of supporting structures, are open on at least three sides, and are part of a detached single story accessory structure located within a rear yard, provided such terrace or porch does not exceed two percent of the lot area.

5. Enclosed floor space used for required off-street parking spaces (maximum 500 square feet).

6. Those portions of covered exterior unenclosed private balconies, that do not project more than six feet from the building.

c. For two story homes with an overall lot coverage of 25 percent or greater, the physical volume of the second floor shall not exceed 70 percent of the first floor of the main home, inclusive of any enclosed parking structure. The DRB or HPB may

forego this requirement, in accordance with the applicable design review or appropriateness criteria.

d. Non-air conditioned understory space located below minimum flood elevation, plus freeboard. Notwithstanding the above, for those properties located in the RS-1, RS-2, RS-3, RS-4 single-family residential districts, where the first habitable floor has been elevated ~~is located six feet or more~~ above existing grade in order to meet minimum flood elevation requirements, including freeboard, the following shall apply to the understory area(s). For purposes of this subsection, 'understory' means the air-conditioned and/or non-air-conditioned space(s) located below the first elevated habitable floor.

1. The height of the area under the main structure may have a maximum floor to ceiling clearance of seven feet six inches from the lowest level slab provided.

2. Up to, but not exceeding, 600 square feet of segregated parking garage area may be permitted under the main structure.

3. The area under the first habitable floor of the main structure shall consist of non-air conditioned space. Such area shall not be subdivided into different rooms, with the exception of the parking garage area, and required stairs and/or elevators.

4. The parking garage area and the non-air-conditioned floor space located directly below the first habitable floor, shall not count in the unit size calculations.

e. Subject to the review and approval of the Design Review Board or Historic Preservation Board, as applicable, the following may apply to the understory area(s):

1. 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 on each side.

2. All unenclosed, non-air-conditioned areas located directly below the first habitable floor shall not count in the unit size calculations.

3. 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 air-conditioned building access shall be limited to no greater than three (3) percent of the lot area. All air-conditioned floor space located directly below the first habitable floor shall count in the total unit size calculations.

4. 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 shall count in the unit size calculations.

5. 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.

6. The maximum width of all driveways at the property line shall not exceed 15 percent of the lot width, and in no instance shall be less than nine (9) feet in width and greater than 18 feet in width.

7. 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 measured from the front setback of the principal structure to the front property line and the required street side yard shall be measured from the street side setback of the principal structure to the street side property line. 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.

8. A continuous soffit shall be lowered a minimum of two (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).

9. 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.

10. 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 setback a minimum of five (5) feet from each side of the underneath of the slab 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.

* * *

(6) *Roof decks.* Roof decks shall not exceed six inches above the main roofline and shall not exceed a combined deck area of 25 percent of the enclosed floor area immediately one floor below, regardless of deck height. Roof decks shall be setback a minimum of ten feet from each side of the exterior outer walls, when located along a front or side elevation, and from the rear elevation for non-waterfront lots. Built in planters, gardens or similar landscaping areas, not to exceed three and one-half feet above the finished roof deck height, may be permitted immediately abutting the roof deck area. All landscape material shall be

appropriately secured. The DRB or HPB may forego the required rear deck setback, in accordance with the applicable design review or appropriateness criteria.

SECTION 2. That Chapter 142, "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," Division 4, "Supplementary Yard Regulations," is hereby amended, as follows:

Sec. 142-1132. - Allowable encroachments within required yards.

* * *

(o) *Projections.* In all districts, 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 of the required yard up to a maximum projection of six feet, unless otherwise noted.

(1) Belt courses.
(2) Chimneys.
(3) Cornices.
(4) Exterior unenclosed private balconies.
(5) Ornamental features.
(6) Porches, platforms and terraces ~~(~~up to 30 inches above the grade elevation of the lot, as defined in Chapter 114 ~~subsection 142-105(a)(1)c~~. Within single family districts, such projections and encroachments may be located up to the first habitable floor elevation and include stairs, steps, ADA-compliant ramps and related walkways, not exceeding 5'-0" in width, which provide access to all porches, platforms, terraces and the first floor when elevated to meet minimum flood elevation requirements, including freeboard.
(7) Roof overhangs.
(8) Sills.
(9) Window or wall air conditioning units.
(10) Bay windows (not extending floor slab).
(11) Walkways: Maximum 44 inches. May be increased to a maximum of five 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 procedures, as applicable, and pursuant to chapter 118, article VI, of the City Code. Notwithstanding the foregoing, when required to accommodate ADA access to an existing contributing building within a local historic district, or National Register District, an ADA walkway and ramp may be located within a street side or interior side yard, with no minimum setback, provided all of the following are adhered to:

a. The maximum width of the walkway and ramp shall not exceed 44 inches and five feet for required ADA landings;

b. The height of the proposed ramp and landing shall not exceed the finished first floor of the building(s); and

c. The slope and length of the ramp shall not exceed that which is necessary to meet the minimum Building Code requirements.

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.

(12) Electric vehicle charging stations and fixtures, located immediately next to an off-street parking space, shall be permitted where driveways and parking spaces are located.

SECTION 3. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2018.

_____
Mayor

ATTEST:

_____
Rafael E. Granado, City Clerk

APPROVED TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ _____
City Attorney Date

First Reading: _____,2018
Second Reading: _____,2018

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

Underscore denotes new language
~~Strikethrough~~ denotes removed language