

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: March 27, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0196. SINGLE FAMILY REGULATIONS – UNDERSTORY AREAS**

REQUEST

PB 18-0196. SINGLE FAMILY REGULATIONS – UNDERSTORY AREAS. 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 EXCEPTION 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.

RECOMMENDATION:

Transmit the Ordinance to the City Commission with a favorable recommendation.

HISTORY

On July 26, 2017, the City Commission referred an Ordinance amendment to the Planning Board, pertaining to limitations on the number of 'stories' as part of overall building height measurement City wide (Item C4F). As part of this referral, in order to revise the development regulations in the RS Districts as it pertains to allowable non air-conditioned space, the Commission also referred a draft Ordinance to the Land Use and Development Committee and the Planning Board. Commissioner John Elizabeth Aleman is the sponsor of the proposed Ordinance.

On October 11, 2017, the Land Use and Development Committee (LUDC) discussed the

proposed Ordinance and continued the item to December 11, 2017. The Committee also directed the Administration to schedule a separate, single-family home workshop for purposes of obtaining additional public input. On December 11, 2017 the item was discussed briefly and continued to the January LUDC meeting.

At the direction of the LUDC, a single-family workshop was held on December 11, 2017. At this workshop planning staff provided a PowerPoint presentation on the proposed Ordinance. A number of people attended the workshop and spoke regarding the proposal.

The January LUDC meeting was moved to February 7, 2018. The LUDC discussed the item on February 7, 2018 and continued the item to the February 21, 2018 LUDC meeting.

On February 21, 2018, the LUDC endorsed a slightly revised Ordinance, requiring DRB or HPB review, as applicable, for the new understory standards. Additionally, as part of the discussion at the LUDC, staff indicated that they would set additional limits on the amount of enclosed, non-air-conditioned areas, utilized for parking and storage. In this regard, a cap of 600 square feet has been proposed, and included in the revised Ordinance draft for referral. Any portion of enclosed parking and storage area exceeding 600 square feet would count in the unit size calculations.

On March 7, 2018, the City Commission referred the proposed Ordinance Amendment to the Planning Board for consideration and recommendation.

REVIEW CRITERIA

In accordance with Section 118-163(3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where 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 amendment 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 Ordinance will not change district boundaries.

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

Consistent – The proposed Ordinance will not affect the overall scale of development and is not out of scale with the needs of the neighborhood.

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

Consistent – The proposed change will not tax the existing 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 Ordinance will not change district boundaries.

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

Consistent – The need to respond to increasing concerns over flooding and sea level rise and corresponding uses and areas below elevated homes, makes passage of the proposed change necessary.

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

Consistent – The proposed change should 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 change will not create or increase traffic congestion.

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

Consistent – The proposal will not reduce light and air to adjacent properties,

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

Consistent – The proposed change should not adversely affect property values in the 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 proposal should not be a deterrent to the improvement or development of adjacent property.

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 133-50(b) of the Land Development Regulations 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.**

Partially Consistent – The proposal does affect some areas that are vulnerable to the impacts of sea level rise.

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

Not Applicable – The proposal will not affect 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 does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

BACKGROUND

In the City Code (Section 114-1), Story is defined as follows:

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor next above it, then the space between such floor and the ceiling next above it. A basement shall be counted as a story if its ceiling is equal to or greater than four feet above grade.

Under the **Florida Building Code**, the following are the pertinent definitions:

STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see "*Basement*," "*Building height*," "*Grade plane*" and "*Mezzanine*"). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

BASEMENT (for flood loads). The portion of a building having its floor subgrade (below ground level) on all sides. This definition of "Basement" is limited in application to the provisions of Section 1612.

BASEMENT. A *story* that is not a *story above grade plane* (see “*Story above grade plane*”). This definition of “Basement” does not apply to the provisions of Section 1612 for flood loads.

STORY ABOVE GRADE PLANE. Any *story* having its finished floor surface entirely above *grade plane*, or in which the finished surface of the floor next above is:

1. More than 6 feet (1829 mm) above *grade plane*; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

Until recently, building height was measured from grade, which is the elevation of the sidewalk at the center of the property. The City Code was amended in 2014 to allow the measurement of building height starting from base flood elevation (BFE). In 2015, the Code was amended to allow the measurement of building height starting from base flood elevation plus up to the maximum freeboard (BFE + 1'-5').

All zoning districts have an overall maximum height limit in feet, as measured from base flood elevation plus allowable freeboard; within this allowable number of feet is a corresponding limit on the number of stories. For example, in the RM-1 district, the maximum height limit is 50 feet and 5 stories, and in the RM-3 district the maximum height for oceanfront lots is 200 feet and 22 stories.

It is important to note that the amount of horizontal floor area within a building, which correlates to the number of 'stories', is limited by maximum allowable FAR within a particular zoning district. In order to simplify the overall measurement of building height, the Land Use Committee recommended the removal of the existing limits on number of stories altogether, and a separate referral is pending at the Planning Board. In this regard, the fixed maximum height, measured in feet from BFE plus freeboard, would remain. This measurement is constant and the number of horizontal floors would continue to be limited by the maximum FAR for the district.

PLANNING ANALYSIS

The overall measurement of intensity in single family zoning districts is different from all other zoning districts in that 'unit size' is used for regulating allowable enclosed space, as opposed to 'FAR'. Additionally, unlike commercial buildings, or multi-family buildings with ground floor, accessory commercial space, the first habitable floor of all new single family homes must be constructed at or above base flood elevation plus one foot (BFE + 1').

Currently, single-family districts (RS zoned properties) have a maximum height limit measured in feet from base flood elevation plus allowable freeboard (maximum of BFE plus five feet). Additionally, the RS districts have a story limit of two habitable floors above base flood elevation plus allowable freeboard.

Under the current Code, when the first habitable level of a home is more than six feet above grade, due to minimum base flood elevation and freeboard requirements, the RS district regulations permit 'non air-conditioned space' below the first habitable floor. Currently, this non air-conditioned space is limited to a maximum interior height of 7'-6", and is not counted toward

the overall height limit of the building in feet, nor is it counted in allowable unit size. Additionally, up to, but not exceeding, 600 square feet may be used for parking cars. When originally adopted in 2014, this provision was only applicable to the lowest areas of the City, as the overall height of a home was measured from base flood elevation. Now that single family home height is measured from BFE plus up to 5 feet of additional freeboard, there have been increasing instances where one and two story homes are being located above allowable 'non air-conditioned space'.

Absent this 'non air-conditioned space' below the first habitable level, a home owner proposing BFE + 5' for new construction would be forced to use fill and place a new home on top of a large, elevated berm. Such an approach would create environmental, water retention, drainage and water run-off issues that would affect the site, the neighboring properties and adjacent rights of way. Additionally, it would result in accessibility issues to the main house, as well as create an architectural and compatibility issue with the built context of the surrounding area. In this regard, unlike other cities in South Florida that allow homes to be built on large, sloped berms, Miami Beach is not defined by that particular single-family typology. Although having non air-conditioned space below the first habitable level of a new or elevated home may result in the appearance of a three story home, this is a far more successful architectural transition than utilizing an oversized berm.

As more new homes in the City are expected to be built well above existing grade in all RS districts and in some cases older or historic homes may be raised as well, further study of the current regulations limiting the height of allowable 'non air-conditioned' space has been undertaken. In this regard, factors such as the future raising of roads and sidewalks, the relationship of allowable non air-conditioned space to elevated yards and the need to provide tangible transition spaces in order to access the main level of a home, have been taken into consideration.

The attached draft ordinance furthers existing regulations regarding non-air-conditioned 'understory space, created by new, elevated single family homes. The following is a summary of the proposed revisions to Sec. 142-105, which are included within the draft ordinance:

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 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.

Attached are the following illustrations, which provide a graphic representation of the above noted modifications:

- Exhibit A: Proposed code changes as applied to a 60 foot lot
- Exhibit B: Proposed code changes as applied to a 100 foot lot
- Exhibit C: Existing code as applied to a 60 foot lot
- Exhibit D: Existing code as applied to a 100 foot lot
- Exhibit E: Elevation Graphics

In addition to these proposed modifications to the allowable understory areas of a single family home, 2 minor text amendments are also proposed, as follows:

1. Sec. 142-105 - Roof Decks.

Currently, roof decks are permitted as a height exception above the main roofline of a single family home, provided they do not exceed a combined deck area of 25 percent of the enclosed floor area immediately one floor below. Additionally, regardless of deck height, roof decks must be setback a minimum of ten feet from each side of the exterior outer walls when located along a front or side elevation, and/or from the rear elevation of non-waterfront lots. The DRB or HPB may forego the required rear deck setback, in accordance with the applicable design review or appropriateness criteria.

Currently, there is no provision for landscaping on roof decks, as an allowable height exception. In order to better address landscape areas proposed for roof decks, the following additional language is proposed:

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.

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

Currently, porches, platforms and terraces are an allowable yard projection, but only up to 30 inches in height above the grade elevation of the lot. Since single family homes are now required to be constructed well above grade elevation, the following additional language is proposed, in order to better facilitate access to homes with higher first floor elevations:

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.

Lastly, electric vehicle charging stations and fixtures, located next to an off-street parking space, have been added to the list of allowable setback encroachments.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the Ordinance to the City Commission with a favorable recommendation.

TRM/MAB/RAM

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EXHIBIT A: PROPOSED CONDITION 60' LOT (SITE PLAN)

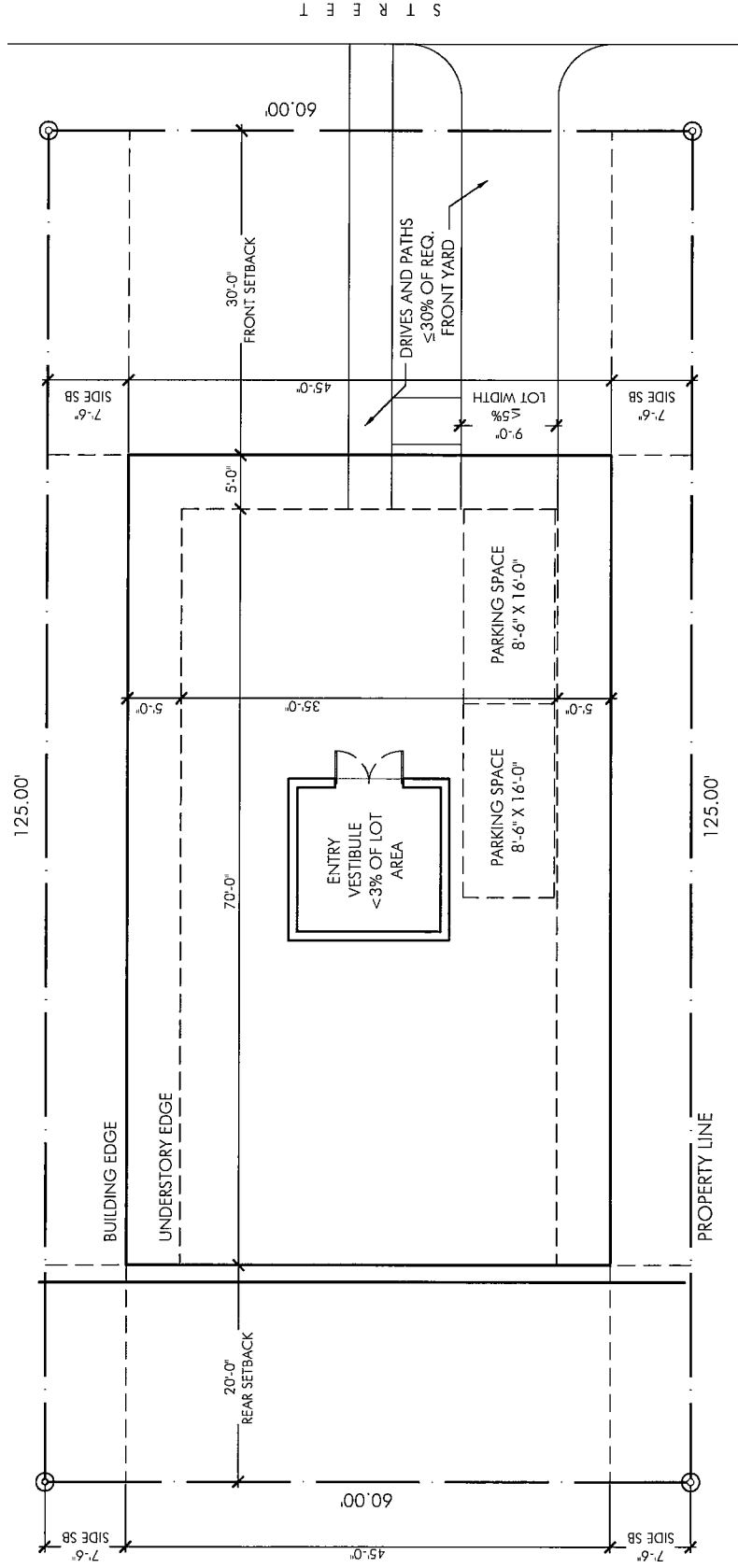
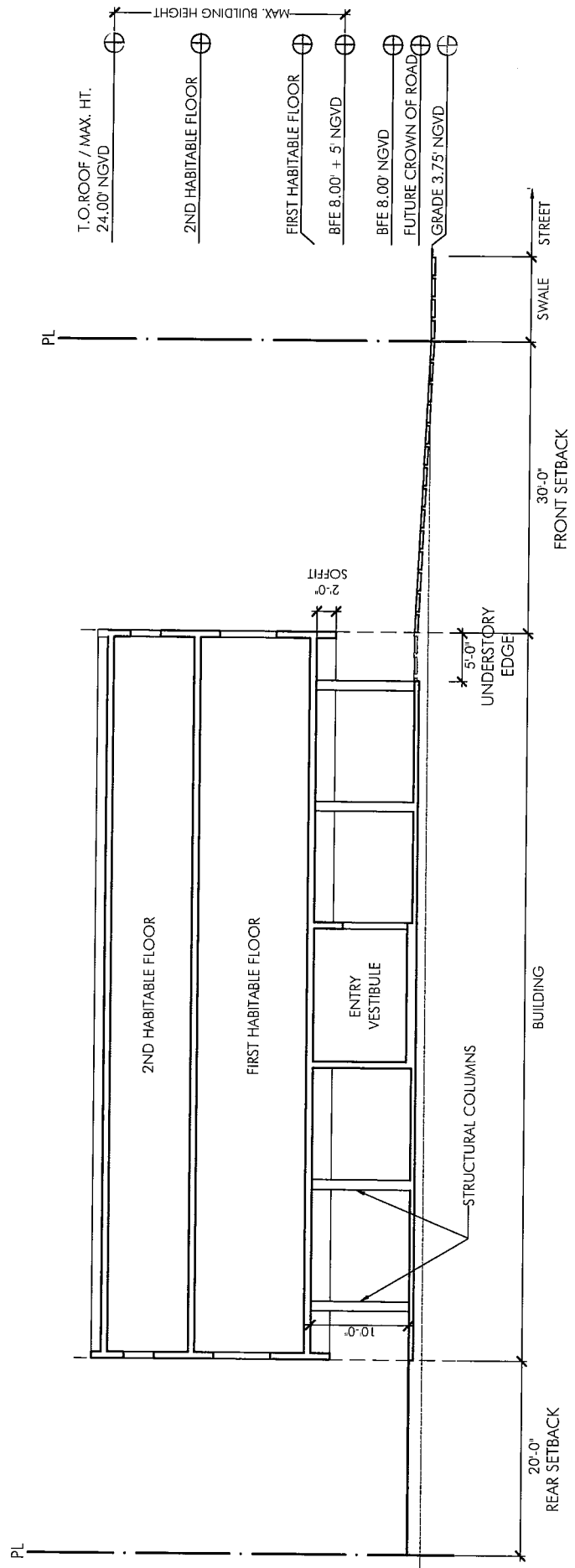


EXHIBIT A: PROPOSED CONDITION 60' LOT (SECTION)



This site plan illustrates the layout of a 125.00' x 100.00' lot. The lot is bounded by a **PROPERTY LINE** on all sides. The building footprint is oriented with its **BUILDING EDGE** on the left and its **UNDERSTORY EDGE** on the right. The building has a **REAR SETBACK** of 20'-0" from the rear property line and a **FRONT SETBACK** of 30'-0" from the front property line. The building's width is 70'-0", and its depth is 5'-0". The **ENTRY VESTIBULE** is located at the rear of the building, occupying $\leq 3\%$ of the lot area. The lot is divided into a **FRONT YARD** and a **REAR YARD**. The **FRONT YARD** contains two **PARKING SPACE**s, each measuring 8'-6" x 16'-0". The **REAR YARD** contains a **DRIVES AND PATHS** area, which is $\leq 80\%$ of the required area. The lot width is 100.00', and the lot depth is 125.00'. The lot is also divided into a **FRONT YARD** and a **REAR YARD**. The **FRONT YARD** contains two **PARKING SPACE**s, each measuring 8'-6" x 16'-0". The **REAR YARD** contains a **DRIVES AND PATHS** area, which is $\leq 80\%$ of the required area. The lot width is 100.00', and the lot depth is 125.00'.

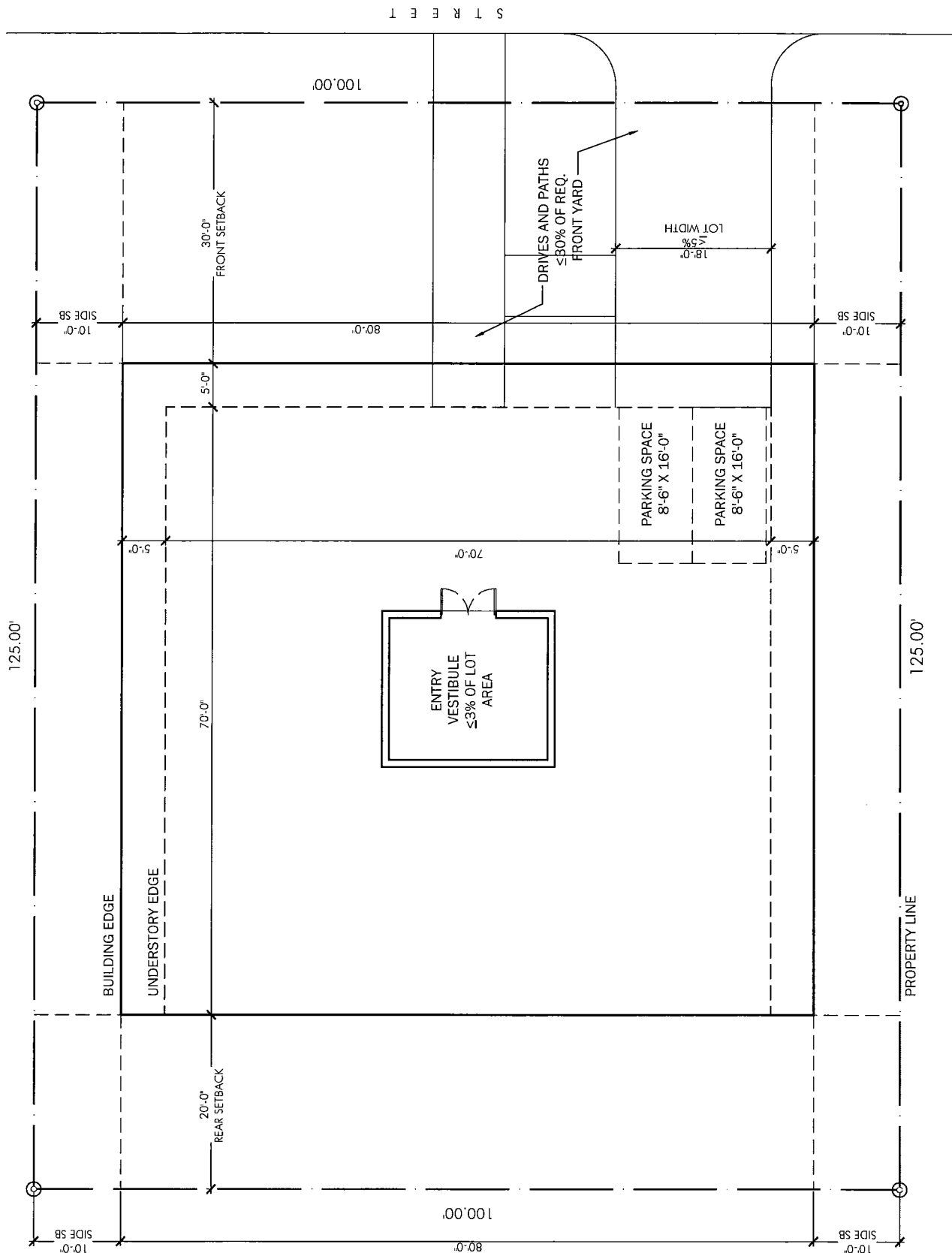


EXHIBIT B: PROPOSED CONDITION 100' LOT (SECTION)

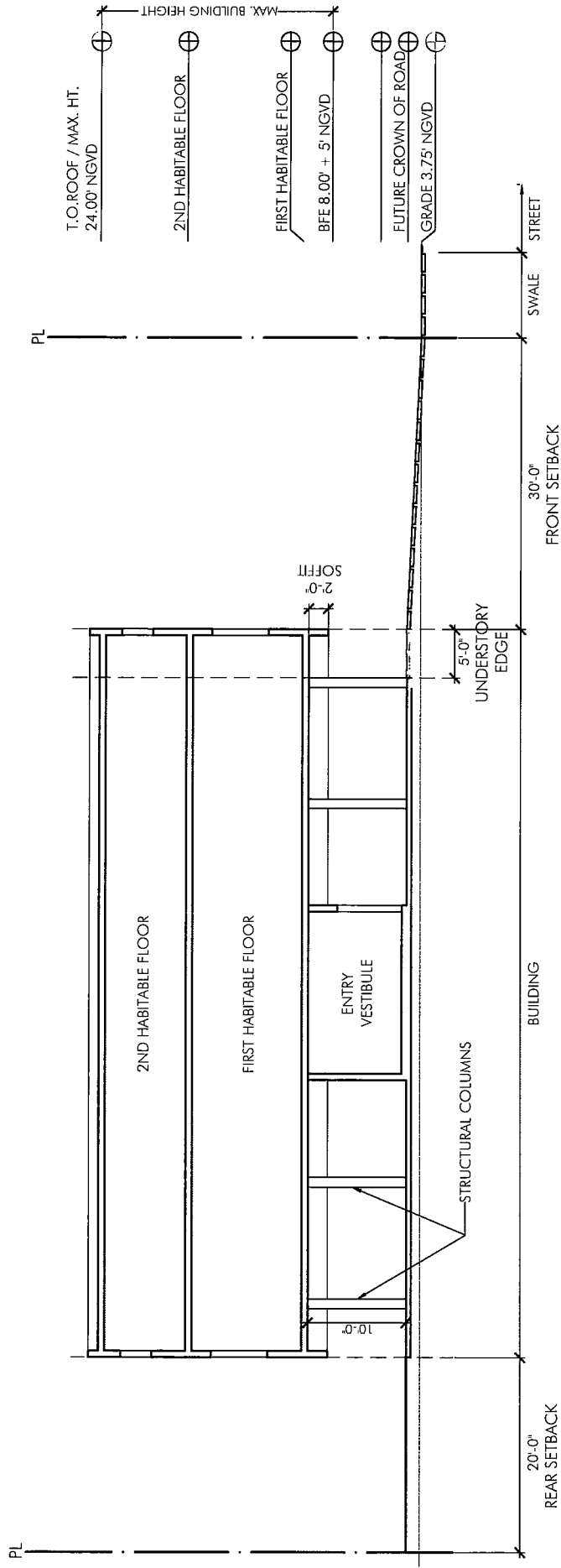


EXHIBIT C: EXISTING CODE 60' LOT (SITE PLAN)

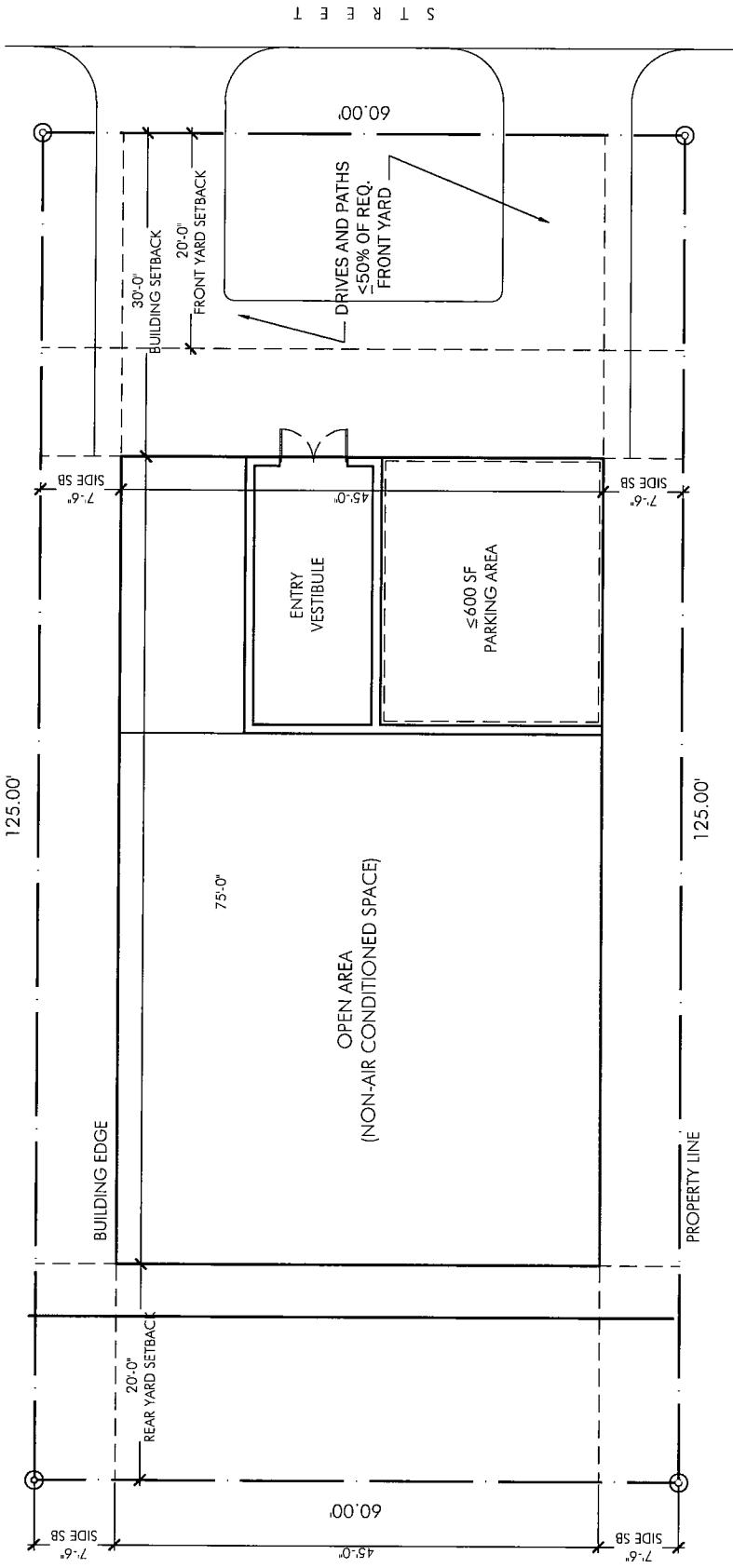
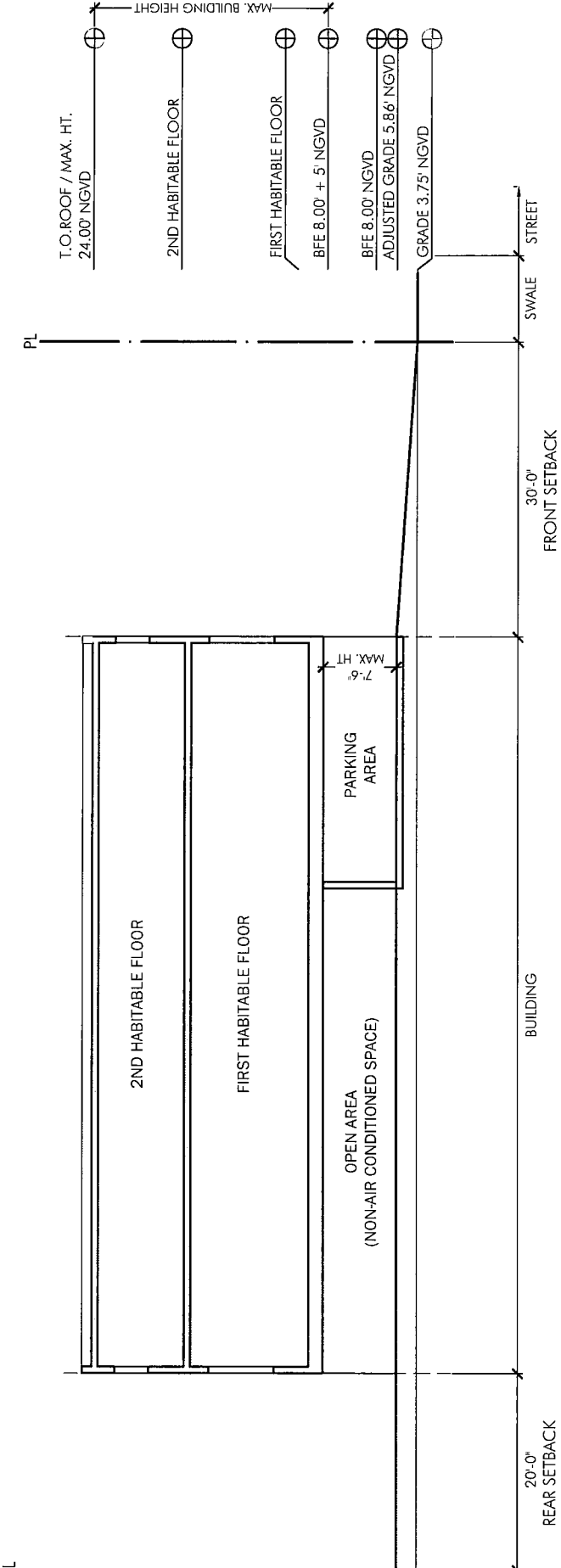


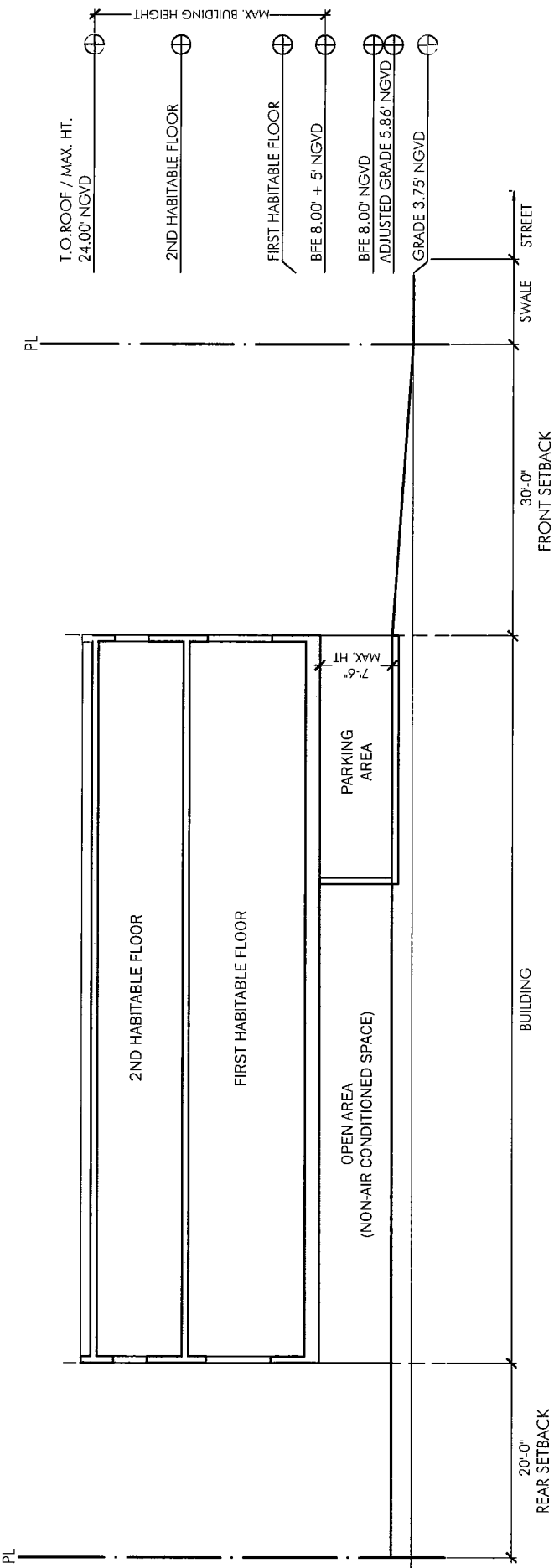
EXHIBIT C: EXISTING CODE 60' LOT (SECTION)



The diagram illustrates a site plan for a building with the following features and dimensions:

- Overall Dimensions:** The site is 125.00' wide and 100.00' deep.
- Building Layout:**
 - Open Area (Non-Air Conditioned Space):** A large rectangular area on the left side of the building.
 - Entry Vestibule:** A small rectangular area adjacent to the open area.
 - Parking Area:** A dashed rectangular area labeled "≤ 600 SF PARKING AREA" located next to the entry vestibule.
- Setbacks and Edges:**
 - Building Edge:** The left boundary of the building.
 - Property Line:** The right boundary of the site.
 - Front Yard Setback:** 20'-0" from the front property line.
 - Rear Yard Setback:** 20'-0" from the rear property line.
 - Side Setback (SB):** 10'-0" on the left and right sides.
- Drives and Paths:** Indicated by arrows pointing to the front yard setback area, labeled "DRIVES AND PATHS ≤ 50% OF REQ. FRONT YARD".

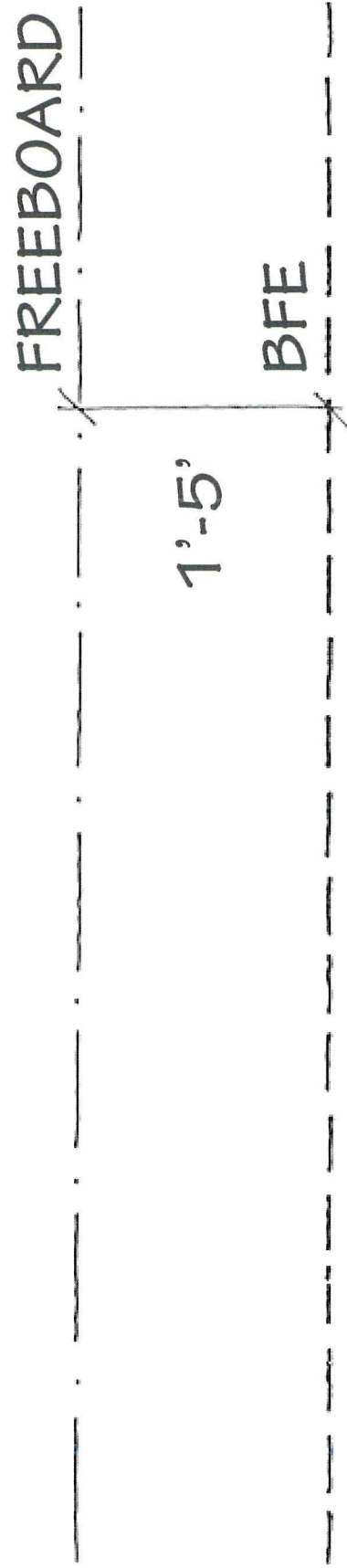
EXHIBIT D: EXISTING CODE 100' LOT (SECTION)





Single Family Height Illustrations

GRADE



MAX. HEIGHT

X =

HT. OF HOME

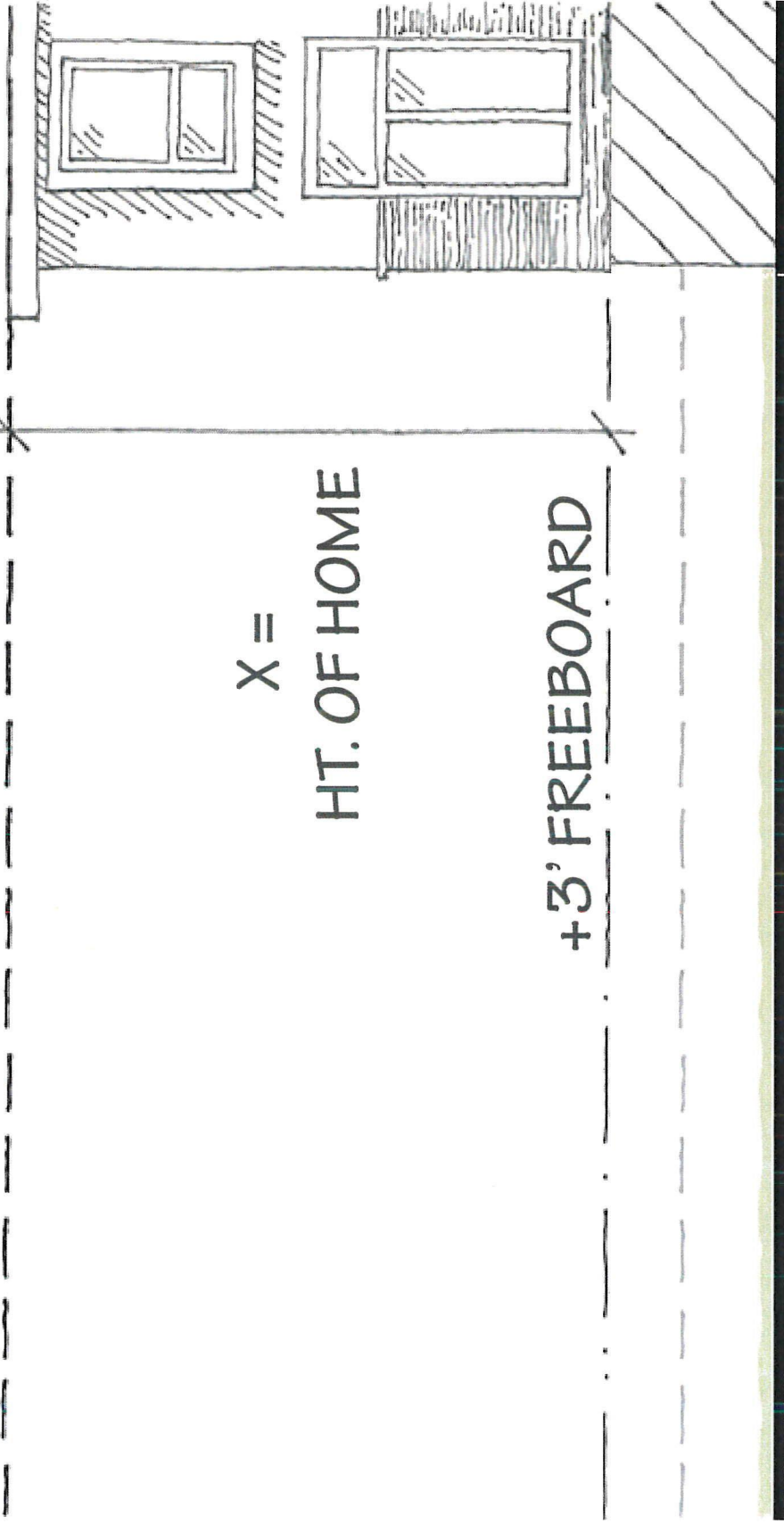
+1' FREEBOARD



MAX. HEIGHT

X =
HT. OF HOME

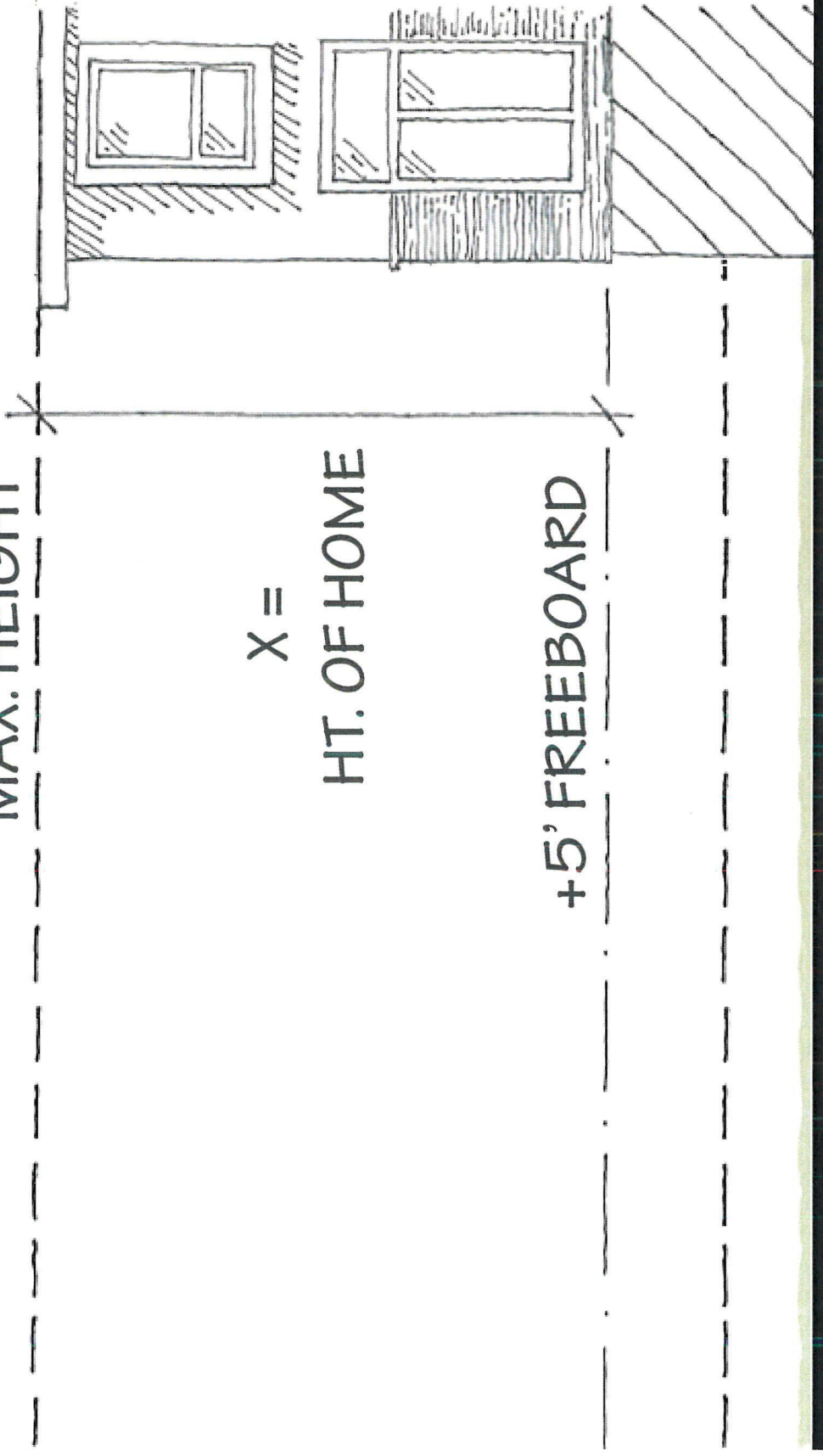
+3' FREEBOARD

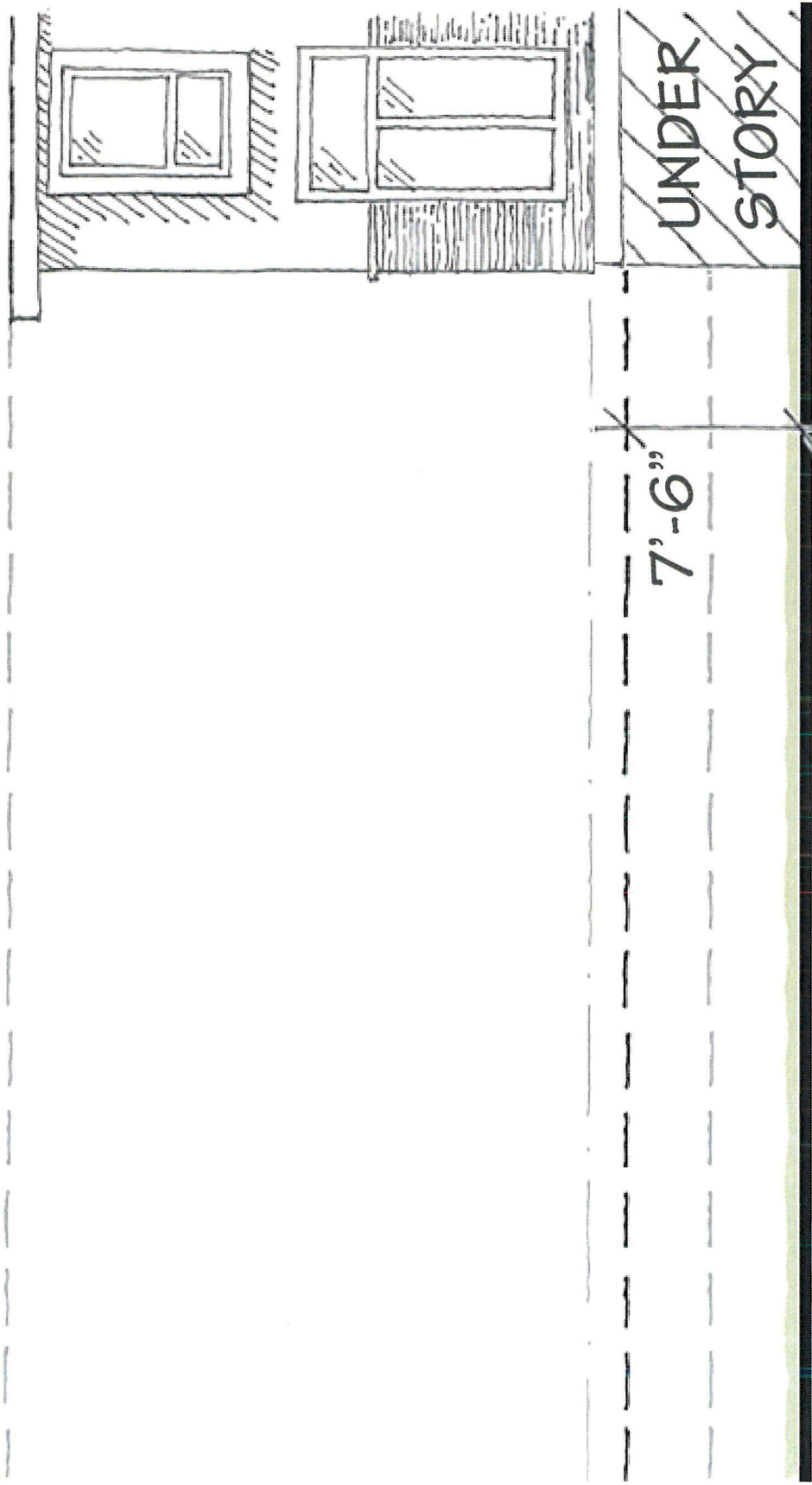


MAX. HEIGHT

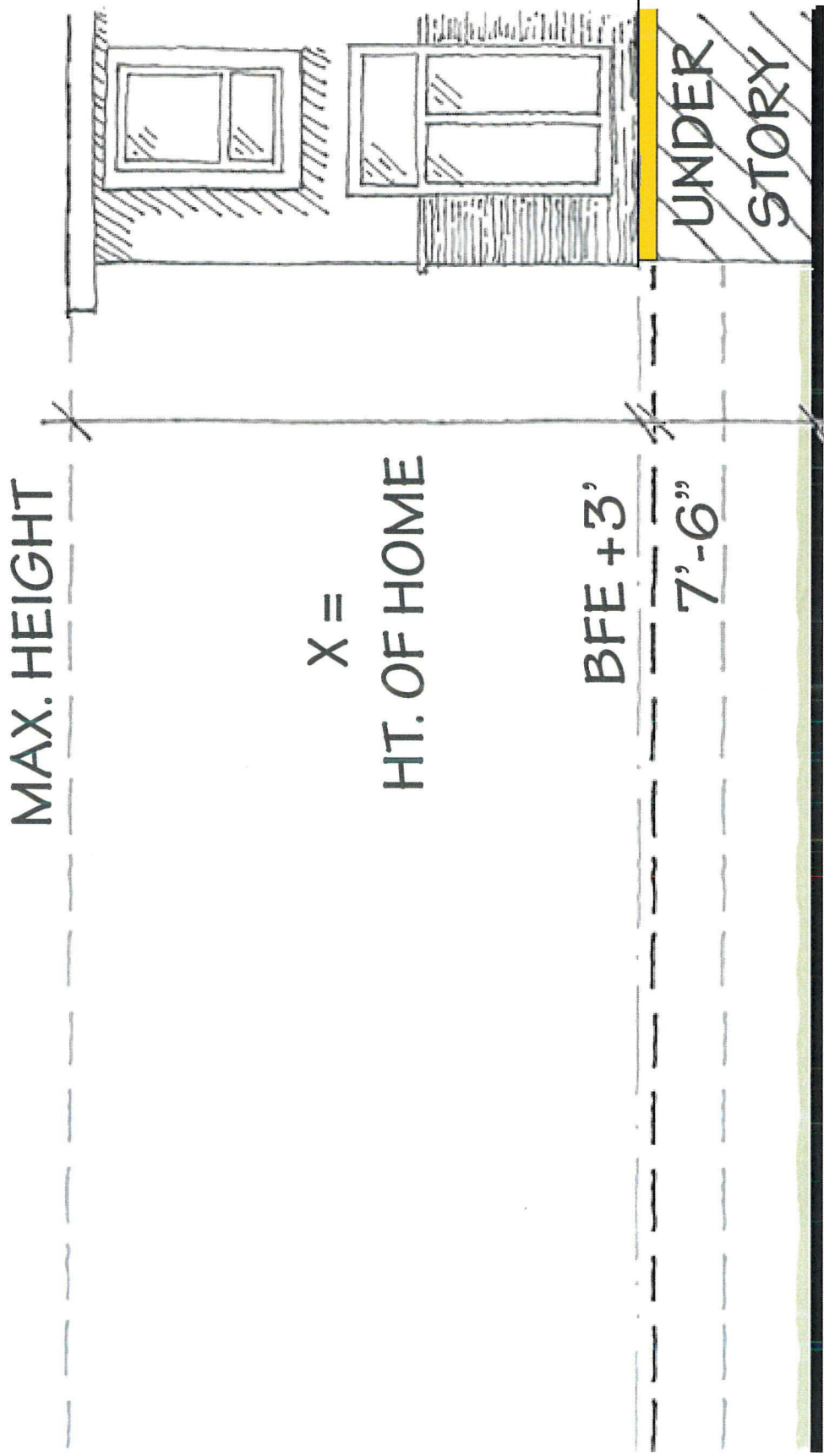
X =
HT. OF HOME

+5' FREEBOARD





Current Code 'Understory'



Current Code 'Understory'

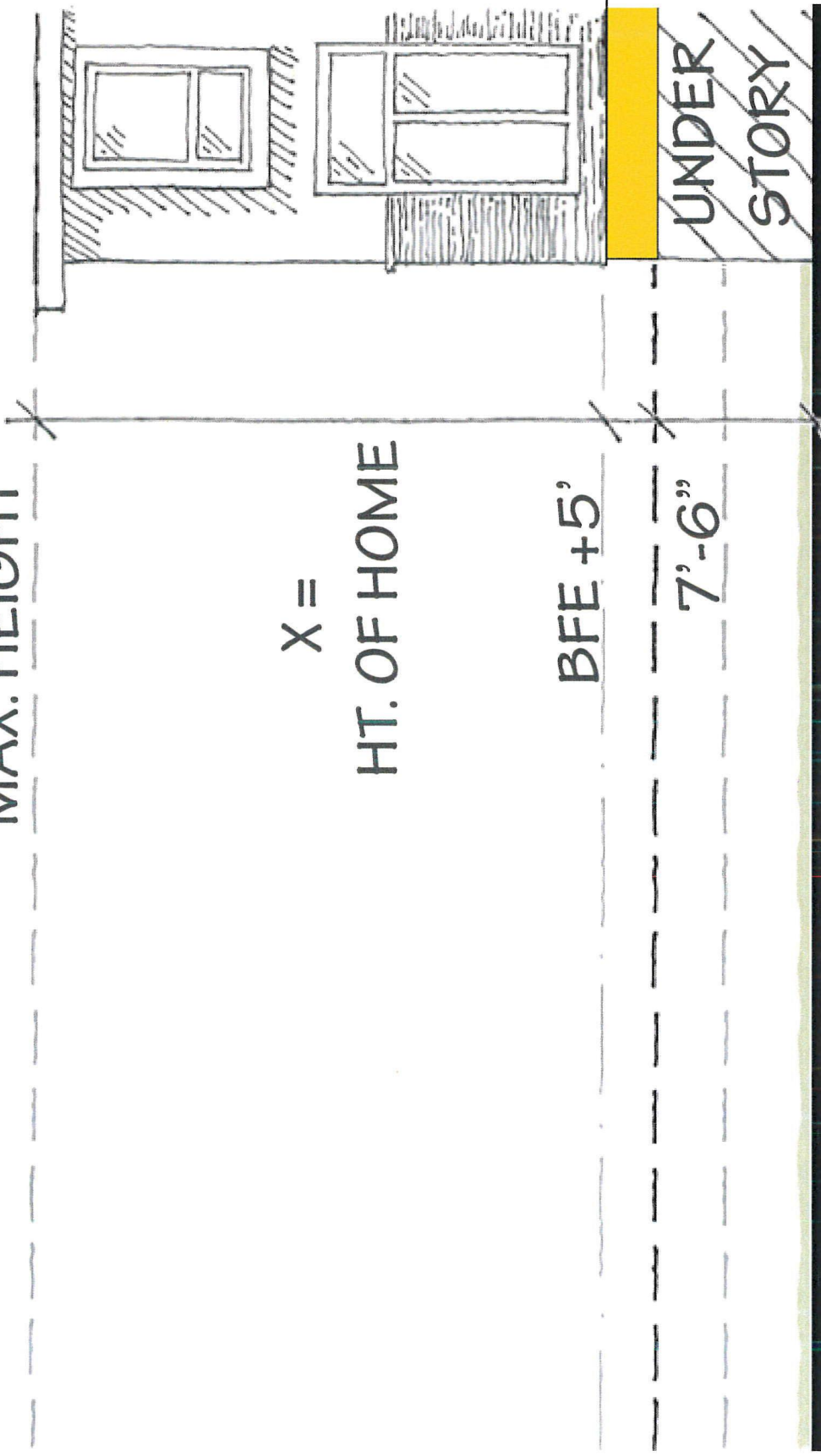
MAX. HEIGHT

X =

HT. OF HOME

BFE + 5'

7'-6"



Current Code 'Understory'

MAX. HEIGHT

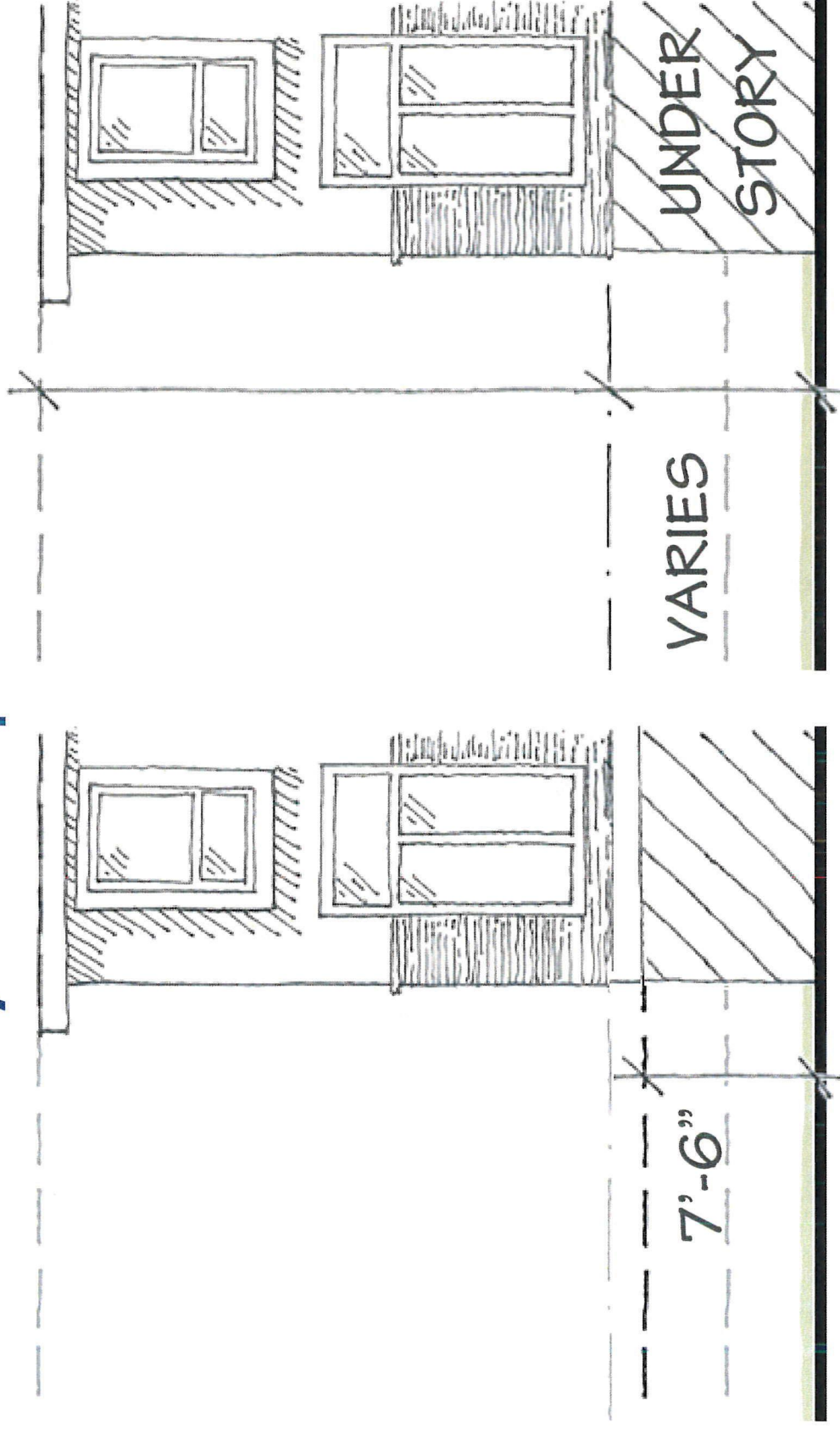
X =
HT. OF HOME

VARIES

UNDER
STORY

Proposed 'Understory'

Understory Comparison



Proposed

Current

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 EXCETPTION 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 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.

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- (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)e.~~ 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