

**Single Family Front and Street Side Setback Regulations
Raised Street Harmonization**

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, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” DIVISION 2, ENTITLED “RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS,” AT SECTION 142-106 ENTITLED “SETBACK REQUIREMENTS FOR A SINGLE-FAMILY DETACHED DWELLING” BY MODIFYING FRONT AND STREET SIDE SETBACK REQUIREMENTS FOR PROPERTIES THAT SEEK TO HARMONIZE EXISTING YARD ELEVATIONS WITH CITY STREET RAISING PROJECTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the regulation of single family districts is necessary in order to ensure compatible development within the built character of the single-family neighborhoods in the City; and

WHEREAS, the identity, image and environmental quality of the City should be preserved and protected; and

WHEREAS, the privacy, attractive pedestrian streetscapes and human scale and character of the City’s single-family neighborhoods, are important qualities to protect; and

WHEREAS, due to resiliency and sea level rise concerns the City proposes to raise certain streets in the City; and

WHEREAS, in conjunction with the raising of City streets, the City desires to provide single family properties the opportunity to harmonize the front yard heights to the adjacent and abutting streets that have been raised by the City; 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 Section 142-106, “Setback requirements for a single-family detached dwelling”, is hereby amended, as follows:

142-106. - Setback requirements for a single-family detached dwelling.

The setback requirements. for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(1) *Front yards:* The minimum front yard setback requirement for these districts shall be 20 feet.

- a. One-story structures may be located at the minimum front yard setback line.
- b. Two-story structures shall be set back a minimum of ten additional feet from the required front yard setback line.
- c. [Reserved.]
- d. At least 50 percent of the required front yard area 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 five feet to the front of the building.
- e. 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 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 of the required front yard be sodded or landscaped pervious open space.

(2) *Side yards:*

- a. The sum of the required side yards shall be at least 25 percent of the lot width.
- b. Side, facing a street.
 - 1. Each required side yard facing a street shall be no less than ten percent of the lot width or 15 feet, whichever is greater. ~~Also, at~~
 - 2. At least 50 percent of the required side yard area facing a street 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 five feet to the front of the building.
 - 3. 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 of the required side yard area facing a street consisting of sodded or landscaped pervious open space, such property may retain the most recent, previously permitted pervious open space if the side yard area facing a street is raised to meet the new street elevation. However, in no instance shall less than 30 percent of the required side yard area facing a street be sodded or landscaped pervious open space.
- c. Interior sides.
 - 1. For lots greater than 60 feet in width ~~each any one~~ interior side yard shall have a minimum of ten percent of the lot width or ten feet, whichever is greater.
 - 2. For lots 60 feet in width or less ~~each any one~~ interior side yard shall have a minimum of seven and one-half feet.

SECTION 2. 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 3. REPEALER.

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

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 _____, 2019.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: December 12, 2018

Second Reading: January __, 2019

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

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

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