

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: May 23, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 17-0119. Single Family Home Interior Side Yard Landscape Standards**

#### **REQUEST**

**PB 17-0119. SINGLE FAMILY HOME INTERIOR SIDE YARD LANDSCAPE STANDARDS. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY CREATING MINIMUM LANDSCAPE STANDARDS WITHIN A REQUIRED INTERIOR SIDE YARD; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

#### **RECOMMENDATION:**

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

#### **HISTORY**

On February 8, 2017, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the subject discussion item to the Land Use and Development Committee (Item C4J). On February 15, 2017 the item was continued to a date certain of March 8, 2017.

On March 8, 2017, the Land Use Committee discussed the proposal and recommended that the City Commission refer the Ordinance to the Planning Board.

On April 26, 2017, the Mayor and City Commission referred this item to the Planning Board for consideration (item C4K.)

#### **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 modifications are 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.**

**Not Applicable** – The proposed amendment does not modify district boundaries.

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

**Not Applicable** – The proposed Ordinance will not modify the scale of development.

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

**Consistent** – The proposed will not modify the intensity of development.

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

**Not Applicable** – The existing boundaries are not proposed to be modified by the proposed Ordinance.

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

**Consistent** – The adequate buffering of existing homes from higher grade elevations of new construction in single family districts is necessary in order to ensure compatible development within the built character of the single-family neighborhoods of the City.

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

**Consistent** – The proposed change 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 change will not impact the levels of service set forth in the Comprehensive Plan.

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

**Consistent** – The proposal does not modify the scale of development and will not reduce light and air to adjacent areas.

**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 will 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.**

**ANALYSIS**

The proposed draft ordinance would amend Section 142-105 of the Land Development Regulations of the City Code, pertaining to single family development regulations, by establishing minimum landscape standards for interior side yards. Specifically, for new single family construction, all portions of required interior side yards would be required to incorporate a continuous landscape hedge, in-between the required front and rear yards, planted at a minimum height of six (6) feet, and in accordance with the requirements of Chapter 126 of the Land Development Regulations. The hedge material proposed would have to be of sufficient density to adequately buffer and screen neighboring properties.

The adequate buffering of existing homes from higher grade elevations of new construction in single family districts is necessary in order to ensure compatible development within the built character of the single-family neighborhoods of the City.

**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.

TRM/MAB

**SINGLE FAMILY HOME INTERIOR SIDE YARD LANDSCAPE STANDARDS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY CREATING MINIMUM LANDSCAPE STANDARDS WITHIN A REQUIRED INTERIOR SIDE YARD; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

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

**WHEREAS**, in order to be consistent with the "freeboard" requirements of the City Code, the desire to develop enhanced stormwater retention procedures for all properties, as well as the implemented increased heights of sea walls, amendments to the maximum elevation requirements within required yards of single family districts have been adopted to eliminate or mitigate any conflict with the City's efforts to address sea level rise and flood mitigation measures; and

**WHEREAS**, the adequate buffering of existing homes from higher grade elevations of new construction in single family districts is necessary in order to ensure compatible development within the built character of the single-family neighborhoods of 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.

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

**SECTION 1.** Section 142-105, "Development regulations and area requirements", is amended as follows:

\* \* \*

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

\* \* \*

(8) *Exterior building and lot standards.* The following shall apply to all buildings and properties in the RS-1, RS-2, RS-3, RS-4 single-family residential districts:

\* \* \*

d. Minimum landscape standards for interior side yards. For new single family construction, all portions of required interior side yards shall incorporate a continuous landscape hedge, in between the required front and rear yards, planted at a minimum height of six (6) feet, and in accordance with the requirements of Chapter 126 of the

Land Development Regulations. The hedge material proposed shall be of sufficient density to adequately buffer and screen neighboring properties.

\* \* \*

**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 relettered 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 10 days after adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Philip Levine, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney Date

First Reading: \_\_\_\_\_, 2017  
Second Reading: \_\_\_\_\_, 2017

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

Underline = new language

~~Strikethrough~~ = deleted language

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