

Single Family Regulations – Lot Coverage, Unit Size, Height, Setbacks, and Courtyards

ORDINANCE NO. 2016-3987

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," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," AT SECTIONS 142-105, 142-106, AND 142-108, BY MODIFYING, SIMPLIFYING, AND CLARIFYING HOW LOT COVERAGE, UNIT SIZE, ROOF DECK, HEIGHT, SETBACK, AND COURTYARD REQUIREMENTS ARE APPLIED IN THE SINGLE FAMILY RESIDENTIAL DISTRICTS; ELIMINATING CERTAIN DESIGN REVIEW WAIVERS FOR SECOND FLOOR VOLUME AND SIDE ELEVATION REQUIREMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the regulation of additions and new construction in 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, new homes and additions that are compatible with the prevailing character of existing residential neighborhoods should be encouraged and promoted; 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, 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 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. ~~The second floor of t~~Two-story structures shall be set back a minimum of ten additional feet from the required front yard setback line.
 - c. ~~Up to 50 percent of the developable width of the second floor may encroach forward to the 20-foot setback line through staff level review. Portions that encroach forward in excess of 50 percent shall require historic preservation board or design review board approval in accordance with the applicable design review or appropriateness criteria.~~
 - d. At least ~~35~~ 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.
- (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. 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 least ~~35~~ 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.
 - c. Interior sides. For lots greater than 60 feet in width any one interior side yard shall have a minimum of ten percent of the lot width or seven and one-half ten feet, whichever is greater. For lots 60 feet in width or less any one interior side yard shall have a minimum of ten percent of the lot width or seven and one-half feet, whichever is greater

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. EXCEPTIONS.

This ordinance shall not apply to anyone who filed a completed application package for Historic Preservation Board or Design Review Board Approval with the Planning Department on or before January 13, 2016; or anyone who obtained a Building Permit Process Number from the Building Department on or before January 13, 2016.

SECTION 6. EFFECTIVE DATE.

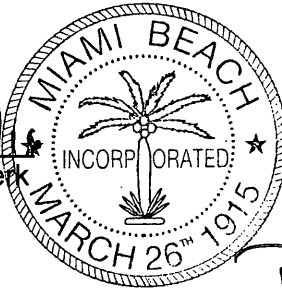
This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this 13 day of January, 2016

Philip Levine, Mayor

ATTEST:

2/1/16
Rafael E. Granado, City Clerk



APPROVED TO
FORM AND LANGUAGE
& FOR EXECUTION

1-22-16
City Attorney

Date

First Reading: December 9, 2015

Second Reading: January 13, 2016

Verified by: _____

Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language

~~Strikethrough~~ denotes removed language

Double Underscore denotes language added at First Reading

Condensed Title:

An Ordinance amending Chapter 142 of the Land Development Regulations of the City Code pertaining to single family development regulations.

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character. Increase satisfaction with development and growth management across the City.

Supporting Data (Surveys, Environmental Scan, etc 48% of residential respondents and 55% of businesses rate the effort put forth by the City to regulate development is "about the right amount."

Item Summary/Recommendation:**SECOND READING – PUBLIC HEARING**

The subject Ordinance would modify certain development standards and regulations for single family homes, including proposed reductions in lot coverage, unit size and setbacks, as well as an increase in front yard pervious area requirements.

On September 9, 2015, the Land Use and Development Committee recommended in favor of the ordinance and that the City Commission refer the Ordinance Amendment to the Planning Board.

On December 9, 2015 the City Commission: 1) accepted the recommendation of the Land Use and Development Committee via separate motion; 2) approved the original version of the proposed Ordinance at First Reading; and 3) scheduled a Second Reading Public Hearing for January 13, 2016.

The Administration recommends that the City Commission adopt the Ordinance.

Advisory Board Recommendation:

On November 24, 2015, the Planning Board reviewed the proposed Ordinance and transmitted it to the City Commission with a favorable recommendation (Vote of 5-1), with the removal of the proposed reductions in lot coverage and unit size.

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div> OBPI	1		
	2		
	3		
	Total		

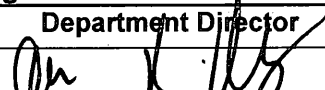


Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least 5 years) of this proposed legislative action, and determined that there will be no measurable impact on the City's budget.

City Clerk's Office Legislative Tracking:

Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 13, 2016

SECOND READING – PUBLIC HEARING

SUBJECT: Ordinance Amendment – Single Family Regulations

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," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," AT SECTIONS 142-105, 142-106, AND 142-108, BY MODIFYING, SIMPLIFYING, AND CLARIFYING HOW LOT COVERAGE, UNIT SIZE, ROOF DECK, HEIGHT, SETBACK, AND COURTYARD REQUIREMENTS ARE APPLIED IN THE SINGLE FAMILY RESIDENTIAL DISTRICTS; ELIMINATING CERTAIN DESIGN REVIEW WAIVERS FOR SECOND FLOOR VOLUME AND SIDE ELEVATION REQUIREMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the Ordinance.

BACKGROUND

On July 8, 2015, at the request of Commissioner Joy Malakoff, the City Commission referred this item to the Land Use and Development Committee (Item C4C). On July 29, 2015 the Land Use and Development Committee discussed this item and continued the discussion to the September 9, 2015 meeting.

Between August 26th and 27th, 2015 the Planning Department held four focus group meetings, including two meetings for homeowners, one for architects, and one for developers, realtors, and attorneys. On September 9, 2015, the Land Use Committee discussed the item and recommended that the City Commission refer the proposed ordinance to the Planning Board.

On October 14, 2015, the City Commission referred the item to the Planning Board (Item R9H). The City Commission also recommended that the Planning Board consider the additional modifications noted by the various focus groups, as well as the discussion at the September 9, 2015 Land Use Committee meeting.

ANALYSIS

In 2006 the first major comprehensive revisions to the single family home development regulations were adopted by the City Commission in order to establish limitations on lot coverage, unit size, building height and setback requirements. The purpose of these regulations was to help ensure that new construction was compatible with the established character of the single family neighborhoods in Miami Beach. On February 12, 2014, the City Commission adopted the next comprehensive revision to the single family development regulations, incorporating numerous modifications including limitations on lot coverage, unit size, roof decks, lengths of 2-story side elevations, and limitations on the percentage of a home's second floor volume.

Each of these, as well as subsequent minor amendments to the single family development regulations, has resulted in reductions in the overall size of homes, but has also created a lengthy and complicated review process for single family homes. The primary goal for many of the additional regulations was to limit the overall massing of home construction to help ensure compatibility with the surrounding single family neighborhoods. In order to further this policy objective, and taking into consideration the evolving requirements for higher floor and grade elevations, an ordinance has been drafted to foster a better transitional relationship between existing single family homes and new single family construction.

The proposed ordinance attempts to strike a balance between better mitigating the impacts of new single family construction within the City's established context of smaller homes, and providing for the flexibility to design and build new homes that accommodate the modern needs of home owners. In this regard, given the mandatory requirements for higher base flood and grade elevations, staff believes that the proposal will allow for more breathing room along the most critical perimeters of new homes.

The proposed ordinance will also simplify the existing development regulations. In addition to reducing the amount of time that staff and project architects spend on deciphering and interpreting the rules, as well as expediting the review process, the proposed changes will give greater architectural freedom and latitude to the designers of the new homes, as the proposed regulations are far less prescriptive.

The following is a summary of the current requirements and proposed modifications as originally referred by the City Commission on October 14, 2015. The proposed changes are intended to ensure that new home construction is compatible with the character of existing single family neighborhoods, while greatly simplifying the regulatory requirements and allowing for a faster review time by City staff.

Lot Coverage (Two Story Home)

The maximum lot coverage is proposed to be reduced across all single family districts from 30% to 25%. Additionally, the regulations addressing exceptions have been substantially simplified. Basically all areas of the building footprint, including any covered projections, will count toward lot coverage, with the exception of roof overhangs and eyebrows three feet in depth or less. This modification will help ensure that pervious landscaped open areas are maintained, which will enhance drainage and on-site water retention. Extensive balconies and terraces add to the perceived mass of a home, and are still allowed, but limited based on their inclusion in the lot coverage calculations.

Current Code:

- Maximum 30%

- Lot coverage is calculated from the exterior face of exterior walls and the exterior face of exterior columns on the ground floor of all principal and accessory buildings, or portions thereof.
- Internal courtyards, which are open to the sky, but which are substantially enclosed by the structure on three or more sides are included in the lot coverage calculation
- Outdoor covered areas, such as, but not limited to, loggias, covered patios, pergolas, etc., that are open on at least two sides, and not covered by an enclosed floor above are not be included in the lot coverage calculation

Proposed Ordinance:

- Maximum 25%
- Any portion of the property open to the sky is not included in the lot coverage with the exception of courtyards that are enclosed on four sides, which are counted in the lot coverage.
- Outdoor covered areas are included in the lot coverage calculations, with the exception of roof overhangs and eyebrows that do not project more than feet feet from an exterior wall.

Lot Coverage (One Story Home)

In order to encourage single story home construction, which will be more in character with lower scaled older housing stock, lot coverage for a single story home is maintained at 50%. However, the maximum height is proposed to be reduced to help ensure compatibility with surrounding neighborhoods. As new homes must be constructed above the minimum flood elevation, even a new one story home often has the appearance of being the same height as an older two story home.

Current Code:

- Maximum = 50%
- In order to be considered a one story structure the maximum height shall not exceed 18 feet for a flat roofed structure and 21 feet for a sloped roof structure
- For five percent of the lot coverage, the height may be increased up to 24 feet for a single flat roof structure or 27 feet for a single sloped roof structure (measured to the mid-point of the slope). The length of any wall associated with this higher height shall not exceed 25 feet.

Proposed Ordinance:

- Maximum = 50%
- Roof heights lowered to 15 feet for a flat roofed structure and 18 feet for a sloped roof structure.
- Elimination of the allowance for a portion of the house to be constructed as a two-story home which allows retaining the higher lot coverage allowance for a single story home.

Unit Size

The proposed ordinance would reduce the maximum unit size in all single family districts to 45%. With the inclusion, as proposed, of balconies and terraces in the reduced lot coverage calculation of 25%, including portions in the unit size will no longer be necessary. Further, with the lot coverage reduced to 25%, the 70% limitation of the second floor to first floor volume is also no longer needed. The proposed reduction in unit size to 45% is also closer to the city-wide average unit size of approximately 31%, as well as the average unit size for new home construction over the last year.

Current Code:

- Maximum = 50%

- The portion of covered terraces, breezeways, and open porches exceeding a projection of 10 feet from an exterior wall are included in the unit size.
- The portion of covered unenclosed balconies exceeding a projection of six feet from an exterior wall are included in the unit size.
- 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.

Proposed Ordinance:

- Maximum = 45%
- Covered terraces, breezeways, and open porches are not included in the unit size, regardless of depth (however they are now included in lot coverage as noted above).
- Balconies are not included in unit size regardless of depth (however they are now included in lot coverage as noted above).
- With the reduction in maximum lot coverage the requirement that the second floor shall not exceed 70% of the first floor has been removed.

Roof Decks

The proposal clarifies that swimming pools, spas, whirlpools, hot tubs and other water features are included in the maximum 25% roof deck area in order to ensure that a combined pool and deck area does not result in a nuisance to surrounding neighbors.

Two story Side Elevation Open Space Requirement

To balance the reduction in overall lot coverage and unit size, and inclusion of balconies and terraces in the lot coverage calculations, the two story side elevation open space requirement has been simplified. The overall intent and required square footage remains the same.

Setbacks Front:

In order to mitigate the height of two story homes, which, in some instances may be elevated seven feet or more from the street level to reach the required flood elevation, the mandatory front setback has been increased 10 feet and the minimum pervious area has been increased from 35% to 50%. A single story home could still be constructed with a front setback of 20 feet, but a two - story home would require a setback of 30 feet, regardless of the width of the 2nd floor and with no ability for the DRB to waive the requirement. The additional setback and pervious area requirement will also allow more depth to transition between a lower street or sidewalk elevation and the minimum flood elevation.

Current Code:

- The second floor of two story structures shall be setback a minimum of 10 additional feet from the required front setback line, however up to 50% of the developable width of the lot may encroach forward to the 20 foot setback line through staff review. The HPB or DRB may approve a waiver to this requirement.
- At least 35 percent of the required front yard area and side yard facing a street shall be sodded or landscaped pervious open space.

Proposed Ordinance:

- Only one-story structures may be located at the minimum front yard setback line.
- The entire portion of a two-story structure shall be setback an additional 10 feet from the required front yard setback. Waiver from the DRB or HPB has been removed.

- At least 50 percent of the required front yard area and side yard facing a street shall be sodded or landscaped pervious open space.

Setbacks Side:

Side setback requirements are proposed to be increased slightly for lots over 60 feet in width, but less than 100 feet in width, in order to better mitigate the higher height from adjoining properties. For example, under the current code, a house could be constructed on a 75-foot wide lot with interior side setbacks of 7.5 feet and 11.25 feet. With the proposed change, the required setbacks would be 10 feet on both sides. This change also helps to center homes on a lot by increasing the minimum setback to 10 feet for lots larger than 60 feet in width.

Current Code:

- Sum of the side yards shall be at least 25% of the lot width.
- For lots greater than 60 feet in width the minimum setback is 7.5 feet

Proposed Ordinance:

- Sum of the side yard requirement shall remain the same.
- For lots greater than 60 feet in width the minimum setback is 10 percent of the lot width or 10 feet whichever is greater.

Modifications to Section 142-108

The provisions for the demolition of single family homes outside of historic districts have been slightly modified to reference the changes in the remainder of the Ordinance.

PLANNING BOARD REVIEW

On November 24, 2015, the Planning Board transmitted the proposed ordinance amendment to the City Commission with a favorable recommendation, and with the following modifications:

1. All proposed changes pertaining to unit size and lot coverage for two story structures shall be deleted, including the proposal to limit the maximum unit size for a two-story home to 45% and the maximum lot coverage for a two-story home to 25%.
2. The incorporation of an exceptions clause:

SECTION ____ . EXCEPTIONS.

This ordinance shall not apply to:

1. Anyone who filed an application for Historic Preservation Board or Design Review Board Approval with the Planning Department on or before December 9, 2015; or
Anyone who obtained a Building Permit Process Number from the Building Department on or before December 9, 2015.

The Planning Board also recommended that the City Commission consider imposing minimum LEED certification for all new single family homes. The attached 'Planning Board' version of the Ordinance reflects the changes proposed by the Planning Board.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration City Administration evaluated the long term economic impact

(at least 5 years) of this proposed legislative action. The proposed Ordinance is not expected to have a negative fiscal impact upon the City.

SUMMARY

As indicated previously, while the majority of the proposed ordinance has received, for the most part, broad support among all of the various stakeholders, the portion of the legislation pertaining to unit size and lot coverage has not reached a similar consensus. The Planning Department and the Land Use Committee are supportive of the original version of the ordinance, as it would simplify the manner in which lot coverage and unit size requirements are applied. The Planning Board, while supportive of a simplification of the manner in which lot coverage and unit size requirements are applied, was not supportive of the proposed reduction in maximum unit size and lot coverage.

The Administration believes that the original version of the legislation, on balance, is the best option, as it would simplify and expedite the overall review single family review process.

UPDATE

On December 9, 2015, the Administration provided two versions of the ordinance for consideration at First Reading: 1) the original version referred by the City Commission; and 2) the version recommended by the Planning Board. The City Commission approved the original version of the Ordinance at First Reading with the following modifications:

1. *The proposed reduction in lot coverage to 25% and reduction in unit size to 45% will not apply to single family lots 6,000 square feet or less in size.*
2. *Roof overhangs and eyebrows shall not be included in the lot coverage calculation provided the projection from the building does not exceed six feet. When exceeding six feet in depth, the entire area of a roof overhang or eyebrow shall be included in the lot coverage calculation.*
3. *The following 'Exceptions' section: This ordinance shall not apply to anyone who filed an application for Historic Preservation Board or Design Review Board Approval with the Planning Department on or before January 13, 2016; or anyone who obtained a Building Permit Process Number from the Building Department on or before January 13, 2016.*

The subject Ordinance has been updated to include the modifications approved by the City Commission at First Reading. Additionally, the Planning Board version of the legislation has also been provided.

The Commission also requested that the Administration further study the proposed front setback requirements for lots less than 6,000 square feet. After evaluating lots with different sizes and dimensions, the Administration believes that the proposed front setback of 30 feet should remain as drafted, for all lots. The main reason is that the current Code requires at least 50% of the width of the 2nd floor of a home to be setback at least 30 feet, regardless of lot size. Since the current regulations have gone into effect, smaller lots have not had a problem incorporating a full 30 foot setback for both floors. Also, as the City plans for the future raising of streets and sidewalks, the extra 10 feet of space in the front yard will allow for a better walkway and driveway transition from the current lower street to what will likely be a more elevated front yard.

Finally, as it pertains to the proposed modifications to lot coverage and unit size, attached is a column comparison of the existing and proposed regulations, as well as a more detailed illustration of how a typical home on a 10,000 square foot lot would compare. In the attached illustration,

allowable courtyards, as well as projections that do not count in lot coverage have been identified.

It is important to note that currently single family home permits take up the vast majority of planning staff review time, due to the complicated and cumbersome structure of the single family development regulations. Although the proposed legislation is somewhat limited in terms of actual text modifications, it will have a positive impact streamlining and expediting this overall review process. Further revisions to the regulations in the future, to simplify the regulations, and not reduce development rights, are also suggested as the positive impact of a more simplified single family review process benefits the home owner, design professionals and staff. In the event that the City Commission is not able to reach consensus on the proposal to reduce maximum unit size and lot coverage requirements, it is recommended that the 'Planning Board' version of the ordinance be adopted.

CONCLUSION

The Administration recommends that the City Commission adopt the Ordinance. In the event that the City Commission does not reach consensus on the proposal to reduce unit size and lot coverage requirements, it is further recommended that the 'Planning Board' version of the ordinance be approved.

JLM/SMT/TRM

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Lot Coverage (Building Footprint) Requirements

EXISTING CODE:

- The building footprint shall not exceed 30 percent of the lot area.
- The footprint shall be calculated from the exterior face of exterior walls and the exterior face of exterior columns on the ground floor of all principal and accessory buildings, or portions thereof.
- **Internal courtyards**, which are open to the sky, but which are substantially **enclosed** by the structure on **three or more sides, shall be included** in the lot coverage calculation.
- **Outdoor covered areas**, such as, but not limited to, loggias, covered patios, pergolas, etc., that are open on at least two sides, and **not covered by an enclosed floor above, shall not be included** in the lot coverage calculation in accordance with the following:
 1. When **attached to the main home** building(s) with a **projection of 10 feet or less**, such outdoor covered area shall not be included in the lot coverage calculation.
 2. When **detached from the main home** building(s), or part of an attached structure **projecting more than 10 feet from the main home** building(s), such outdoor covered areas shall **not** be included in the lot coverage calculation; provided that such outdoor covered area(s) **do not exceed two percent (2%) of the lot area.**

PROPOSED CODE:

- The building footprint shall not exceed 25 percent of the lot area.
- The footprint shall be calculated from the exterior face of exterior walls and the exterior face of exterior columns on the ground floor of all principal and accessory buildings, or portions thereof, **including any projections, such as, but not limited to, loggias, eyebrows, covered patios, etc., whether or not covered by an enclosed floor above.**
- Any portion of the property open to the sky shall not be included in the lot coverage calculation, with the exception of internal courtyards, surrounded on four (4) sides by enclosed areas.
- Roof overhangs and eyebrows shall not be included in the lot coverage calculation provided the projection from the building does not exceed six (6) feet. When exceeding six (6) feet in depth, the entire area of a roof overhang or eyebrow shall be included in the lot coverage calculation.

Unit Size Requirements

EXISTING CODE:

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. Enclosed floor space used for required off-street parking spaces (maximum 500 square feet).
4. Those portions of **covered terraces, breezeways, or open porches, that do not project more than ten feet** from the main home building(s).
5. Single-story **covered terraces and porches**, which, with the exception of supporting structures, are open on at least three (3) 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 (2%) of the lot area**.
6. Those portions of **covered** exterior unenclosed private **balconies, that do not project more than six feet** from the building.

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.

PROPOSED CODE:

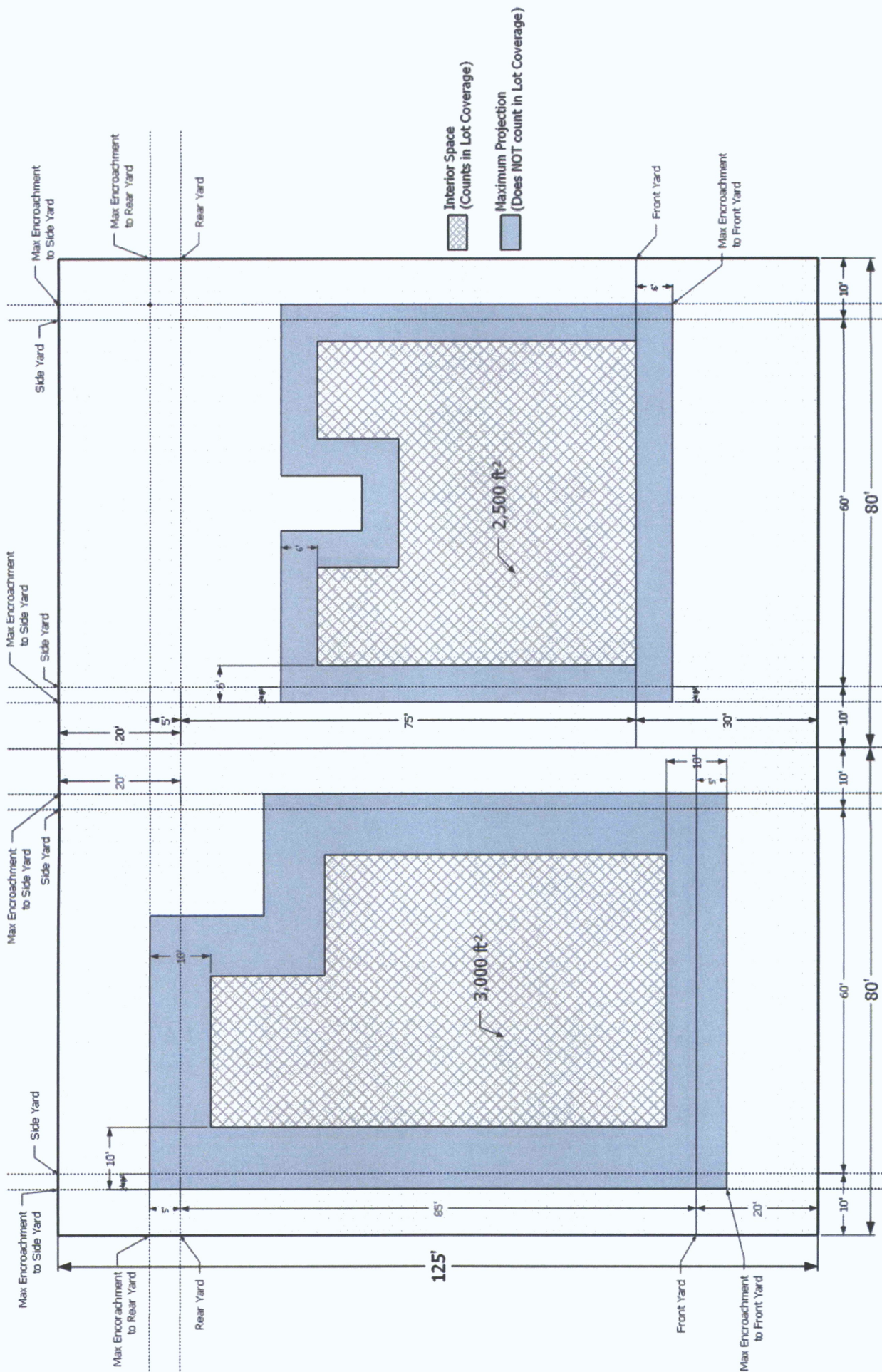
The unit size of a single-family home shall **not** include the following, unless otherwise provided for in these land development regulations:

1. Uncovered steps.
2. Attic space, providing structural headroom of less than seven feet six inches.
3. Enclosed floor space used for required off-street parking spaces (maximum 500 square feet).

2-Story Single Family Home Maximum Ground Floor Footprint on a 10,000 SF Lot

Existing Code

Proposed Amendment



MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that the following public hearing will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **January 13, 2016**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.

An Ordinance Amending The City Code, By Amending Chapter 82, "Public Property," Article VII, "Art In Public Places," Division 4, "Procedures," At Section 82-612, "Selection Of Artists And Works Of Art," In Order To Amend The Procedures For Selecting Artists; Providing For Codification; Repealer; Severability, And An Effective Date. *Inquiries may be directed to the Tourism, Culture & Economic Development Department at 305.673.7577.*

10:05 a.m.

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administration And Review Procedures," Article VI, "Design Review Procedures," At Section 118-253, By Including Application Requirements For Design Review Board Applications, To Include Threshold Requirements For The Submission Of Traffic Studies, And By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness To Dig/Certificate Of Appropriateness For Demolition," At Section 118-562, By Including Threshold Requirements For The Submission Of Traffic Studies For Historic Preservation Board Applications; Providing For Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:10 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," At Sections 142-105, 142-106, And 142-108, By Modifying, Simplifying, And Clarifying How Lot Coverage, Unit Size, Roof Deck, Height, Setback, And Courtyard Requirements Are Applied In The Single Family Residential Districts; Eliminating Certain Design Review Waivers For Second Floor Volume And Side Elevation Requirements; Providing Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:15 a.m.

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," By Creating Section 130-39, Entitled "Electric Vehicle Parking Requirements," To Provide Minimum Requirements For Electric Vehicle Parking Spaces And Charging Stations; Amending Article III, "Design Standards," By Creating Section 130-72, Entitled "Electric Vehicle Parking Space Standards," To Establish Design Standards For Electric Vehicle Parking Spaces; And Amending Article V, "Fee In Lieu Of Parking Program," Section 130-132, Entitled "Fee Calculation," To Establish An Additional Fee In Lieu Of Parking For Electric Vehicle Parking Spaces, And Section 130-134, Entitled "Deposit Of Funds; Account," To Provide That Funds Generated By The Additional Fee In Lieu Of Parking For Electric Vehicle Parking Spaces Shall Be Deposited In The City's Sustainability And Resiliency Fund; Providing For Codification, Repealer, Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:20 a.m.

An Ordinance Granting To Peoples Gas System, A Division Of Tampa Electric Company, Its Successors And Assigns, A Non-Exclusive Natural Gas Franchise Agreement To Use The Public Rights-Of-Way Of The City Of Miami Beach, Florida, And Prescribing The Provisions And Conditions Under Which Said Franchise Shall Be Exercised; Providing For Monthly Payments To The City; Providing An Effective Date; And Repealing Prior Ordinance. *Inquiries may be directed to the Public Works Department at 305.673.7080.*

10:25 a.m.

An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article VI, Entitled "Procurement," By Amending Division 3, Entitled "Contract Procedures," By Amending Section 2-375, To Be Entitled "Non-Discrimination; Contract Requirements; Waiver," To Provide That The City Shall Not Procure Goods Or Services From, Or Otherwise Contract With, A Business Which Engages In The Boycott Of A Nation Or Country, Or A Business Which Blacklists Or Otherwise Refuses To Deal With A Person Or Entity Based On Race, Color, National Origin, Religion, Sex, Intersexuality, Gender Identity, Sexual Orientation, Marital Or Familial Status, Age, Or Disability, And Providing Definitions, Requirements For City Contracts, And Waiver Provisions; Providing For Repealer, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. A copy of this item is available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk
City of Miami Beach