

**Condensed Title:**

First Reading to consider an Ordinance amending and modifying the unit size and lot coverage exceptions for accessory structures, and by clarifying and amending the requirements for skylights.

**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:**

**FIRST READING**

The subject Ordinance would place a cap on the maximum size of a covered terrace associated with an allowable accessory structure within the required rear yard, to no more than 2% of the lot area. Portions beyond 2% would have to be counted towards the unit size. The Ordinance would place a cap on the size of the outdoor covered areas not counted in lot coverage to 2% of the lot area. In addition, a definition for 'Pergolas' has been incorporated into the proposed legislation, along with a limit on the size of 'skylights', which are an allowable height exception for single family home.

On December 10, 2014 the Land Use Committee discussed the proposed Ordinance and recommended that the Planning Board transmit it to the City Commission with a favorable recommendation.

The Administration recommends that the City Commission: 1) accept the recommendation of the Land Use and Development Committee via separate motion; and 2) approve the attached Ordinance at First Reading and schedule a Second Reading Public Hearing for May 6, 2015.

**Advisory Board Recommendation:**

On February 24, 2015, the Planning Board (vote of 5-0), transmitted the attached proposal to the City Commission with a favorable recommendation. (Planning Board File No. 2232).

**Financial Information:**

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; 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: April 15, 2015

SUBJECT: **Single Family Development Regulations – Lot Coverage and Unit Size**

FIRST READING

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDRS) OF THE CITY CODE, AT 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 AMENDING AND MODIFYING THE UNIT SIZE AND LOT COVERAGE EXCEPTIONS FOR ACCESSORY STRUCTURES, AND BY CLARIFYING AND AMENDING THE REQUIREMENTS FOR SKYLIGHTS; PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.**

### **ADMINISTRATION RECOMMENDATION**

The Administration recommends that the City Commission accept the recommendation of the Land Use and Development Committee via separate motion; and approve the attached Ordinance at First Reading, and schedule a Second Reading Public Hearing for May 6, 2015.

### **BACKGROUND**

On February 12, 2014, the Commission adopted comprehensive revisions to the single family development regulations. On September 30, 2014, at the request of Commissioner Joy Malakoff, the City Commission referred an item to the Planning Board and the Land Use and Development Committee (Item C4A), pertaining to additional refinements to the single family development regulations regarding lot coverage and units size for Accessory Structures.

On December 10, 2014 the Land Use Committee discussed the proposed Ordinance and recommended that the Planning Board transmit it to the City Commission with a favorable recommendation.

## **ANALYSIS**

### **Unit Size**

When the comprehensive revisions to the single family development regulations were adopted on February 12, 2014, portions of covered terraces projecting more than 10 feet from a building were required to be counted in the unit size calculations of the home. This also included typical accessory structures, which often consist of a single story cabana structure with a bathroom and an associated covered terrace area. In order to create a reasonably sized outdoor terrace area, these covered terraces often project more than 10 feet from the enclosed portion of a cabana building or accessory structure. Covered portions projecting beyond 10 feet are required to be counted toward the unit size.

As part of more comprehensive changes to the single family regulations, a separate Ordinance recently adopted by City Commission clarifies that the inclusion of covered terraces beyond 10 feet in the unit size requirements applies to the main home building(s) only.

The subject Ordinance would place a cap on the maximum size of a covered terrace associated with an allowable accessory structure within the required rear yard, to no more than 2% of the lot area. Portions beyond 2% would have to be counted towards the unit size. Using the example of a typical 60' x 175', 10,500 SF waterfront lot, the maximum area of any accessory structures in the required rear yard is 25% of the required rear yard area (1,575 SF), or 393 SF. With a 2% limitation on covered terraces, in this example the covered terrace area could not exceed 210 SF. This allows a reasonably sized covered terrace area as part of an accessory structure that is proportional to the size of the lot.

### **Lot Coverage**

Currently outdoor covered areas that are open on at least 2 sides and not covered by a floor above are not included in the lot coverage calculations. Concerns have been expressed with the size of these outdoor covered areas, which presently are not counted towards the maximum lot coverage requirements of a home. While portions projecting more than 10 feet from a building are counted in the unit size, with the new exception noted above, covered areas open on all sides are not counted in either the unit size or lot coverage of a home, regardless of their size. The subject Ordinance would place a cap on the size of the outdoor covered areas not counted in the overall lot coverage to 2% of the lot area. Beyond this, the covered area would count toward the overall lot coverage.

Lastly, a definition for 'Pergolas' has been incorporated into the proposed legislation, along with a limit on the size of 'skylights', which are an allowable height exception for a single family home.

## **PLANNING BOARD REVIEW**

On February 24, 2015, the Planning Board (by a 5-0 vote) transmitted the proposed Ordinance to the City Commission with a favorable recommendation.

## **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.

**CONCLUSION**

The Administration recommends that the City Commission: 1) accept the recommendation of the Land Use and Development Committee via separate motion; and 2) approve the attached Ordinance at First Reading and schedule a Second Reading Public Hearing for May 6, 2015.

JLM/JMJ/TRM/MAB/RAM

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**Single Family Home Development Regulations  
Unit Size And Lot Coverage For Accessory Structures**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDRS) OF THE CITY CODE, AT 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 AMENDING AND MODIFYING THE UNIT SIZE AND LOT COVERAGE EXCEPTIONS FOR ACCESSORY STRUCTURES, AND BY CLARIFYING AND AMENDING THE REQUIREMENTS FOR SKYLIGHTS; PROVIDING FOR REPEALER; CODIFICATION; 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**, the identity, image and environmental quality of the City should be preserved and protected; and

**WHEREAS**, City Commission recently adopted modifications to the single-family home development regulations; and

**WHEREAS**, it is appropriate to update the lot coverage and unit size regulations to include limits on covered structures; 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; and

**WHEREAS**, the Planning Board, at its meeting dated February 24, 2015, by a vote of 5 to 0 recommended in favor of the Ordinance; and

**WHEREAS**, the amendments set forth below are necessary to accomplish the above objectives.

**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," Section 142-105, "Development Regulations and Area Requirements," of the Land Development Regulations of the Code of the City of Miami Beach, Florida 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 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 (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.
  - 4.5. Enclosed floor space used for required off-street parking spaces (maximum 500 square feet).
  - 5.6. Those portions of covered exterior unenclosed private balconies, that do not project more than six feet from the building.

\* \* \*

(5) *Lot coverage (building footprint).*

\* \* \*

- c. *Calculating lot coverage.* For purposes of calculating lot coverage, 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. However, 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 areas shall not be included in the lot coverage calculation.
  2. When detached from the main home buildings(s), or part of an attached structure projecting more than 10 feet from the main home buildings(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.

For purposes of this section, a pergola shall be defined as a garden walk or terrace formed by two rows of columns or posts with an open framework of beams and cross rafters over which plants may be trained.

\* \* \*

(7) *Height exceptions.* The height regulation exceptions contained in section 142-1161 shall not apply to the RS-1, RS-2, RS-3 and RS-4 zoning districts. The following exceptions shall apply, and unless otherwise specified in terms of height and location, shall not exceed ten feet above the roofline of the structure. In general, height exceptions that have not been developed integral to the design intent of a structure shall be located in a manner to have a minimal visual impact on predominant neighborhood view corridors as viewed from public rights-of-way and waterways.

- a. Chimneys and air vents, not to exceed five feet in height.
- b. Decorative structures used only for ornamental or aesthetic purposes such as spires, domes, belfries, and covered structures, which are open on all sides, and are not intended for habitation or to extend interior habitable space. Such structures shall not exceed a combined area of 20 percent of the enclosed floor area immediately one floor below, and shall be setback a minimum of ten feet from the perimeter of the enclosed floor below.
- c. Radio and television antennas.
- d. Parapet walls, only when associated with a habitable roof deck, not to exceed three and one-half feet above the finished roof deck height, and set back a minimum of ten feet from the perimeter of the enclosed floor below.
- e. Rooftop curbs, not to exceed one foot in height.
- f. Elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations.
- g. Skylights, not to exceed five feet above the main roofline, and provided that the area of skylight(s) does not exceed 10% of the total roof area of the roof in which it is placed.
- h. Air conditioning and mechanical equipment not to exceed five feet above the main roofline and shall be required to be screened in order to ensure minimal visual impact as identified in the general section description above.
- i. Rooftop wind turbines, not to exceed ten feet above the main roofline.

\* \* \*

## **SECTION 2. REPEALER**

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

## **SECTION 3. CODIFICATION**

It is the intention of the City Commission, 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 as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**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 \_\_\_\_\_, 2015.

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

ATTEST:

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

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

  
City Attorney  
  
3-23-15  
Date

First Reading: April 15, 2015  
Second Reading: May 6, 2015

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

Underscore denotes new language  
~~Strikethrough~~ denotes deleted language

[Sponsored by Commissioner Malakoff]