

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: September 13, 2017

First Reading

SUBJECT: 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

The Administration recommends that the City Commission consider the subject Ordinance at First Reading and if approved, set a Second Reading Public Hearing for October 18, 2017.

ANALYSIS

BACKGROUND

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.)

PLANNING 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.

PLANNING BOARD REVIEW

On May 23, 2017, the Planning Board transmitted the proposed Ordinance Amendment to the City Commission, with a favorable recommendation.

UPDATE

On June 7, 2017, the City Commission considered the proposed Ordinance at First Reading (Item R5X) and referred the item back to the Land Use and Development Committee for further discussion. Pursuant to the discussion at the June 7, 2017 City Commission meeting, Planning staff reviewed the proposed modifications to Section 142-105(b)(8)(d).

As proposed at First Reading, the draft ordinance requires a minimum 6 foot hedge at the time of planting, located along an interior side yard, in between the required rear and front yard. In order to address the concerns expressed at the June 7, 2017 Commission meeting, the following potential options were presented to the Land Use Committee on June 14, 2017:

- Having the continuous landscape buffer include a layering of trees, palms, large shrubs, shrubs, and groundcover, in accordance with the requirements of Chapter 126 of the Land Development Regulations.
- Allowing for the shrub material to be planted at a minimum height of four (4') feet.
- Allowing for sufficient density at the time of maturity to adequately buffer and screen neighboring properties.

The Land Use Committee discussed the proposed ordinance, and the above noted suggestions. After deliberating the matter, the Committee voted 2-1 to recommend that the City Commission not move forward with the ordinance.

On July 26, 2017, the subject Ordinance was continued to a date certain of September 13, 2017.

CONCLUSION

The Administration recommends that the City Commission consider the subject Ordinance at First Reading, including the different options discussed at the June 14, 2017 Land Use and Development Committee meeting. If approved, it is further recommended that a Second Reading Public Hearing be set for October 18, 2017.

Legislative Tracking

Planning

Sponsor

Commissioner Kristen Rosen Gonzalez

ATTACHMENTS:

Description

- ▣ Ordinance

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:

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:

* * *

(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:

a. *[Exterior bars.]* Exterior bars on entryways, doors and windows shall be prohibited on front and side elevations, which face a street or right-of-way.

b. *Minimum yard elevation requirements.*

1. The minimum elevation of a required yard shall be no less than five (5) feet NAVD (6.56 feet NGVD), with the exception of driveways, walkways, transition areas, green infrastructure (e.g., vegetated swales, permeable

pavement, rain gardens, and rainwater/stormwater capture and infiltration devices), and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the maximum elevation requirements as outlined in paragraph c., below, the minimum elevation requirements shall still apply.

2. Exemptions. The minimum yard elevation requirements shall not apply to properties containing single-family homes individually designated as historic structures, or to properties with single-family homes designated as "contributing" within a local historic district.

c. *Maximum yard elevation requirements.* The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:

1. *Front Yard.* The maximum elevation within a required front yard shall not exceed adjusted grade, 30 inches above grade, or future adjusted grade, whichever is greater. In this instance, the maximum height of any fence(s) or wall(s) in the required front yard, constructed in compliance with Section 142-1132(h), "Allowable encroachments within required yards", shall be measured from existing grade.
2. *Interior Side Yards* (located between the front setback line and rear property line). The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater, except:
 - (A) When the average grade of an adjacent lot along the abutting side yard is equal or greater than adjusted grade, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.
 - (B) When abutting a vacant property, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.
 - (C) Notwithstanding the above, when abutting property owners have jointly agreed to a higher elevation, both side yards may be elevated to the same higher elevation through the submission of concurrent building permits, not to exceed the minimum required flood elevation. In this instance the maximum height of any fences or walls along the adjoining property lines, constructed in accordance with Section 142-1132(h). Allowable encroachments within required yards shall be measured from the new average grade of the required side yards.
3. *Side Yard Facing a Street.* The maximum elevation within a required side yard facing a street shall not exceed adjusted grade, 30 inches above grade, or future adjusted grade, whichever is greater. In this instance, the maximum height of any fence(s) or wall(s) in the required side yard facing a street, constructed in compliance with Section 142-1132(h), "Allowable encroachments within required yards", shall be measured from existing grade.
4. *Rear Yard.* The maximum elevation for a required rear yard, (not including portions located within a required side yard or side yard facing the street), shall be calculated according to the following:
 - (A) *Waterfront.* The maximum elevation shall not exceed the base flood elevation, plus freeboard.

(B) *Non-waterfront.* The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater, except:

- i. When the average grade of an adjacent lot along the abutting rear yard is equal or greater than adjusted grade, the maximum elevation within the required rear yard shall not exceed 30 inches above adjusted grade.
 - ii. When abutting a vacant property, the maximum elevation within the required rear yard shall not exceed 30 inches above adjusted grade.
 - iii. Notwithstanding the above, when abutting property owners have jointly agreed to a higher elevation, both rear yards may be elevated to the same higher elevation through the submission of concurrent building permits, not to exceed the minimum required flood elevation. In this instance the maximum height of any fences or walls along the adjoining property lines, constructed in accordance with Section 142-1132(h). Allowable encroachments within required yards shall be measured from the new average grade of the required rear yards.
5. *Stormwater retention.* In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.
6. *Retaining wall and yard slope requirements.* Within the required front yard and within the required side yard facing a street the following shall apply:
- (A) Within the first four feet of the property line, the maximum height of retaining walls shall not exceed 30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present.
 - (B) When setback a minimum of four feet from property line, the maximum height of retaining walls shall not exceed 30 inches above adjacent grade.
 - (C) Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria of section 142-105.
 - (D) The maximum slope of the required front and side yard facing a street shall not exceed 11 percent (5:1 horizontal:vertical).

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.

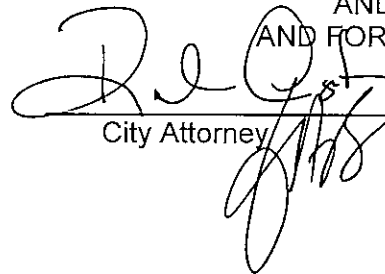
PASSED AND ADOPTED this _____ day of _____, 2017.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION



City Attorney

5/25/17

Date

First Reading: June 7, 2017
Second Reading: July 26, 2017

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

Underline = new language
~~Strikethrough~~ = deleted language