

R5 I INCREASED AND ENHANCED POROUS SURFACE REQUIREMENTS
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF
MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI
BEACH, SUBPART B, ENTITLED "MIAMI BEACH RESILIENCY CODE," BY
AMENDING CHAPTER 5, ENTITLED "OFF-STREET PARKING," ARTICLE III,
ENTITLED "DESIGN STANDARDS," SECTION 5.3.11, ENTITLED "PARKING LOT
DESIGN STANDARDS," BY MODIFYING THE POROUS PAVEMENT
REQUIREMENTS FOR SURFACE PARKING LOTS; BY AMENDING CHAPTER 7,
ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED
"DISTRICT REGULATIONS," SECTION 7.2.2, ENTITLED "RS-1, RS-2, RS-3, RS-4
SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY MODIFYING THE MINIMUM
OPEN SPACE AND PERVIOUS AREA REQUIREMENTS IN SINGLE FAMILY
DISTRICTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY,
AND AN EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: July 23, 2025 10:10 a.m. Second Reading Public Hearing

TITLE: INCREASED AND ENHANCED POROUS SURFACE REQUIREMENTS
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "MIAMI BEACH RESILIENCY CODE," BY AMENDING CHAPTER 5, ENTITLED "OFF-STREET PARKING," ARTICLE III, ENTITLED "DESIGN STANDARDS," SECTION 5.3.11, ENTITLED "PARKING LOT DESIGN STANDARDS," BY MODIFYING THE POROUS PAVEMENT REQUIREMENTS FOR SURFACE PARKING LOTS; BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," SECTION 7.2.2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY MODIFYING THE MINIMUM OPEN SPACE AND PERVIOUS AREA REQUIREMENTS IN SINGLE FAMILY DISTRICTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) adopt the ordinance.

BACKGROUND/HISTORY

On June 26, 2024, at the request of Commissioner Tanya K. Bhatt, the City Commission referred an item pertaining to the enhancement and expansion of pervious and porous area requirements (C4 V) to the Land Use and Sustainability Committee (LUSC). On July 9, 2024, the LUSC discussed and continued the item to the September 5, 2024, meeting with direction to the Administration to develop options in accordance with the following:

1. Increase and enhance porous attributes of driveways and walkways in residential districts.
2. Establishing minimum porous requirements in surface parking lots.
3. Explore the use of porous material within on-street parking spaces.
4. Increase and enhance water quality and water retention elements in residential districts.

On September 5, 2024, the item was deferred to a future LUSC meeting date, with no discussion. On October 14, 2024, the LUSC recommended that the City Commission refer an ordinance amendment to the Planning Board in accordance with the recommendations in the LUSC memo.

On November 20, 2024, at the request of Commissioner Tanya K. Bhatt, the City Commission referred the attached ordinance to the Planning Board (C4 M).

ANALYSIS

Existing Requirements

Pursuant to Chapter 5 of the Land Development Regulations of the City Code (LDRs), pertaining to off-street parking, open-air parking lots, including all parking spaces and drive lanes, must be constructed with one of the following:

1. A high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect; or
2. Porous pavement.

High albedo surface and porous pavement are defined as follows:

High albedo surface means a material that has a solar reflectance value of 0.65 or greater on the Solar Reflectance Index ("SRI"), consistent with the Cool Roof Rating Council Standard Product Rating Program Manual ("CRRC-1"), as may be amended from time-to-time.

Porous pavement means a pavement material that allows for water to drain through the pavement surface into the ground. Such pavement shall have a minimum of 20 percent of air content, or voids to allow for the water to drain.

Additionally, all parking lots must comply with the minimum landscaping requirements set forth in Chapter 4 of the Resiliency Code.

Pursuant to Chapter 7 of the of the LDRs, the following is required as it pertains to minimum open space and yard requirements in single family (RS) districts:

- At least 50 percent (50%) of the required front yard and side facing a street yard areas (including portions of the rear and front yards) shall be sodded or landscaped pervious open space.
- If an understory is provided, at least 70 percent (70%) of the required front yard and street side yard areas shall consist of sodded or landscaped pervious open space.
- At least 70 percent (70%) of the required rear yard shall be sodded or landscaped pervious open space.

Depending on the lot size, there are also minimum open space requirements in the residential multi-family districts.

Proposed Amendments

The attached draft ordinance proposes to amend Chapters 5 and 7 of the LDRs, to increase and enhance porous area requirements for driveways and parking lots, as well as required yards in single family (RS) districts. The following is a summary of the proposed amendments:

Section 5.3.11. Parking Lot Design Standards

Open-air parking lots, open to the sky, must be constructed with the following:

1. A high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect shall be required on all non-landscape surfaces and areas that do not consist of porous pavement.
2. A minimum of 60% of all non-landscape surfaces and areas shall consist of porous pavement.

Section 7.2.2.3 Development Regulations (RS)

The following applies to all properties located in the RS-1, RS-2, RS-3, RS-4 single-family

residential districts:

1. For non-understory (berm) homes, the minimum required pervious landscape area within a front yard and side facing a street yard has been increased from 50% to 70%. However, this pervious open space requirement may be less than 70%, but no less than 50%, if all driveways, paths, walkways and any other paved areas consist of porous pavers set in sand.
2. For understory homes, the current requirement for at least 70% of the required front yard and street side yard areas to consist of sodded or landscaped pervious open space remains. Additionally, allowable exterior walkways and driveways within the front and street side yards are now required to have porous pavers, set in sand, as opposed to consisting of semi-pervious material.
3. If a swimming pool or any other water feature is located in the side yard, facing a street the area of the water may not count as part of the open space.
4. At least 70% of the required rear yard shall be sodded or landscaped pervious open space and the water portion of a swimming pool may no longer count toward this requirement.

Regulatory Review Changes

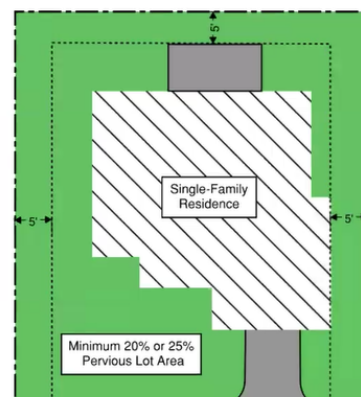
Currently, building permit applications, for properties located in unincorporated Miami-Dade County, or a municipality such as Miami Beach, are also reviewed by the County Department of Environmental Resources Management (DERM). This includes, but is not limited to, permits related to new construction, additions, interior remodeling, change of use, demolition, docks, sea walls, and pools. As part of an amended county ordinance, which was adopted by the Miami-Dade County Commission on September 4, 2024, DERM will also now be enforcing new pervious area requirements, in accordance with the amended county regulations.

Also, as of March 31, 2025, non-structural improvements, such as a concrete decks, pavers, or an extension of a pool deck, are now reviewed by DERM, in addition to the City of Miami Beach, for consistency with city and county regulations. DERM will be reviewing all these standalone application types, when not tied to a building permit, for compliance with the county's new pervious requirements.

All municipalities in the County, including Miami Beach, must provide confirmation that their city codes meet the minimum standards of the county ordinance by December 31, 2025. If the municipalities do not meet the minimum county requirements, DERM will review the improvements noted above for consistency with the county requirements.

The following is an illustrative summary of the county's new requirements related to single family districts:

		Lots Less than 5,500 SF	Lot Larger than 5,500 SF
5 feet of pervious area setback on 3 sides of the property	6-inch-deep swale along the property perimeter	20% of pervious lot area	25% of pervious lot area
OR			
2.5 feet of pervious area setback on 2 sides of the property and 10 feet of pervious area setback on 1 side	6-inch-deep swale along the property perimeter	20% of pervious lot area	25% of pervious lot area



Swimming Pools

While the water portion of swimming pools are counted toward the minimum pervious area requirements under existing regulations, they do not function as pervious surfaces. A pervious surface is defined as one that allows water to infiltrate into the ground, contributing to groundwater recharge and reducing surface runoff. However, swimming pools are impermeable structures that prevent water infiltration, effectively increasing runoff rather than mitigating it. Further, with the increasing frequency of heavy rainstorms, pools often fill quickly and overflow. Removing pools from pervious surface calculations reflects the functional reality of how they impact stormwater management and drainage.

Amending the regulations to exclude the water portions from swimming pools from pervious surface requirements also promotes more effective stormwater management and will encourage property owners to install pervious surfaces such as permeable pavers, gravel, or landscaped areas, which directly contribute to groundwater recharge and reduced runoff. This adjustment would enhance local flood control, improve water quality, and support environmental sustainability efforts.

Finally, the current inclusion of pools in pervious surface calculations creates confusion and inconsistency in the application of land-use and building regulations. Removing pools from the definition would provide clearer guidance to homeowners, builders, and regulatory authorities, ensuring more consistent enforcement and reducing the potential for disputes over compliance.

PLANNING BOARD REVIEW

On January 7, 2025, the Planning Board reviewed the proposed ordinance and continued it to a date certain of February 4, 2025. On February 4, 2025, the Board continued the review to a date certain of March 4, 2025. On March 4, 2025, review of the ordinance was continued to a date certain of April 8, 2025.

On April 8, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0). The Board also recommended the following:

1. The following applicability section be included in the ordinance:

This Ordinance shall not apply to land use board applications that paid an initial application fee, obtained a land use board file number, and presented a proposed design at a pre-application conference with Planning Department staff, or obtained a building permit process number no later than sixty (60) days following adoption.

2. With the elimination of the allowance for the water portion of a pool to count towards the minimum landscape requirements in the rear yard, the Board recommended that an allowance be given for landscaped courtyards to help make up for deficiencies in the rear yard requirements.

The Administration is supportive of these recommendations, with some additional modifications as noted in the summary.

SUMMARY / UPDATE

Amending the current regulations to reflect the current requirements of Miami-Dade County and removing swimming pools from pervious surface calculations is a necessary step toward improving regulatory clarity, enhancing environmental protection, and supporting sustainable development. This adjustment would align local standards with best practices in stormwater management while giving property owners more effective tools to meet environmental and development goals.

On May 21, 2025, the City Commission approved the subject ordinance at First Reading, with the following modifications:

1. An applicability provision be included but limited to applications that were in process prior to the transmittal date of the ordinance by the Planning Board. Additionally, this provision has been clarified so that it does not supersede County requirements.
2. The following additional text shall be added to Section 7.2.2.3 of the LDRs to provide an additional option for addressing pervious surface area in rear yards:

The aforementioned sodded or landscaped pervious open space requirement may be reduced to less than 70 percent (70%) but shall be no less than 50 percent (50%), provided that additional sodded or landscaped pervious area is included along an interior or street side elevation, the area of which is equal to or greater than the deficiency in the 70% rear yard requirement.

The above noted modifications have been incorporated into a revised ordinance for Second Reading.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 6/20/2025
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends that the City Commission adopt the ordinance.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Commissioner Tanya K. Bhatt

Co-sponsor(s)

Condensed Title

10:10 a.m. 2nd Rdg, Increased & Enhanced Porous Surface Requirements. (Bhatt) PL 5/7

Previous Action (For City Clerk Use Only)

First Reading Public Hearing on 5/21/2025 - R5 J

Increased and Enhanced Porous Surface Requirements
(Amended for Second Reading)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "MIAMI BEACH RESILIENCY CODE," BY AMENDING CHAPTER 5, ENTITLED "OFF-STREET PARKING," ARTICLE III, ENTITLED "DESIGN STANDARDS," SECTION 5.3.11, ENTITLED "PARKING LOT DESIGN STANDARDS," BY MODIFYING THE POROUS PAVEMENT REQUIREMENTS FOR SURFACE PARKING LOTS; BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," SECTION 7.2.2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY MODIFYING THE MINIMUM OPEN SPACE AND PERVIOUS AREA REQUIREMENTS IN SINGLE-FAMILY RESIDENTIAL DISTRICTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to amend the current requirements in the Land Development Regulations pertaining to porous areas and open space; and

WHEREAS, increasing the size of porous and landscaped areas for residential properties and surface parking lots is an important component of the City's resiliency strategy; and

WHEREAS, strengthening the City's porous area requirements for residential properties and surface parking lots promotes the general health, safety and welfare of the residents of the City; and

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

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

SECTION 1. Chapter 5 of the Miami Beach Resiliency Code, entitled "Off-Street Parking," Article III, entitled "Design Standards," is hereby amended as follows:

CHAPTER 5
OFF-STREET PARKING

* * *

ARTICLE III. DESIGN STANDARDS

* * *

SECTION 5.3.11. PARKING LOT DESIGN STANDARDS

Main use commercial and noncommercial parking lots shall be located on a separate lot, and shall be subject to the following regulations in addition to the other regulations of this article:

* * *

c. Open-air parking lots, open to the sky, shall ~~be constructed~~ comply with the following requirements:

- 1. A a high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect, or shall be required on all non-landscape surfaces and all areas that do not consist of porous pavement.
- 2. A minimum of 60% of all non-landscape surfaces and areas shall consist of porous pavement.

The provisions of this ~~paragraph~~ subsection (c) shall apply to all parking areas, and all drive lanes and ramps in open-air parking lots that are open to the sky.

SECTION 2. Chapter 7 of the Miami Beach Resiliency Code, entitled “Zoning Districts and Regulations,” Article II, entitled “District Regulations,” is hereby amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II – DISTRICT REGULATIONS

* * *

7.2.2 RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS

* * *

7.2.2.3 Development Regulations (RS)

* * *

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

1. *The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

* * *

(5). If an Understory is not provided, at least 70 percent (70%) ~~50 percent (50%)~~ of the required front yard and side facing a street yard areas (including portions of the rear and front yards) shall be sodded or landscaped pervious open space. The aforementioned sodded or landscaped

pervious open space requirement may be reduced to less than 70 percent (70%), but shall be no less than 50 percent (50%), provided all driveways, paths, walkways and any other paved areas consist of pavers set in sand, which allow water to percolate and infiltrate into the soil below. With the exception of driveways and paths leading to the building, paving may not extend any closer than 5 feet to the front of the building. ~~When a pool~~ If a swimming pool or any other water feature is located in the side yard, facing a street, the area of the water may not count as part of the required open space. Understory homes shall comply with the Understory Level Standards as outlined in subsection 7.2.2.3(b)(6).

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 (50%) 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 (30%) of the required front yard be sodded or landscaped pervious open space.

(6). At least 70 percent (70%) of the required rear yard shall be sodded or landscaped pervious open space; the water portion of a swimming pool may not count toward this requirement, ~~when located above adjusted grade, the water portion of a swimming pool may count towards 50 percent of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention. The aforementioned sodded or landscaped pervious open space requirement may be reduced to less than 70 percent (70%) but shall be no less than 50 percent (50%), provided that additional sodded or landscaped pervious area is included along an interior or street side elevation, the area of which is equal to or greater than the deficiency in the 70% rear yard requirement.~~

* * *

6. Understory Level Standards

The following regulations shall apply to on-air conditioned Understory space located below minimum flood elevation, plus freeboard. Except as otherwise provided in this Code, homes with understories may be approved administratively, as provided herein:

* * *

- J. At least 70 percent of the required front yard and street side yard areas shall consist of sodded or landscaped pervious open space. For purposes of this section, the required front yard shall be the same as the required front setback of the principal structure. All allowable exterior walkways and driveways within the front and street side yards shall consist of pavers set in sand which allow water to percolate and infiltrate into the soil below or other semi-pervious material. The use of concrete, asphalt or similar material for walkways, driveways, or paths within the required front or street side yards shall be prohibited. If a swimming pool or any other water feature is located in the side yard facing a street, the area of the water may not count as part of the required open space.

SECTION 3. REPEALER.

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

SECTION 4. 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 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. APPLICABILITY.

This Ordinance shall not apply to land use board applications that paid an initial application fee, obtained a land use board file number, and presented a proposed design at a pre-application conference with Planning Department staff, or obtained a building permit process number, prior to April 8, 2025. Notwithstanding the foregoing, this applicability section shall not supersede any requirements set forth in the Miami-Dade County Code.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

First Reading: May 21, 2025

Second Reading: July 23, 2025

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney NK

Date

6/30/2025

Verified By: _____

Thomas R. Mooney, AICP
Planning Director

Underlined denotes new additions

~~Strikethrough~~ denotes deletions

