

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: November 26, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

^{DS}


for TRM

SUBJECT: **PB24-0726. Visibility Triangles for Oceanfront Properties**

RECOMMENDATION

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

HISTORY/BACKGROUND

On May 15, 2024, at the request of Commissioner Tanya K. Bhatt, the City Commission referred an item pertaining to visibility sight lines from private property and street ends to the beach walk (C4 AE) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. On July 9, 2024 the LUSC discussed and continued the item to the September 5, 2024 LUSC meeting with direction to the Administration to develop options for addressing safety and visibility at access points to the beach walk.

On September 5, 2024, the LUSC discussed and continued the item to the October 14, 2024 LUSC meeting with direction to the Administration to prepare graphics and amend the text of the proposed code section to better reflect a visibility triangle. On October 14, 2024, the LUSC recommended that the City Commission approve the proposed amendment to Chapter 14 of the General Ordinances of the City Code, with the following modifications:

1. The 10-foot visibility triangle shall apply to properties with at least 100 feet of frontage on the beach walk.
2. The 6-foot visibility triangle shall apply to properties with less than 100 feet of frontage on the beach walk.
3. The measurement of the visibility triangle shall be taken from the western edge of the beach walk.
4. The regulations shall also apply to future sections of the bay walk and cut walk, as well as city owner properties.

The LUSC also recommended that the Planning Board transmit a companion amendment to the

Land Development Regulations of the City Code (LDR's), amending the Oceanfront Overlay regulations to reference compliance with Chapter 14 of the City Code.

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not applicable – The proposed amendment does not modify district boundaries.

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

Not applicable – The proposed Ordinance does not affect the overall scale of development.

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

Consistent – The proposed amendment does not increase loads on public facilities or infrastructures.

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

Not applicable – The proposed change does not modify existing district boundaries.

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

Consistent – The proposed change is necessary in order to increase public visibility and safety along beach walk access points.

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

Consistent – The proposed ordinance amendment will not affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not affect traffic congestion.

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

Consistent – The proposed change will not reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change will not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Not applicable

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable –

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Consistent – The proposal does not affect the resiliency of the City.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

Consistent – The proposal is compatible with the City's sea level rise mitigation and

resiliency efforts.

ANALYSIS

Currently, fences and gates located in the rear of oceanfront properties are limited to a maximum height of seven (7') feet, depending on the location. If placed along a property line, the maximum height cannot exceed five (5') feet. All fences and gates require a certificate of appropriateness or design review approval, depending on the location of the property, and are generally required to consist of an open design, such as aluminum picket.

Regarding shrubbery and hedges, pursuant to section 7.5.3.2 of the Land Development Regulations of the City Code (LDRs), there is no height limitation for hedge material located within a required yard in any district. However, since new development along the ocean requires either Design Review Board (DRB) or Historic Preservation Board (HPB) approval, these boards have the latitude to regulate the dimensions and design (including overall height) of all landscape material.

Below is the language for a proposed amendment to Section 14-1 of the City Code of Ordinances, which regulates structures and landscape within 6-10 feet (depending on beach frontage) of a street-end or public access point to the beach walk that obstructs pedestrian visibility between a height of 2 feet and 10 feet above the adjacent grade. This would require property owners to trim back any future or currently installed landscape (whether approved or not) in the identified areas, to ensure adequate visibility.

Section 14-1 Beachwalk access and visibility.

On all oceanfront properties, there shall be no structure or planting that obstructs pedestrian visibility between a height of 2 feet and 10 feet above the adjacent grade within the following minimum visibility triangles from a street-end or upland property access point to the beach walk:

- A. For properties with more than 100 feet of frontage on the beach walk a 10-foot visibility triangle shall be required.*
- B. For properties with less than 100 feet of frontage on the beach walk, a 6-foot visibility triangle shall be required.*

The above noted visibility triangle requirements shall be measured diagonally from both sides of the intersection of the public access point on private property or on one side of a public street-end, as applicable, along the westernmost line of the beach walk. Notwithstanding the foregoing, trees and palms with a minimum clear trunk height of ten (10') feet, and aluminum picket fences, with gaps of at least four (4") inches, may be permitted at a height exceeding 2 feet, subject to all applicable regulations set forth in the Land Development Regulations.

Two diagrams illustrating the proposed site triangle are attached for informational purposes; one illustrates a ten (10') foot triangle and the other illustrates a six (6') foot triangle. These diagrams illustrate the measurements associated with the 6- and 10-foot visibility triangle options only, and are not indicative of difference in ocean frontage.

Any future physical (non-landscape) improvements, including fences and walls, would need to meet the visibility triangle requirements set forth in the ordinance. The only exception to this would be aluminum picket fences, with gaps of at least four (4") inches, and trees or palms with a minimum clear trunk height of ten (10') feet. These amendments are also consistent with Crime Prevention Through Environmental Design (CPTED) compliant landscaping design guidelines.

To ensure that future development projects are consistent with these proposed standards, the attached companion amendment to Section 7.3.1.2 of the LDRs, pertaining to development regulations in the Oceanfront Overlay, is also proposed. While the amendment to Section 14-1 of the City Code does not require review by the Planning Board, the modification to Section 7.3.1.2, which references the requirements of Section 14-1, does require Planning Board review as an amendment to the LDRs.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinance to the City Commission with a favorable recommendation.



Proposed Line of sight 6' visibility triangle requirements for oceanfront properties

Section 14-1 Beachwalk access and visibility.

On all oceanfront properties, there shall be no structure or planting within a 6 foot visibility triangle from a street-end or upland property access point to the beach walk, which obstructs pedestrian visibility between a height of 2 feet and 10 feet above the adjacent grade. This 6-foot visibility triangle requirement shall be measured directionally from the intersection of the street-end, or public access point, as applicable, along the property line fronting the beach walk. Notwithstanding the foregoing, aluminum picket fences, with gaps of at least four (4) inches, may be permitted at a height exceeding 2 feet, subject to all applicable regulations set forth in the Land Development Regulations.

Visibility Triangle Requirements for Oceanfront Properties

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED “ZONING DISTRICTS AND REGULATIONS, ARTICLE III, ENTITLED “OVERLAY DISTRICTS,” SECTION 7.3.1.2, ENTITLED “OCEANFRONT,” BY REFERENCING COMPLIANCE WITH NEWLY CREATED SECTION 14-1 OF THE MIAMI BEACH CODE, ENTITLED “BEACHWALK ACCESS AND VISIBILITY”; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, an amendment to Section 14-1 of the City Code will regulate structures and landscaping within six (6) to ten (10) feet of public access points to the Beachwalk that obstruct pedestrian visibility between two (2) and ten (10) feet in height; and

WHEREAS, the proposed changes align with Crime Prevention Through Environmental Design (CPTED) guidelines, promoting safer public spaces; and

WHEREAS, a companion amendment to Section 7.3.1.2 of the Land Development Regulations (LDRs) is proposed to ensure consistency with the new visibility requirements for oceanfront properties; 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 7 of the Miami Beach Resiliency Code, entitled “Zoning Districts and Regulations,” Article III, entitled “Overlay Districts,” is hereby amended as follows:

CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE III. – Overlay Districts

* * *

SECTION 7.3.1.2 – OCEANFRONT

* * *

- b. Additional regulations for oceanfront lots (Oceanfront Overlay).
Oceanfront lots shall have a minimum required rear yard setback of 50 feet at grade and subterranean levels measured from the bulkhead line in which there shall be no construction of any dwelling, hotel, apartment building, commercial building, seawall, parking areas, revetment or other structure incidental to or related to such structure except in accordance with the following provisions:

* * *

10. Comply with Section 14-1 of the Miami Beach Code.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith 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 _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: December 11, 2024

Second Reading: January ___, 2025

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