

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: October 16, 2025

TO: Chairperson and Members
Planning Board

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: PB25-0798, **Side Yard Open Space Requirements in Single-Family Districts.**

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 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 TWO STORY HOUSE STANDARDS SPECIFIC TO OPEN SPACE REQUIREMENTS FOR SIDE ELEVATIONS OF SINGLE-FAMILY HOMES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

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

BACKGROUND

On February 3, 2025, at the request of Commissioner David Suarez, the City Commission referred a discussion item pertaining to the minimum open space requirements for the side elevations of two-story single-family homes (C4 AC) to the Land Use and Sustainability Committee (LUSC).

On May 8, 2025, the LUSC discussed and continued the item to a future meeting for additional updates. On July 10, 2025, the LUSC recommended that the City Commission refer an ordinance amendment to the Planning Board, in accordance with the recommendations in the LUSC memorandum. On September 3, 2025, at the request of Commissioner David Suarez, the City Commission referred the proposed ordinance to the Planning Board.

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.
Consistent
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.
Consistent
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 clarify the existing side yard open space regulations for single-family homes.
7. Whether the proposed change will adversely influence living conditions in the neighborhood.
Consistent
The proposed ordinance amendment will not adversely 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 increase 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.
Consistent
The proposed change will not be a deterrent to the improvement or development of adjacent properties.
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

Section 7.2.2.3.b.2 of the Land Development Regulations of the City Code (LDRs) requires that 2-story single-family homes exceeding 60 feet in length incorporate additional open space exceeding the minimum required side yards. The purpose of this additional open space is to introduce movement to long expanses of uninterrupted two-story volumes at or near the required side yard setback lines, providing visual relief to neighboring properties.

The attached draft ordinance amends Section 7.2.2.3.b.2 of the LDRs, by updating and clarifying the additional open space regulations for side elevations of 2-story single-family homes. The proposed amendments include updates to the location and minimum dimensions of the additional required open space, as well as provisions for such space to be utilized as a water feature.

STAFF 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.

Side Yard Open Space Requirements in Single Family Districts

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 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 TWO STORY HOUSE STANDARDS SPECIFIC TO OPEN SPACE REQUIREMENTS FOR SIDE ELEVATIONS OF SINGLE-FAMILY HOMES; 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 two-story single-family homes; and

WHEREAS, modifying the open space requirements within side yards of two-story homes is an important component of the City’s resiliency strategy; and

WHEREAS, clarifying the open space requirements within side yards of two-story homes 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 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:

* * *

2. Two Story Houses Standards.

A. ~~All portions of t~~Two-story side elevations ~~located parallel to~~ facing a side property line shall not exceed 50 percent (50%) of the lot depth, or 60 feet, whichever is less, without incorporating additional open space ~~that exceeds, in excess of~~ the minimum required side yard, directly adjacent to the required side yard. The additional open space shall comply with the following:

I. The additional open space shall be regular in shape, open to the sky from grade, and shall be at least 8 4 feet in depth, measured perpendicular from the minimum required side setback line. The open space shall also be at least 4 feet in width.

II. The additional open space may be provided in multiple locations along the side property line, provided each location meets the minimum width and depth specified herein. The aggregate square footage of the additional open space shall not be less than one percent (1%) of the lot area.

III. The elevation (height) of the open space provided shall not exceed the Design Flood eElevation of the first habitable floor, and at

IV. At least 50 percent (50%) of the total required interior open space area shall be sodded or consist of landscaped pervious open space area or an in-ground water feature, such as a pond or decorative pool. The additional remaining open space may also contain mechanical equipment.

V. The intent of this regulation shall be to additional open space shall break up long expanses of uninterrupted two-story volume at or near the required side yard setback line. Exceptions and exception from the minimum requirements of this provision may be granted only through historic preservation board, or design review board approval, as may be applicable, in accordance with the applicable design review or appropriateness criteria.

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 (10) days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: December 17, 2025

Second Reading: January _____, 2026

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

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