

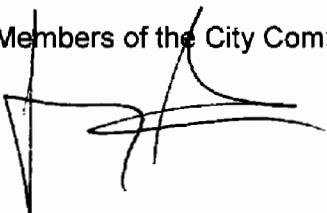


# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: September 11, 2013

SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE –  
ORDINANCE AMENDMENT PERTAINING TO OVERSIZED SINGLE FAMILY  
HOMES**

### ADMINISTRATION RECOMMENDATION

Refer the Ordinance Amendment to the Land Use and Development Committee for consideration and recommendation.


### BACKGROUND/ANALYSIS

On June 25, 2013, the Planning Board discussed a proposed draft Ordinance pertaining to oversized single family homes (see attached). The Planning Board deferred action on this Ordinance pending the outcome of additional public workshops.

On July 17, 2013, the City Commission referred an Ordinance to the Land Use and Development Committee that would create additional protections from total demolition for architecturally significant single family homes. Additionally, the Commission directed the Administration to hold a workshop at the September 23, 2013 Land Use Committee meeting, in order to discuss the single family home issues and proposed legislation in a comprehensive manner.

### CONCLUSION

The Administration recommends that the Mayor and the City Commission refer the proposed Ordinance Amendment, pertaining to oversized single family homes, to the September 23, 2013 Land Use and Development Committee workshop for consideration and recommendation.

Attachment   
JLM/JMJ/RGL/TRM

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Agenda Item C4E  
Date 9-11-13

**SINGLE FAMILY DEVELOPMENT REGULATIONS**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY AMENDING THE CRITERIA AND PROCEDURES FOR THE REVIEW AND APPROVAL OF SINGLE-FAMILY RESIDENTIAL CONSTRUCTION, BY REPLACING THE SINGLE-FAMILY RESIDENTIAL REVIEW PANEL, BY CLARIFYING AND AMENDING THE STANDARDS AND PROCURES FOR REVIEWING NEW CONSTRUCTION AND ADDITIONS IN SINGLE FAMILY DISTRICTS, INCLUDING MODIFICATIONS TO LOT COVERAGE, UNIT SIZE AND OVERALL HEIGHT, BY CLARIFYING THE BELOW FLOOD LEVEL CONSTRUCTION REQUIREMENTS FOR AFFECTED PROPERTIES IN HIGH FLOOD ZONES, AND BY CLARIFYING SETBACK AND LOT COVERAGE REQUIREMENTS; PROVIDING CODIFICATION; REPEALER; 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**, new homes and additions that are compatible with the prevailing character of existing residential neighborhoods should be encouraged and promoted; and

**WHEREAS**, the identity, image and environmental quality of the City should be preserved and protected; and

**WHEREAS**, the privacy, attractive pedestrian streetscapes and human scale and character of the City's single-family neighborhoods, are important qualities to protect; 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.

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

**SECTION 1.** That Section 142-105, "Development regulations and area requirements", is hereby amended as follows:

(a) ~~RS 1, RS 2, RS 3, RS 4~~ districts. The review criteria and application requirements development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(1) Compliance with regulations and review criteria.

a. Permits for new construction, alterations or additions to existing structures shall be subject to administrative (staff level) review by the planning director or designee or in certain instances subject to a public hearing by the ~~single-family residential review panel (SFRRP)~~ design review board (DRB) in order to determine consistency with the review criteria listed in this section.

b. In complying with the review criteria located in this section, the applicant may choose either to adhere to the development regulations identified in sections 142-105 and 142-106 administratively through staff level review or seek enhancements of the applicable development regulations as specified therein through approval from the SFRRP, historic preservation board or design review board, as applicable. ~~In the event the SFRRP does not convene due to lack of a quorum, the application may be redirected, at the election of the applicant, to the design review board or the historic preservation board, whichever has jurisdiction.~~

~~c. SFRRP approval shall be in accordance with the procedures contained in sections 142-105 and 142-106. Further clarification of the limits of the approval powers of the panel relative to single family structures may be found within the subsections.~~

~~d. c.~~ Notwithstanding the foregoing, for those structures located within a locally designated historic site district, or individually designated as an historic structure or site, only the review and approval of the historic preservation board (HPB) shall may be required.

e. d. Notwithstanding the foregoing, for those structures constructed prior to 1942 and determined to be architecturally significant, in accordance with section 142-108 herein, only the review and approval of the design review board (DRB) shall may be required.

(2) Review criteria. Staff level ~~or SFRRP~~ review shall encompass the examination of architectural drawings for consistency with the review criteria and ~~information requests~~ listed below:

a. The existing conditions of the lot, including but not limited to topography, vegetation, trees, drainage, and waterways shall be considered in evaluating the proposed site improvements.

b. The design and layout of the proposed site plan inclusive of the location of all existing and proposed buildings shall be reviewed with particular attention to the relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, and view corridors. In this regard, additional photographic, and contextual studies that delineate the location of adjacent buildings and structures may be required in evaluating compliance with this criterion.

c. The selection of landscape materials, landscaping structures and paving materials shall be reviewed to ensure a compatible relationship with and enhancement of the overall site plan design and the surrounding neighborhood.

d. The dimensions of all buildings, structures, setbacks, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district.

e. The design and construction of the proposed structure, and/or additions or modifications to an existing structure, indicates sensitivity to and compatibility with the environment and adjacent structures and enhances the appearance of the surrounding neighborhood.

f. The proposed structure is located in a manner that is responsive to adjacent structures and the established pattern of volumetric massing along the street with regard to siting, setbacks and the placement of the upper floor.

g. The construction of an addition to an existing structure shall be architecturally appropriate to the original design and scale of the building; the structure may be architecturally redesigned, but in a manner that is consistent in design and material throughout.

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

~~i. At least 35 percent of the required front yard area and 35 percent of the required side yard area facing a street shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than five feet to the front of the building.~~

j. ~~In no instance shall the elevation of any required yard be higher than one-half the difference between grade, as defined in section 114-1, and the minimum required flood elevation.~~

k. ~~h. The construction shall be in conformance with the requirements of article IV, division 7 of this chapter with respect to exterior facade paint and material colors.~~

(3) Application requirements for HPB or DRB review.

a. ~~Applications shall be made to the planning department and shall include the following:~~

1. ~~A completed application form.~~

2. ~~A notarized owner's affidavit.~~

3. ~~Color photographs of the site and adjacent properties.~~

4. ~~Conceptual design drawings to scale including but not limited to a site plan, building floor plan(s), elevations and landscape design, sufficient to evaluate the overall proposed project. Additionally, drawings shall be submitted in "pdf" format in order to allow posting to the city's planning and zoning webpage.~~

5. ~~Surveys dated within 6 months of the application that include site elevations.~~

6. ~~General zoning calculations and data sufficient to determine compliance with zoning criteria.~~

b. SFRRP DRB or HPB applications shall follow the application procedures and review criteria specified in Chapter 118 of these land development regulations, as determined by the planning director, or designee. However, the fee for applications to the DRB for non-architecturally significant homes constructed prior to 1942 and all homes constructed after 1942 shall be \$150.00, require seven copies of the required exhibits while staff level review shall require three copies.

c. ~~All applications for review by the SFRRP must be filed with the planning department no later than 21 calendar days before the meeting date.~~

(4) ~~Single-family residential review panel.~~

a. ~~Composition and term of panel members. The panel shall be composed of three members, two of whom shall be architects and/or other registered design professionals, and one shall be a resident of the city, each to serve for a term of one year. Panel members shall not deliberate in more than four meetings per calendar year unless required due to inability to satisfy the quorum requirement.~~

b. ~~Membership and qualification. Panel members shall be chosen by the city manager or designee on a rotating basis or as available from a list of not more than 20 architects and/or other registered design professionals, as well as a list of residents of the city. In developing the list of registered professionals, names should be submitted from the following associations:~~

1. ~~American Institute of Architects, local chapter.~~

2. ~~American Society of Landscape Architects, local chapter.~~

3. ~~American Planning Association, local section.~~

4. ~~The Miami Design Preservation League~~

5. ~~Dade Heritage Trust.~~

c. ~~Majority to approve plans. The quorum for the SFRRP shall be all three members and a simple majority will be necessary to approve any application. In the event the single-family residential review panel does not convene due to lack of a quorum, the application may be redirected, at the election of the applicant, to the design review board or the historic preservation board whichever has jurisdiction. The planning department shall provide staff support to the SFRRP and the city attorney's office shall provide legal counsel.~~

d. ~~Meetings and noticing requirements. The SFRRP shall have regularly scheduled meetings on a monthly basis, or as frequently as needed, as determined by the planning director. The hearing before the SFRRP shall be de novo, and the applicant shall have a~~

~~preapplication conference with the planning director, or designee, prior to the submission of a request or an application to discuss any aspect of the process. Noticing of SFRRP meetings shall occur no less than 14 calendar days prior to the hearing date and shall be by mail notice and posting of the property that is the subject of the hearing. The preparation of the mail notice and mailing labels shall apply only to adjacent property owners of single-family zoned land no less than 100 feet to either side, rear and across a street or alley from the exterior property boundaries of the subject property. As an additional courtesy, project drawings shall be posted online at the city's planning and zoning webpage.~~

~~e. Recommendations and appeals. In addition to approving or denying the application, the panel may recommend changes to the conceptual plans and specifications based on the recommendations of planning department staff and/or the comments written or otherwise from any member of the public during its deliberation of the item. An appeal of any decision of the SFRRB shall be to a special master appointed by the city commission, in accordance with the procedures set forth in subsection 118-537(b) of these land development regulations. Thereafter review shall be by petition for writ of certiorari to the circuit court.~~

~~f. Fees for examination of plans and specifications. The fee for applications to the SFRRP shall be \$150.00.~~

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

(1) Lot area and lot width, unit size and building requirements. The lot area, and lot width, unit size and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)*	Minimum Unit Size (Square Feet)	Maximum Unit Size (% of Lot Area)	Maximum Building Height**	Maximum Number of Stories
RS-1 = 30,000	RS-1=100	1,800	50% of lot area with the ability to increase to 70% through SFRRP, HPB or DRB approval, as applicable.	25 feet for lots 60 feet in width or less.	2, above minimum flood elevation determination
RS-2 = 18,000	RS-2=75			Lots greater than 60 feet in width: 30 feet for flat roof structures.	
RS-3 = 10,000	Oceanfront RS-3 = 50			33 feet for sloped roof structures.	
	All other RS-3 = 60			Height may also be 50% of lot width, up to a maximum of 33 feet regardless of lot size or roof type through SFRRP, HPB or HPB approval, as applicable.	
RS-4 = 6,000	RS-4 = 50				

\*Except those lots fronting on a cul de sac or circular street as defined in lot width.

\*\* Height shall be measured from grade, as defined in section 114-1.

(2) Unit size requirements.

- a. 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. Terraces, breezeways, or open porches.
  4. Floor space used for required off-street parking spaces.

5. Exterior unenclosed private balconies.

- b. The unit size requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:
1. Minimum unit size: 1,800 square feet
  2. Maximum unit size shall not exceed 50% of the lot area. The maximum unit size may exceed 50% of the lot area, up to a maximum of 70%, when approved by the DRB or HPB, as applicable.

(3) Lot coverage (building footprint). The lot coverage requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

a. General.

1. Buildings or structures may occupy a maximum lot coverage of 35 30 percent of the lot area upon which the building or structure is erected ~~administratively through staff level review through SFRRP approval, design review board or historic preservation board approval, as applicable.~~

2. ~~Otherwise, b~~Buildings or structures may exceed a maximum lot coverage of 30 percent when approved by the DRB or HPB, as applicable, ~~administratively through staff level review but in no instance shall occupy no more than 30 35 percent of the lot area upon which the building or structure is erected, with the exception of Architecturally Significant single family homes, renovated in accordance with section 142-108 herein.~~

b. One-story structures. One-story structures may exceed the maximum 35 percent lot coverage through staff level review and shall be subject to the setback regulations outlined in section 142-106, but in no instance shall the building footprint exceed 50 percent of the lot area. For purposes of this section, a one-story structure shall not exceed 18 feet in height as measured from grade.

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. 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.

d. Garages. A maximum of 500 square feet of garage space shall not be counted in lot coverage if the area is limited to garage, storage and other non-habitable uses as provided through restrictive covenant and the garage conforms to all the following criteria:

1. The garage is one story in height and not covered by any portion of enclosed floor area above. Enclosed floor area shall be as defined in section 114-1.

2. The vehicular entrance(s) of the garage is not part of the principal facade of the main house.

3. The garage is constructed with a vehicular entrance(s) perpendicular to and not visible from the right-of-way, or the entrance(s) is set back a minimum of five feet from the principal facade of the main house when facing a right-of-way.

e. Nonconforming structures. Existing single-family structures nonconforming with respect to sections 142-105 and 142-106, may be repaired, renovated, rehabilitated regardless of the cost of such repair, renovation or rehabilitation, notwithstanding the provisions of chapter 118, article IX, "Nonconformance." Should such an existing structure constructed prior to October 1, 1971, be completely destroyed due to fire or other catastrophic event, through no fault of the owner, such structure may be replaced regardless of the above noted regulations existing at the time of destruction.

f. Demolition of architecturally significant single-family homes. Proposed new construction that exceeds the original building footprint of a demolished architecturally significant single-family home shall follow the provisions of section 142-108.

(4) Height restriction regulations. The height regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows

a. Stories. Unless otherwise noted, the maximum number of stories for all buildings shall not exceed 2 stories above minimum flood elevation.

b. Maximum height. The maximum height for all buildings shall be measured from grade, as defined in section 114-1. For lots 60 feet in width or less, the maximum height shall not exceed 25 feet. For lots greater than 60 feet in width, the maximum height shall not exceed 30 feet for flat roof structures or 33 feet for sloped roof structures. Notwithstanding the foregoing, the maximum height may also be 50% of lot width, up to a maximum of 33 feet, regardless of lot size or roof type, through the DRB or HPB approval process, as applicable.

c. Exceptions. The height regulation exceptions contained in section 142-1161 shall not apply to the RS-1, 2, 3 and 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.

(1) 1. Chimneys and air vents, not to exceed five feet in height.

(2) 2. Decks, not to exceed six inches above the main roofline and not exceeding a combined deck area of 50 percent of the enclosed floor area immediately one floor below.

(3) 3. 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.

(4) 4. Radio and television antennas.

(5) 5. Parapet walls, not to exceed three and one-half feet above the maximum permitted height.

(6) 6. Stairwell and elevator bulkheads in general shall be located to be visually recessive such that they do not become vertical extensions of exterior building elevations located directly along required setback lines. ~~SFRRP~~, Approval from the historic preservation board or design review board, approval as applicable, shall be required when the bulkhead's proximity to a property line is closer than 125 percent of the depth of the nearest required setback yard(s). Depth shall be measured perpendicular from the property line.

(7) 7. Skylights, not to exceed five feet above the main roof line.

(8) 8. Air conditioning and mechanical equipment not to exceed five feet above the main roof line and may be required to be screened in order to ensure minimal visual impact as identified in the general section description above.

(5) 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:

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

(2) Adjusted grade. In no instance shall the elevation of any required yard be higher than one-half the difference between grade, as defined in section 114-1, and the minimum required flood elevation.

(6) Non-airconditioned space located below minimum flood elevation. For those properties located in the RS-1, RS-2, RS-3, RS-4 single-family residential districts where the first habitable floor is required to be located five (5') feet or more above grade, in order to meet minimum flood elevation requirements, the following shall apply:

(1) The height of the area under the main structure may have a maximum floor to ceiling clearance of 7'-6" from grade. In the event that the minimum flood elevation requires the



underside of the slab of the first habitable floor to exceed 7'-6" from grade, such slab shall not exceed the minimum flood elevation as measured from grade.

(2) Up to, but not exceeding, 600 square feet of segregated parking garage area may be permitted under the main structure.

(3) The area under the first habitable floor of the main structure shall consist of non-airconditioned space, which is substantially open. Such area shall not be subdivided into different rooms, with the exception of the parking garage area, and required stairs and/or elevators.

(4) The parking garage area and ½ of the open, non-airconditioned floor space located at or below grade, and directly below the first habitable floor, shall not count in the unit size calculations.

~~(e)~~(7) Conditional use permit. An application for a conditional use approval for a parking lot pursuant to section 142-103 shall be subject to the following requirements:

~~(1)~~a. Only an at-grade, surfaced parking lot shall be permitted pursuant to this subsection. A parking structure, building or garage shall not be permitted.

~~(2)~~b. An application for a parking lot submitted pursuant to this subsection shall be subject to the design review procedures, requirements and criteria and the landscape requirements and criteria as set forth in chapter 118, article VI, and section 134-6, respectively. These review criteria are in addition to the required conditional use procedures and criteria set forth in chapter 118, article IV.

~~(3)~~c. For purposes of this subsection only, a parking lot within the RS-4 district shall not exceed 10,000 square feet in area and 65 feet in width, inclusive of all paved and landscaped areas.

~~(4)~~d. Permanent surfaces of a parking lot reviewed pursuant to this subsection shall meet the following minimum setbacks:

a-1. Front yard: 20 feet.

b-2. Side yard, interior: a side yard immediately adjacent to the RS-4 district, ten feet; otherwise zero feet.

e-3. Rear yard: five feet.

~~(5)~~e. No variances shall be granted from the requirements of this subsection.

**SECTION 2.** That Section 142-106, "Setback requirements for a single-family detached dwelling", is hereby amended as follows:

The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(1) Front yards: The minimum front yard setback requirement for these districts shall be 20 feet.

a. One-story structures may be located at the minimum front yard setback line.

b. Two-story structures or the second floor shall be set back a minimum of ten additional feet from the required front yard setback line.

c. Up to 50 percent of the developable width of the second floor may encroach forward to the 20-foot setback line through staff level review. Portions that encroach forward in excess of 50 percent shall require SFRRP, historic preservation board, or design review board approval, as applicable.

d. At least 35 percent of the required front yard area shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than five feet to the front of the building.

(2) Side yards:

a. The sum of the required side yards shall be at least 25 percent of the lot width.

e-b. Side, facing a street. Each required side yard facing a street shall be no less than ten percent of the lot width or 15 feet, whichever is greater. Also, at least 35 percent of the required

side yard area facing a street shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than five feet to the front of the building.

b.c. Interior sides. Any one interior side yard shall have a minimum of ten percent of the lot width or seven and one-half feet, whichever is greater.

e.d. Two-story side elevations located in proximity to a parallel to a side property line shall not exceed 50 percent of the lot depth, or 80 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard. The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line. The square footage of the additional open space shall not be less than one percent of the lot area. The threshold of the proximity shall be equal to or less than 150 percent of the width of the required side yard setback. The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from this provision may be granted only through SFRRP, historic preservation board, or design review board approval, as applicable.

e. Nonconforming yards.

1. If the a single-family structure is renovated in excess of 50 percent of the value determination, as determined by the building official pursuant to the standards set forth in the Florida Building Code, any new construction in connection with the renovation shall meet the all setback regulations existing at the time, unless otherwise exempted under chapter 118, article IX of these Land Development Regulations.

2. When an existing single-family structure is being renovated less than 50 percent of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and the sum of the side yards is less than 25 percent of the lot width, any new construction, whether attached or detached, including additions, may retain the existing sum of the side yards, provided that the sum of the side yards is not decreased.

3. When an existing single-family structure is being renovated less than 50 percent of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and has a nonconforming interior side yard setback of at least five feet, the interior side yard setback of new construction in connection with the existing building may be allowed to follow the existing building lines. The maintenance of the this nonconforming interior side yard setback shall apply to the construction of a second floor addition to single-family homes constructed prior to September 6, 2006, and to the linear extension of a single story building, as long as the addition does not exceed 18 feet in height as measured from grade. If the linear extension is two-stories, the second floor shall meet the minimum required yards and the recessed area created by this setback shall not be accessible or habitable. This shall also apply to the construction of a second floor addition to single-family homes constructed as of (the effective date of this ordinance). Notwithstanding the foregoing, if an existing interior side yard is less than five feet, the minimum side yard for any new construction or addition on that side shall be ten percent of the lot width or seven and one-half feet, whichever is greater. The construction of a ground floor addition of more than one story shall follow the required setbacks.

(3) Rear: The rear setback requirement shall be 15 percent of the lot depth, 20 feet minimum, 50 feet maximum. At least 70 percent of the required rear yard area shall be sodded or landscaped pervious open space; the water portion of a swimming pool may count toward this requirement.

### **SECTION 3. 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 4. REPEALER.**

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

**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. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2013

Second Reading: \_\_\_\_\_, 2013

Verified by: \_\_\_\_\_  
Richard Lorber, AICP  
Acting Planning Director

Underscore denotes new language  
08/27/2013

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