



MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales City Manager

DATE: December 11, 2013

SUBJECT: **REFERRAL TO THE PLANNING BOARD TO AMEND SECTION 114-1 OF THE CITY CODE TO AMEND THE DEFINITION OF FLOOR AREA TO EXEMPT ONLY NON-HABITABLE FLOOR AREA LOCATED BELOW GRADE WHERE THE CEILING IS ALSO BELOW GRADE.**

ADMINISTRATION RECOMMENDATION

Refer the item to the Land Use and Development Committee for discussion.

KEY INTENDED OUTCOME

Maintain strong development management policies.
Enhance the environmental sustainability of the community.
Improve storm drainage citywide.

BACKGROUND

Section 114-1 of the Land Development Regulations of the City Code currently defines *floor area* as the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the exterior face of an architectural projection, from the centerline of walls separating two attached buildings. This is an important concept, as it is then used to determine *floor area ratio* (FAR), which governs how much floor area is permitted for a development, and which controls how much mass and bulk proposed new buildings may contain.

The Code's definition for floor area of a building contains certain specified exemptions, such as enclosed garbage rooms, mechanical equipment rooms located on the roof, water tanks or cooling towers, uncovered steps, attic spaces, terraces, breezeways, or open porches, exterior unenclosed private balconies and required parking areas.

Another exemption from the definition in this section is for "floor area located below grade." This means that if an area is completely underground, it does not count towards floor area. This section continues, "if the ceiling is above grade, one-half of the floor area that is below grade shall be included in the floor area ratio calculation." This sentence is problematic because it actually encourages retail development on the ground floor of buildings to be placed a few inches below grade in order to gain this "FAR bonus". While not all developments take advantage of this provision, those that do exploit this loophole are then built slightly below grade, resulting in problems in future when flooding occurs.

In today's era of climate change and sea level rise, recurrent flooding has become an emerging problem. It makes little sense for the Land Development Regulations to encourage placing first floor development below grade when the City is otherwise looking for solutions to the flooding issue. Therefore, it is recommended that this provision be deleted.

CONCLUSION

It is recommended that the City Commission approve the request to refer a discussion on amending Section 114-1 of the City Code to amend the definition of floor area to exempt only non-habitable floor area located below grade where the ceiling is also below grade, to the Finance and City-wide Projects Committee.

JLM/JM/RGL

T:\AGENDA\2013\December 11\Below Grade Floor Area Referral - Memo.docx

Agenda Item C4A
Date 12-11-13

THIS PAGE INTENTIONALLY LEFT BLANK