MIAMIBEACH

OFFICE OF THE CITY MANAGER

COMMITTEE MEMORANDUM

TO: SUSTAINABILITY AND RESILIENCY COMMITTEE

Commissioner Michael Grieco, Chair
Commissioner Ricky Arriola, Vice-Chair
Commissioner Kristen Rosen-Gonzalez, Member
Commissioner Joy Malakoff, Alternate

FROM: Jimmy L. Morales, City Manager

DATE: April 19, 2017

SUBJECT: MEETING OF THE SUSTAINABILITY AND RESILIENCY COMMITTEE (SRC) ON WEDNESDAY APRIL 19, 2017

A meeting of the Sustainability and Resiliency Committee has been scheduled for Wednesday April 19, 2017 at 1:00pm in the City Manager's Large Conference Room - City Hall

The agenda for the meeting is as follows:

Discussion Items

1. **Discussion Regarding How Green infrastructure including Living Or Hybrid Shorelines Can Complement Grey infrastructure in our Climate Adaptation Ongoing Work**
   Commission Item C4N, April 13, 2016
   (Requested by Commissioner Steinberg)

   Margarita Wells, Acting Environment and Sustainability Director

2. **Discussion on Stormwater Best Management Practices**
   Commission Item C4U, June 8, 2016
   (Requested by Commissioner Steinberg)

   Margarita Wells, Acting Environment and Sustainability Director

3. **Discussion on the City to offer Christmas Tree Recycling, Commencing in 2017**
   Commission Item C4D, January 11, 2017
   (Requested by Commissioner Rosen-Gonzalez)

   Jay Fink, Assistant Public Works Director/ Rodney Knowles, Greenspace Division Director

4. **Discussion to Incentivize Solar Panel Installations In The City By Waiving Permit Fees.**
   Commission Item C4B, March 1, 2017
   (Requested by Commissioner Rosen-Gonzalez)

   Mariano Fernandez, Building Director/Flavia Tonioli, Sustainability Manager

Action Items

5. **Update Regarding Discussion on Alternatives to Plasticware in Beach Concessions**
   Commission Item R7E, May 11, 2016
   (Requested by Commissioner Grieco)

   John Ripple, Beach Maintenance Director/ Margarita Wells, Acting Environment and Sustainability Director/ Mark Milisits, Asset Manager

6. **Discussion To Make Waterless Urinals The Standard In Miami Beach Buildings - Both In City Of Miami Beach Projects And All New Construction.**
   Commission Item C4D, March 22, 2016
   (Requested by Commissioner Rosen-Gonzalez)

   Adrian Morales, Property Management Director/ Flavia Tonioli, Sustainability Manager

Verbal Reports

7. **Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise**

   Bruce Mowry, City Engineer

8. **Sustainability Committee**

   Dave Doebler, Committee Chairman

9. **Resiliency Strategy**

   Susanne Torriente, Assistant City Manager / Amy Knowles, Deputy Resiliency Officer

   9a. Resilience Business Case

   9b. Referral Pertaining To Rm-1 and Rm-2, Development Regulations and Parking Requirements.

   9c. Ordinance Amendment Pertaining To Maximum Building Heights in Commercial Zoning Districts and Allowable Height Exceptions.

   9d. Ordinance Amendment Pertaining To Roof Replacements and Roof Materials.

   9e. Ordinance Amendment Pertaining To non-conforming Buildings.

JLM/SMT/MKW/FCT/YP

Sustainability and Resiliency Committee
April 19, 2017

Discussion Regarding How Green infrastructure including Living Or Hybrid Shorelines Can Complement Grey infrastructure in our Climate Adaptation Ongoing Work

Item to be presented by Margarita Wells, Acting Environment and Sustainability Director

ITEM # 1

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Sustainability and Resiliency Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 19, 2017

SUBJECT: **DISCUSSION REGARDING HOW GREEN INFRASTRUCTURE INCLUDING LIVING OR HYBRID SHORELINES CAN COMPLEMENT GREY INFRASTRUCTURE IN OUR CLIMATE ADAPTATION ON-GOING WORK**

BACKGROUND

At the City Commission meeting on April 13, 2016, the Mayor and City Commission referred a discussion to the Sustainability and Resiliency Committee (SRC) regarding how green infrastructure, including living or hybrid shorelines, can complement grey infrastructure in our on-going climate adaptation work. This item was sponsored by Commissioner Micky Steinberg. Following a presentation on January 18, 2017, the SRC requested quarterly updates on this discussion item.

ANALYSIS

Living shorelines use a combination of bank stabilization and habitat restoration techniques to reinforce the shoreline, minimize coastal erosion, and maintain coastal processes while protecting, restoring, enhancing, and creating natural habitat for aquatic plants and wildlife. Living shoreline projects are constructed using a variety of structural and organic materials, such as wetland plants, submerged aquatic vegetation, oyster reefs, coir fiber logs, sand fill, and stone. In addition to shoreline stabilization and erosion control, living shorelines provide added benefits, such as reduction of wave energy, absorption of storm surge, improved water quality via filtration, protection of riparian and intertidal resources, and creation of aquatic and terrestrial habitat.

Despite their multiple benefits, living shorelines are not effective in all conditions, especially in high energy environments where increased shoreline armoring is more effective in stabilization and erosion control. There are several considerations, including existing site conditions and future maintenance and monitoring needs, which must be taken into consideration when planning and implementing living shoreline projects. The City has several seawall projects in the planning and design phases that present an excellent opportunity to use green infrastructure to complement grey infrastructure solutions. Living shorelines created as part of this project will not only add habitat in Miami Beach, but can also help the City meet mitigation requirements for unavoidable impacts.

UPDATE

Examples of living shoreline projects currently in design or construction, in increased order of progress, include the Maurice Gibb Park seawall project, the Brittany Bay Park seawall project,

the Indian Creek Flood Mitigation project, the Muss Park seawall project, and the Park View Island Kayak Launch. The Maurice Gibb Park seawall project was recently submitted for consideration as part of the Florida Inland Navigation District (FIND) grant program, in an effort to supplement the funding for the park redesign and allow an enhanced living shoreline where mature mangroves currently exist.

The Brittany Bay Park seawall project is at 90% design. Renderings of the proposed living shoreline concept were presented to the community at a public meeting on February 21, 2017. The Muss Park seawall design has been completed and permitted to protect an existing mature red mangrove and to plant new mangroves and other wetland vegetation near shore. The project is anticipated to begin construction in June 2017.

Construction of the Indian Creek Flood Mitigation project required unavoidable impacts to existing wetland vegetation, a portion of which is required to be mitigated on-site in accordance with the project's Miami-Dade County Division of Environmental Resources Management (DERM) permit. The City is in the process of designing and permitting a living shoreline with mangroves, wetland vegetation and oyster reefs waterward of the new seawall along Collins Avenue between 25th Street and 26th Street.

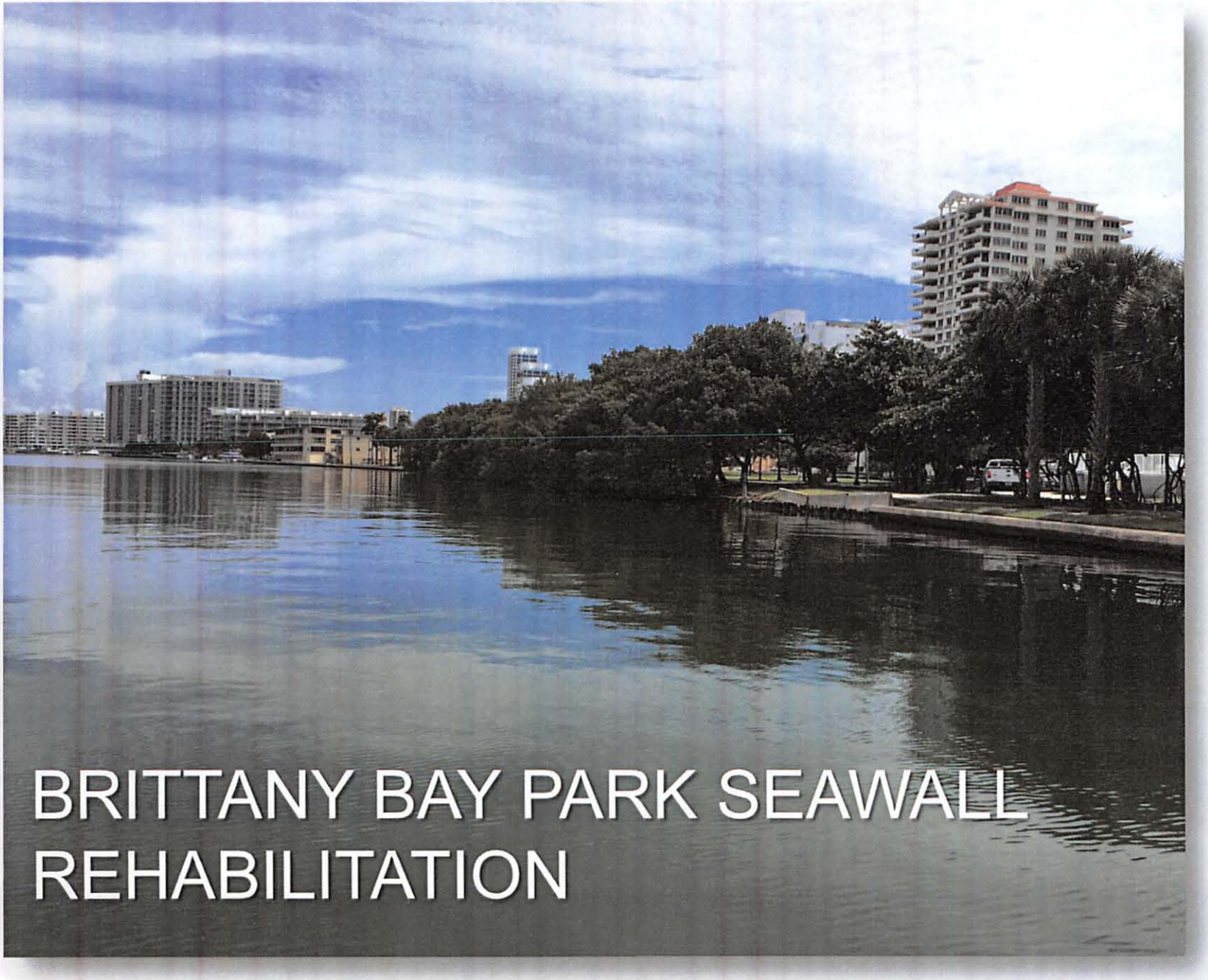
The Parkview Island Kayak Launch project at 73rd Street and Dickens Avenue, which includes the removal of non-native vegetation and planting of new mangroves along the shoreline, is scheduled to complete construction this spring.

CONCLUSION

The following is presented to the members of the Sustainability and Resiliency Committee for discussion. Staff will continue to provide quarterly updates.

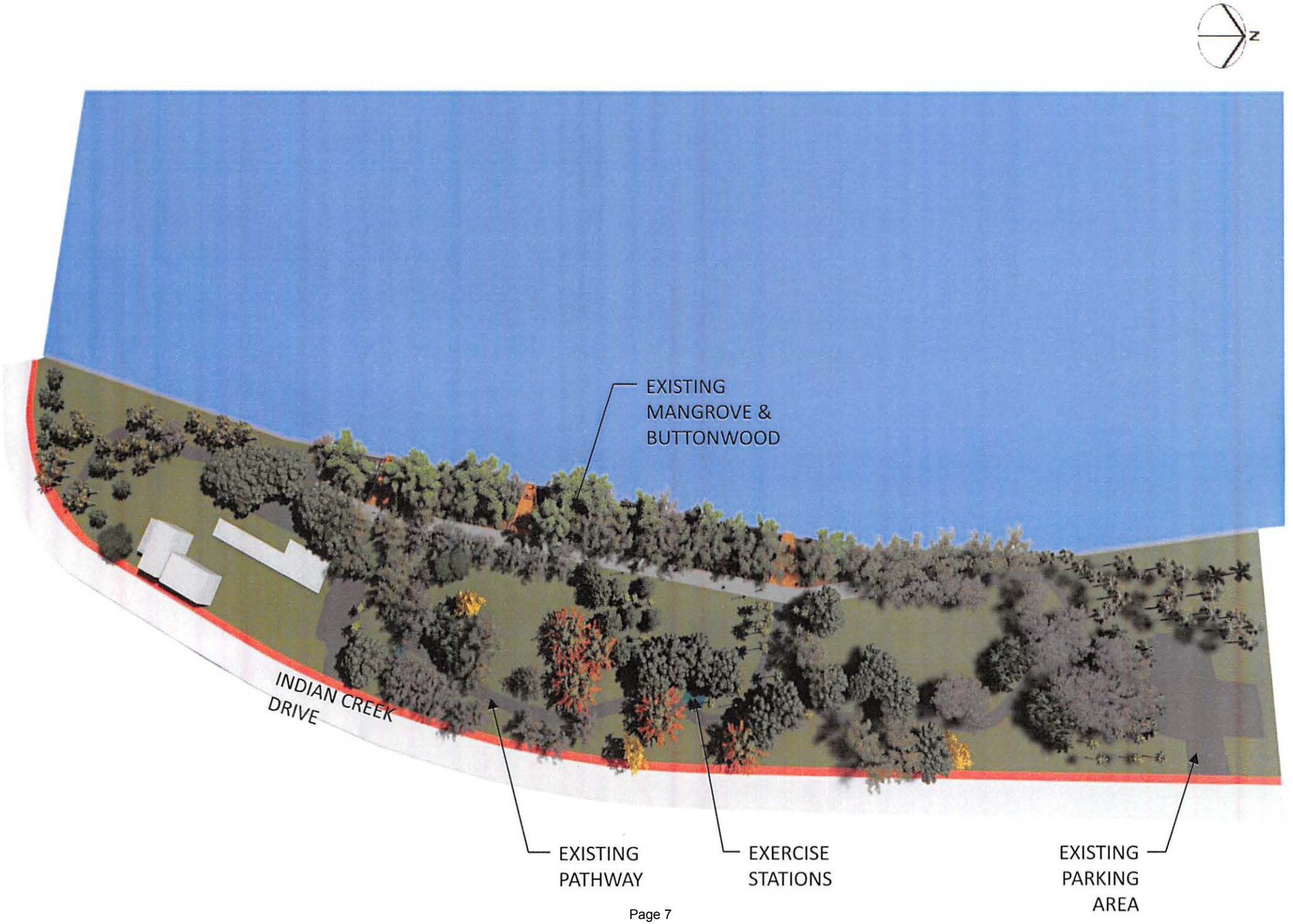
SMT · MKW

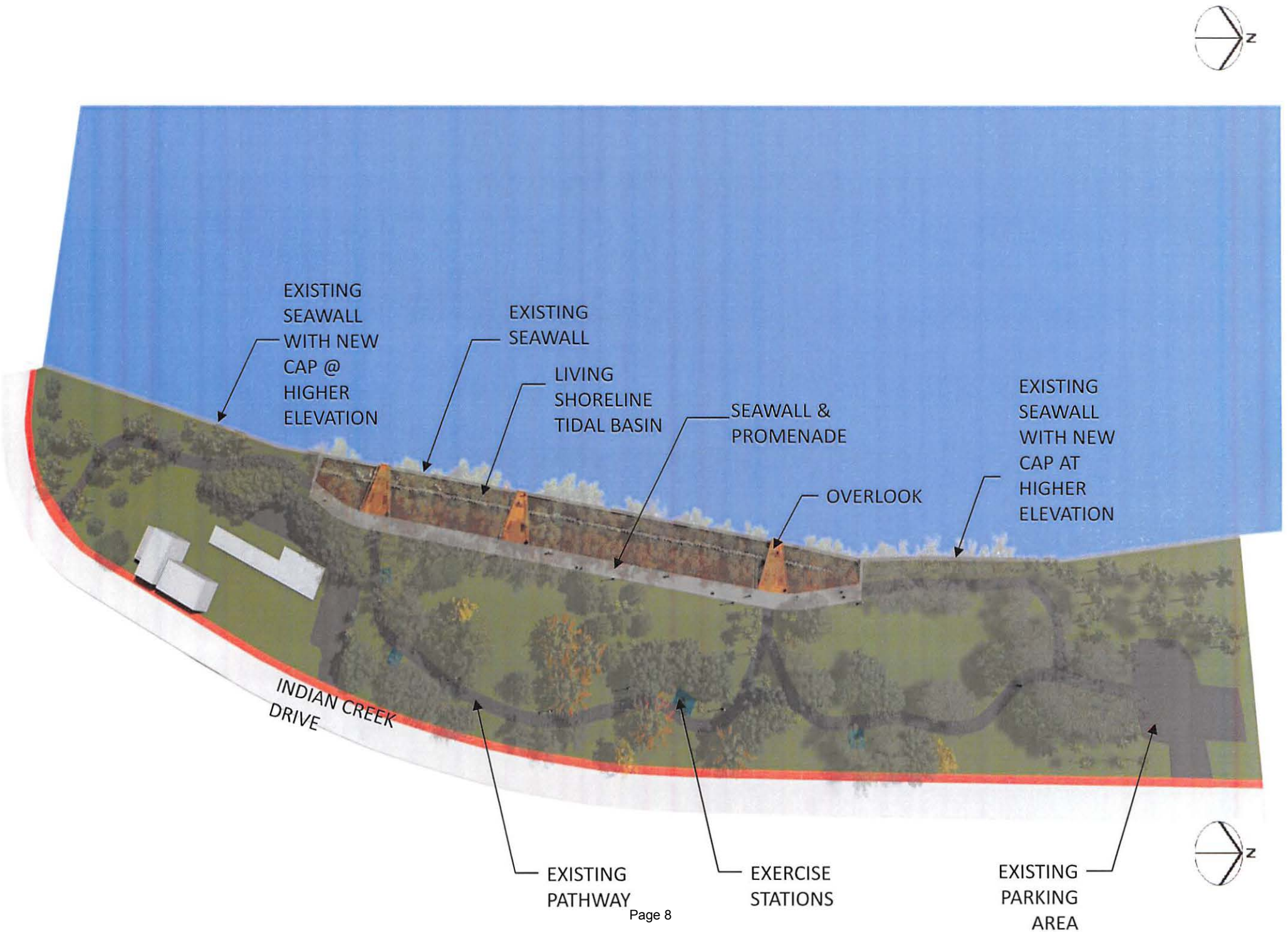
SMT/MKW



BRITTANY BAY PARK SEAWALL REHABILITATION

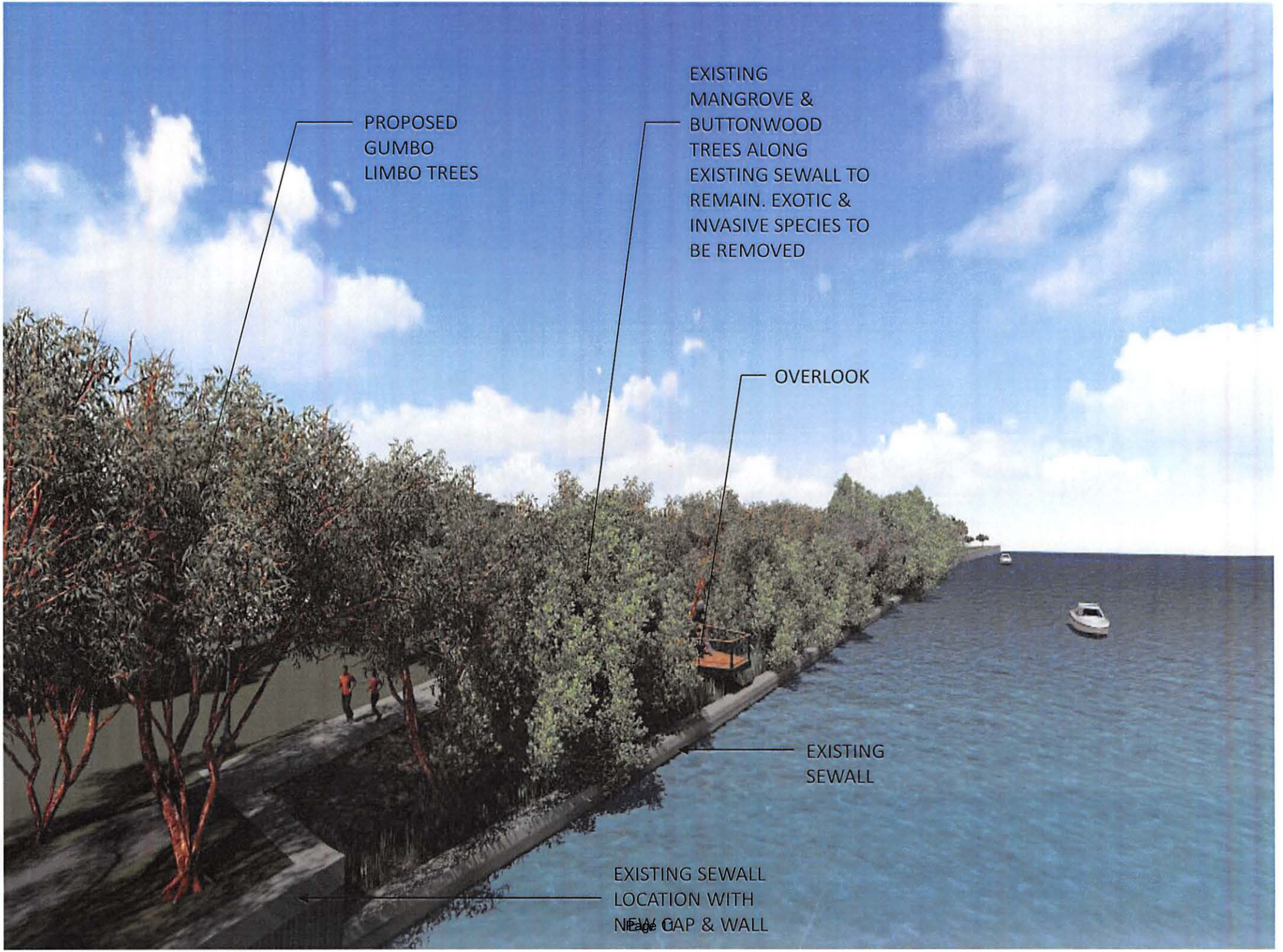
RISING ABOVE
MIAMIBEACH


N
EXISTING
MANGROVE &
BUTTONWOOD
INDIAN CREEK
DRIVE
EXISTING
PATHWAY
EXERCISE
STATIONS
EXISTING
PARKING
AREA

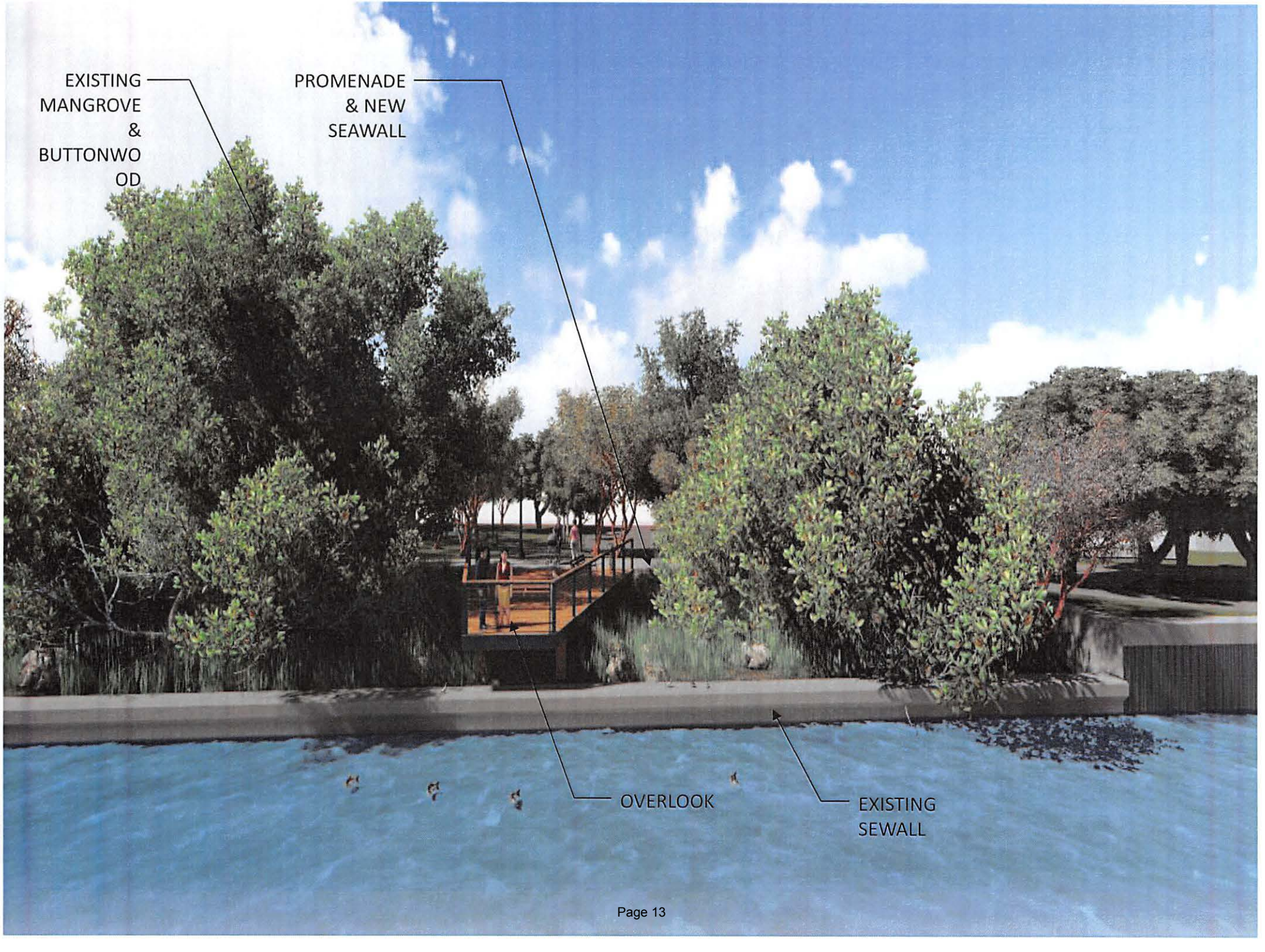

N
EXISTING SEAWALL WITH NEW CAP @ HIGHER ELEVATION
EXISTING SEAWALL
LIVING SHORELINE TIDAL BASIN
SEAWALL & PROMENADE
OVERLOOK
EXISTING SEAWALL WITH NEW CAP AT HIGHER ELEVATION
INDIAN CREEK DRIVE
EXISTING PATHWAY
EXERCISE STATIONS
EXISTING PARKING AREA
N


EXISTING MANGROVE & BUTTONWOOD TREES
LIVING SHORELINE RIP RAP FOR GRADING AROUND EXISTING TREES
GRASSES & MANGROVE PLANTING IN TREE AREA
PARK AREA LIGHTING


EXISTING MANGROVE & BUTTONWOOD TREES
PROMENADE
PROPOSED GUMBO LIMBO & BUTTERWOOD TREES
SUSTAINABLE MATERIAL DECKING
SEAWALL/SEAT WALL


PROPOSED
GUMBO
LIMBO TREES
EXISTING
MANGROVE &
BUTTONWOOD
TREES ALONG
EXISTING SEWALL TO
REMAIN. EXOTIC &
INVASIVE SPECIES TO
BE REMOVED
OVERLOOK
EXISTING
SEWALL
EXISTING SEWALL
LOCATION WITH
NEW CAP & WALL


LIVING SHORELINE TIDAL AREA W/ MANGROVE & GRASSES
OVERLOOK
EXISTING SEWALL
EXISTING MANGROVE & BUTTONWOOD


EXISTING MANGROVE & BUTTONWOOD
PROMENADE & NEW SEAWALL
OVERLOOK
EXISTING SEWALL

LIVING SHORELINE

8’ PROMENADE

SEAWALL/SEATWALL


LIVING SHORELINE
EXISTING & PROPOSED MANGROVE & BUTTONWOOD TREES
OVERLOOK
EXISTING PALM
PROMENADE RAISED FLUSH TO SEWALL HEIGHT FOR ACCESSBILITY
EXISTING PATH CONNECTION TO PROMENADE

Sustainability and Resiliency Committee
April 19, 2017

Discussion on Stormwater Best Management Practices

Item to be presented by Margarita Wells, Acting Environment and Sustainability Director

ITEM # 2

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Sustainability and Resiliency Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 19, 2017

SUBJECT: **DISCUSSION ON STORMWATER BEST MANAGEMENT PRACTICES**

At the City Commission meeting on May 11, 2016, the Mayor and City Commission referred a discussion to the Sustainability and Resiliency Committee (SRC) regarding stormwater Best Management Practices. This item was sponsored by Commissioner Steinberg. On July 15, 2016, the SRC requested regular updates on the City's stormwater management activities.

BACKGROUND

The City is a barrier island surrounded by Biscayne Bay, the Atlantic Ocean, and an interconnected system of waterways that provide habitat for fish and wildlife, opportunities for recreation, and an enhanced quality of life. Protecting the Biscayne Bay watershed and keeping our waters clean is critical to our local ecosystem, our residents, and our economy. As such, the City implements a multi-faceted strategy to keep pollution from entering our waterways that exceeds the requirements of our National Pollution Discharge Elimination System (NPDES) stormwater system permit.

UPDATE

The City, like all Florida municipalities, counties and other entities that operate a Municipal Separate Storm Sewer System (MS4), is required to submit an NPDES Annual Report to the Florida Department of Environmental Protection (FDEP) detailing the activities conducted under our stormwater management program, its anticipated success at preventing stormwater pollution, and justifying any decrease in stormwater pollution prevention efforts. The City's most recent NPDES Annual Report, covering the activities conducted from June 2015 to June 2016, was submitted to FDEP in December 2016. The successes of the past year set a high standard from which the City will continue to build in future years. These achievements include the removal of nearly 100,000 pounds of debris from our waterways and the creation of a proactive grease inspection program that collaborates with the County's program to reduce the potential for sanitary sewer overflows (SSO).

In 2017, one identified priority is to conduct a third-party scientific review of our entire stormwater management program to identify the problem pollutants within our community, determine the effectiveness of our existing initiatives, and rate the program compared to similar programs around the world. Such a review is currently on-going. A required deliverable is a scorecard grading all of the stormwater management program components from A to F. The scorecard will allow the City to prioritize our funding, manpower, and other resources where they will garner the greatest impact. The third-party scientific reviewer will present the results and discuss recommended next steps. We anticipate having this report completed by Fall 2017.

CONCLUSION

The following is presented to the members of the Sustainability and Resiliency Committee as an update.

SMT/MKW

Sustainability and Resiliency Committee
April 19, 2017

Discussion on the City to offer Christmas Tree Recycling, Commencing in 2017

Jay Fink, Assistant Public Works Director/ Rodney Knowles, Greenspace Division Director

ITEM #3

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Sustainability and Resiliency Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 19, 2017

SUBJECT: **DISCUSSION ON THE CITY TO OFFER CHRISTMAS TREE RECYCLING, COMMENCING IN 2017.**

BACKGROUND

Commissioner Rosen Gonzalez placed on the January 11, 2017 Commission Meeting's Consent Agenda, a referral to the Sustainability and Resiliency Committee for the City to offer Christmas tree recycling, commencing in 2017. The item was deferred to the February 15, 2017 Sustainability and Resiliency Committee where Jay Fink, Assistant Public Works Director presented the item. He explained to the Committee that the City of Miami Beach offers Christmas tree recycling at the City's green waste facility. Additionally, single-family homes have the option of leaving their trees at the curb for pick-up by the City's waste hauler.

Commissioner Rosen Gonzalez inquired about providing a recycling component, similar to Coral Gables, to turn the discarded trees into mulch.

ANALYSIS

Mr. John Osgood, Assistant Public Works Director/Field Services for the City of Coral Gables was contacted regarding the Christmas Tree Recycling initiative to determine the structure and logistics of the program and what challenges they faced in getting the program started. Mr. Osgood stated that the program which began in January 2017 sought to recycle Christmas trees to help preserve landfill space, and provide the opportunity to repurpose that valuable resource as mulch and ground cover in natural park and planting areas throughout the community. They established specific tree curbside collection dates for key areas, with the following guidelines:

- Place tree out after 5:00 P.M. the day before your scheduled tree collection day.
- Keep tree separate from your trash/yard waste pile. If the tree is placed in the trash pile with other debris, it won't be recycled.
- Remove tree stand, lights, ornaments, tinsel and other decorations before placing out for collection.
- Do not bag your tree or place flocked trees out for collection.

The trees were collected by City personnel and brought to a central processing area where they were chipped into mulch by a landscape contractor. While the program was well received by the public, Mr. Osgood did acknowledge a few issues that they needed to resolve for future recycling efforts, specifically public outreach, and how to handle multifamily residences. Waste Management, Inc. provides the waste removal service for multifamily residence units, so there were tree collection logistics issues involved for the complexes that don't receive bulk collection, so they didn't capture many trees in those areas. Mr. Osgood also noted that the quality of the

mulch obtained from the Christmas tree recycling effort was of a lesser quality than the mulch that they generally use throughout the City of Coral Gables. Therefore, the recycled tree mulch was only placed in more natural, less conspicuous areas that did not require a formal, or highly maintained look.

CONCLUSION

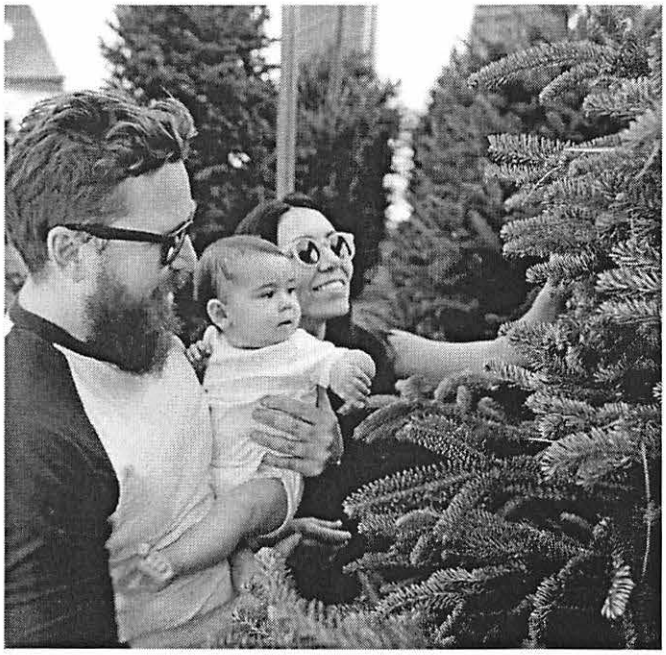
The following is presented to the members of the Sustainability and Resiliency Committee for discussion and further direction.

Attachment
http://www.miamiherald.com/news/local/community/miami-dade/coral-gables/article123602309.html

ETC/JJF/PRK

CORAL GABLES DECEMBER 29, 2016 4:08 PM

This city is offering Christmas tree recycling but please leave the ornaments in the box



MARSHA HALPER - Miami Herald File

BY LANCE DIXON
ldixon@miamiherald.com

With the holiday season come and gone, Coral Gables is offering a pickup service for residents trying to get rid of their Christmas trees.

The city is offering tree pickup and recycling across the city Monday through Jan. 20.

Residents are asked to put their trees out after 5 p.m. the day before their scheduled collection day and to keep the trees separate from trash piles. The tree must be free of decorations, lights and any ornaments and cannot be on a tree stand or placed in a bag.

Residents of apartments and condos that receive service from Waste Management should place their tree next to the trash collection bin.

The collection dates are divided into weekdays in five geographic sections:

- Residents living from Coral Way up to the northern city limits: Jan. 2, Jan. 9 and Jan. 16
- From Coral Way to Bird Road: Jan. 3, Jan. 10, Jan. 17
- From Bird Road to Hardee Road: Jan. 4, Jan. 11, Jan. 18
- From Hardee Road to Kendall Drive: Jan. 5, Jan. 12, Jan. 19
- From Kendall Drive to the southern city limits: Jan. 6, Jan. 13, Jan. 20

Lance Dixon: 305-376-3708, @LDixon_3

Sustainability and Resiliency Committee
April 19, 2017

Discussion to Incentivize Solar Panel Installations In The City By Waiving Permit Fees.

Mariano Fernandez, Building Director/Flavia Tonioli, Sustainability Manager

ITEM #4

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Sustainability and Resiliency Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 19, 2017

SUBJECT: **DISCUSSION TO INCENTIVIZE SOLAR PANEL INSTALLATIONS IN THE CITY BY WAIVING PERMIT FEES**

BACKGROUND

On March 1, 2017, the Mayor and City Commission referred a discussion to the Sustainability and Resiliency Committee (SRC) regarding incentivizing solar panel installations in the City by waiving permit fees. This item was sponsored by Commissioner Kristen Rosen Gonzalez.

ANALYSIS

The rise of solar power over the past decade has been largely driven by cities. In these densely-populated areas, solar power is helping to clean the air and reduce pollutant emissions; strengthen electric grids; offer consumers security against volatile energy costs; and, improve the environment and resident quality of life. Several cities have set strong goals for solar energy adoption, implementing programs and policies that promote the rapid expansion of solar energy, expanding access to all residents, installing solar energy systems on government buildings, and urging state and federal officials and investor-owned utilities to facilitate the growth of solar energy.

In leading cities, officials are setting ambitious goals for solar energy adoption, putting solar panels on city buildings, and working with utilities to upgrade the electric grid and offer electricity customers incentives to invest in solar energy systems. In these cities, permitting departments are taking steps to reduce fees and permit processing times for solar installation applications as well. In 2010, San Francisco (CA) committed to transitioning to 100% renewable energy by 2020 and became the first major city in the nation to require that photovoltaic or solar thermal solar systems be installed during the construction of new homes and businesses.

Kansas City (MO) added provisions to its zoning and development code that allow solar energy systems to be installed as accessory uses on any property in the city. Kansas also simplified its permitting process, allowing all plans to be submitted, reviewed and approved entirely online. The City of Sacramento (CA) encourages the installation of solar energy systems and has streamlined the review process for solar photovoltaic and water heating projects. The City of Coral Gables (FL) adopted an ordinance waiving all city permit fees for solar panels. The City of Miami (FL) not only waived all building permit fees related to the installation of solar panels for residential and commercial properties, but also streamlined the building permit application for solar panels to be processed within three business days.

The City of Miami Beach is currently reviewing its land use regulations in order to provide incentives for the solar market. Miami Beach's land use and permitting fee ordinance is being revised to modify the building fee schedule. As part of this modification, all photovoltaic-related building permit fees will be waived for any public and private projects to promote the use of photovoltaic energy.

As part of the Building Permit process, projects undergo zoning review. The Zoning section of the Planning Department reviews all license applications and building plans, as part of the Building Permit process, to ensure compliance with the Land Development Regulations. Under certain circumstances, projects may be required to undergo Design Review or Historic Preservation Certificate of Appropriateness approval prior to applying for a building permit. Payment of application, notice, and other review fees would still be required as part of this process.

In addition, the City was awarded technical assistance from Solsmart which is funded by the U.S. Department of Energy SunShot Initiative to help local governments reduce barriers to solar energy growth at no cost. Through this partnership, Solsmart is providing guidance for potential provisions to the City's zoning and development regulations to incentive the solar market development.

CONCLUSION

The following is presented to the members of the Sustainability and Resiliency Committee for discussion and further direction.

SMT/MKW/FCT

Sustainability and Resiliency Committee
April 19, 2017

Update Regarding Discussion on Alternatives to Plasticware in Beach Concessions

Item to be presented by John Ripple, Beach Maintenance Director/ Margarita Wells, Acting Environment and Sustainability Director/ Mark Milisits, Asset Manager

ITEM # 5

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Sustainability and Resiliency Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 19, 2017

SUBJECT: **DISCUSSION ON ALTERNATIVES TO PLASTIC WARE IN BEACH CONCESSIONS**

On May 11, 2016, the Mayor and City Commission referred a discussion to the Sustainability and Resiliency Committee (SRC) regarding alternatives to plastic ware in beach concessions. This item was sponsored by Commissioner Michael Grieco.

BACKGROUND

The City permits and oversees beach concession operations adjacent to private and public upland properties as approved by the Florida Department of Environmental Protection (FDEP) Division of Beaches and Coastal Systems and pursuant to the City's Concession Operations Rules and Regulations. Public concessions are further governed by provisions and requirements of their individual contracts with the City. These documents dictate the process for permitting a beach concession, its layout, its allowable facilities and equipment, and other conditions regarding its configuration and operation.

Currently, the Concession Operations Rules and Regulations prohibit beach concessions from selling, consuming, or otherwise keeping or using beverages from cans or glass containers on the beach. Beverages must only be dispensed by concessionaires in, or consumed by members of the public from, paper cups or other biodegradable containers in accordance with applicable city, state, and county requirements. Utensils, plates, to-go, and any other food and/or beverage or food service items, dispensed by concessionaires or used by members of the public, must only be made from paper or other biodegradable materials. The use of plastic bags (except large plastic bags used for trash collection), plastic straws (including biodegradable plastic straws) and expanded polystyrene by concessionaires or members of the public is prohibited. Plastic bottles and plastic cups are permitted.

ANALYSIS

The City has a field monitor from Tourism, Culture and Economic Development (TCED) Department that regularly inspects the beach and enforces the Concession Operations Rules and Regulations. Unfortunately some concessionaires are still using plastic ware as part of their operations. City staff and beach concessioners are discussing replacing plastic, paper, and biodegradable food or service items with reusable materials, such as metal utensils and wicker baskets. If successfully implemented, this initiative would reduce unnecessary waste from single-use products and minimize beach litter generated by these items.

CONCLUSION

Staff from TCED will be available to fully discuss this item with the members of the Sustainability and Resiliency Committee.

SMT/MKW

Attachment A: Draft specification guidelines for Beach Concessions.

Specifications

1. A Beachfront Concession shall supply all serving dishes/containers, food, beverages, condiments necessary to include biodegradable tableware; plates, bowls, hot and cold cups, flatware, wooden coffee stirrers, etc, when reusable food ware or food services articles are not feasible.

2. No expanded polystyrene material shall be used in special events.

3. Vendors are encouraged to use packaging that does not contain packaging inks, dyes, pigments, adhesives, stabilizers, and additives with levels of lead, cadmium, mercury or hexavalent chromium in packaging inks, dyes, pigments, adhesives, stabilizers, and additives equal to or greater than 100 parts per million, which is consistent with packaging statutes adopted by 19 U.S. states. The following exceptions apply to this heavy metal threshold recommendation for packaging:

    (a) Packaging made from recycled materials.

    (b) Packaging that is essential to the protection, safe handling, or function of the package's contents (e.g., medical product and devices).

    (c) Packages and packaging components for which there is no feasible alternative.

    (d) Reusable packaging for products that are subject to other federal or state health, safety, transportation, or disposal requirements (i.e., hazardous waste).

    (e) Packaging having a controlled distribution and reuse (i.e., beverage containers subject to mandatory deposit requirements).

    (f) Packaging or packaging component that is glass or ceramic where the decoration has been vitrified and when tested, and meets specific requirements.

A "biodegradable" product has the ability to break down, safely and relatively quickly, by biological means, into the raw materials of nature and disappear into the environment. These products can be solids biodegrading into the soil or liquids biodegrading into water. Biodegradable plastic is intended to break up when exposed to microorganisms (a natural ingredient such as cornstarch or vegetable oil is added to achieve this result). Biodegradable products also tend to be compostable, meaning that they can be mixed with organic matter and soil to create enrichers used for gardening and farming.

Preferred Certification for compostable food service items and packaging materials:

- Biodegradable Products Institute (BPI) Certified Compostable Program

The BPI Certified Compostable program applies science-based testing to prove a material will compost in a municipal or commercial facility and leave no toxic or lingering plastic residues in the soil. Certification allows your company to provide credible compostable claims for your products in the marketplace.

Sustainability and Resiliency Committee
April 19, 2017

Discussion To Make Waterless Urinals The Standard In Miami Beach Buildings - Both In City Of Miami Beach Projects And All New Construction.

Item to be presented by Adrian Morales, Property Management Director/ Flavia Tonioli, Sustainability Manager

ITEM # 6

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Sustainability and Resiliency Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 19, 2017

SUBJECT: **DISCUSSION TO MAKE WATERLESS URINALS THE STANDARD IN MIAMI BEACH BUILDINGS – BOTH IN CITY OF MIAMI BEACH PROJECTS AND ALL NEW CONSTRUCTION**

BACKGROUND

On March 22, 2017, the Mayor and City Commission referred a discussion to the Sustainability and Resiliency Committee (SRC) to make waterless urinals the standard in Miami Beach buildings. This item was sponsored by Commissioner Kristen Rosen Gonzalez.

ANALYSIS

Staff has researched water use and conservation from older urinals to newer low flow to complete waterless urinals; as well as proper maintenance requirements for the successful installations of waterless urinals.

Periods of drought and dwindling water resources have pushed many regions toward water conservation practices such as greywater recycling, rainwater harvesting, and the installation of low-flow fixtures along with enforcing stricter water use regulations.

The current federal standard for commercial urinals is 1.0 gallons per flush (gpf) but older urinals may use up to five times more water. The average urinal in the United States uses 2.0 gpf. The Environmental Protection Agency (EPA) estimates that replacing an older urinal that uses 1.5 gpf with a WaterSense urinal that uses 0.5 gpf or less could save more than 4,600 gallons of water per year, depending on the urinal's use.

California's Executive Order B-29-15, the statewide water reduction mandate, requires, among many other restrictions, that buildings be equipped with water-efficient appliances, including urinals with a maximum of 0.125 gpf to help reduce the 443 billion gallons per year flushed down the pipes of toilets, urinals and faucets.

The Miami-Dade County Building Code includes a local technical amendment, Section 8-31, which states the maximum water consumption flow rates and quantities for all plumbing fixtures, fixture fittings and appliances. All new non-residential development shall install waterless urinals or urinals that have a maximum rated flow of 0.5 gpf or less.

The cleaning regimen for waterless urinals includes a daily wipedown of the inside and outside of the fixtures and the removal of any debris from the strainers. This is comparable to standard urinals which are cleaned daily but waterless urinals do not get rinsed with water. The main

benefit of waterless urinals, besides reduced water usage, is the elimination of repairs of water leaks.

One of the main constraints of waterless urinals is the odor when maintenance is not done appropriately and/or regularly. In order to prevent odors, maintenance of waterless urinals involves replacing the trap cartridge or adding liquid sealant into the waterless urinal according to the manufacturer's guidelines. Some facilities that have installed waterless urinals have faced complications due to urine corroding copper plumbing.

Sarasota County replaced their waterless urinals by ultra-low flush urinals. Their main issues related to waterless urinals were odor complaints, intense janitorial maintenance and inappropriate plumbing system. Boulder County also opted to use low flow urinals instead of waterless urinals due to issues relating to minerals build-up in sewage pipes, cartridges cost, odors, and custodial and janitorial issues with changing out cartridges.

The State of Oklahoma also installed some waterless urinals and faced the same issues with odor control. They noticed very strict routine maintenance regimen coupled with attention to detail by janitorial staff could potentially prevent odor issues. However, the needed regular cartridge replacement added cost to their operations, in addition to embodied energy, landfill waste, and additional stock keeping units (SKU) for janitorial supplies (cartridge, liquid sealant and other needed chemicals). The City of Flagstaff also had similar problems with waterless urinals because of maintenance and significant odor issues in their public facilities; which resulted in increased water and chemical usage. The City of Flagstaff updated their plumbing code to include low flow urinals into their previous waterless urinal requirements.

Nevertheless, waterless urinals have been successfully used for water conservation purposes in various locations. The Hard Rock Stadium (formerly Dolphin Stadium) reduced their water consumption by 8.8 million gallons per year by installing waterless urinals, while the Marlins Stadium installed 249 waterless urinals and is saving up to 6 million gallons of water per year.

The typical payback time for a waterless urinal retrofit is about 2 years, depending on the water usage and age of the standard urinal and how often it is used. The initial cost for a waterless urinal varies between $70 and $450 depending on the type of fixture and installation required.

It is important to consider that although waterless urinals considerably reduce water consumption, resulting in savings for water bills, the needed maintenance could also increase the operational cost for janitorial services and supplies (traps cartridges and/or liquid sealant). Additional services may have to be amended to the current janitorial services agreement that the City of Miami Beach currently has in place.

CONCLUSION

The following is presented to the members of the Sustainability and Resiliency Committee for discussion on the water conservation benefits of waterless and low flow urinals, as well as the proper maintenance and janitorial requirements for waterless urinals, and further direction.

SMT/MKW/FCT/AMB

Sustainability and Resiliency Committee
April 19, 2017

Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise

Item to be presented by Bruce Mowry, City Engineer

ITEM # 7

VERBAL REPORT AT COMMITTEE MEETING

Sustainability and Resiliency Committee
April 19, 2017

Sustainability Committee

Item to be presented by Dave Doebler, Committee Chairman

ITEM # 8

TO: **Members of the Sustainability Committee**
David Doebler, Chair – Appointed by Commissioner Micky Steinberg
Steve Vincenti – Appointed by Commissioner Michael Grieco
Nancy Bernstein – Appointed by Mayor Philip Levine
Michael DeFilippi – Appointed by Commissioner Ricky Arriola
Cheryl Jacobs – Appointed by Commissioner Joy Malakoff
Richard Conlin – Appointed by Commissioner Kristen Rosen-Gonzalez
Scott Diffenderfer – Appointed by Commissioner John Elizabeth Aleman

DATE: April 19, 2017

SUBJECT: **MINUTES OF THE SUSTAINABILITY COMMITTEE MEETING OF MARCH 28, 2017**

The attendees were as follows: Dave Doebler, Michael DeFilippi, Nancy Bernstein and Cheryl Jacobs.

Absentees: Scott Diffenderfer, Richard Conlin and Steve Vincenti.

City Staff: Jose Gonzalez, Transportation Department; Josiel Ferrer-Diaz, Transportation Manager; Milos Majstorovic, Transportation Operations Supervisor; Flavia Tonioli, Sustainability Manager; and Yanira Pineda, Sustainability Coordinator.

1. **Minutes**
   a. **MOTION** to approve the February 28, 2017 meeting minutes made by Ms. Cheryl Jacobs, seconded by Ms. Nancy Bernstein.

2. **SRC**
   a. Update of the March 8, 2017 Sustainability and Resiliency Committee (SRC) meeting provided by Mr. Dave Doebler.

3. **Sustainability Committee Work Plan**

   a. **New Business**
      i. 2017 items.
         A) TRANSPORTATION. The transportation team provided an overview of the City's transportation efforts to incorporate resiliency in traffic management. Mr. Jose Gonzalez explained that Miami Beach is the only city to have a transportation model of hierarchy that prioritizes pedestrians. Mr. Milos Majstorovic talked about the City's improvements on public transportation, including the trolley system. Mr. Majstorovic mentioned the City looked at alternative trolleys (such as electric trolleys) but the technology was not there yet when the trolleys were purchased and that the City would keep revisiting potential alternatives to reduce the City's emissions. The transportation team talked about the water taxis systems and the potential to increase its services and network in the near future. Mr. Josiel Ferrer-Diaz talked about the intelligent transportation system project and how they are collecting data real time to improve traffic and understand behavior. Mr. Ferrer-Diaz provided an update on the bike efforts and improvements city-wide. Ms. Flavia Tonioli provided an updated on the City's EV stations network. The Sustainability Committee asked for potential private-public partnerships to improve the stations network across the City and requested Parking

Department to join the next meeting to further discuss the item.

b. Old Business

i. Converting FPL lights in alleys to LED. Mr. David Doebler provided an update from the previous meeting and mentioned the Committee could pass a motion to support the retrofits for all garages, supporting the property management budget request for FY17/18. The Committee agreed with the motion extending it to any potential retrofits that could be implemented within the alleyways. **MOTION**: The Sustainability Committee recommends the Sustainability and Resiliency Committee support retrofits for all City garages, supporting the property management budget request for FY17/18, and retrofits within alleyways. Motion made by Ms. Cheryl Jacobs, seconded by Ms. Nancy Bernstein.

ii. Plastic bags. The Sustainability Committee briefly discussed the current status of the house bill and senate bill for plastic bags restrictions. **MOTION**: The Sustainability Committee recommends the Sustainability and Resiliency Committee support the reduction of plastic bags through a City ordinance. Motion made by Mr. Michael DeFilippi, seconded by Ms. Nancy Bernstein.

4. Next Meeting

a. April 25, 2017.

Sustainability and Resiliency Committee
April 19, 2017

Resiliency Strategy

Item to be presented by Susanne Torriente, Assistant City Manager/ Amy Knowles, Deputy Resiliency Officer

ITEM # 9

Item 9a To Be Submitted As Supplemental

ITEM 9B

Residential Parking ORDINANCE

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, ; and,

WHEREAS, ; and,

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

SECTION 1. Chapter 130 of the City Code, entitled "Off-Street Parking," Article II, "Districts; Requirements," Section 130-32, is hereby amended as follows:

Sec. 130-32. - Off-street parking requirements for parking district no. 1.

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

* * *

(6) Apartment building and apartment-hotel:

a. Apartment buildings on lots that are ~~50~~ 65 feet in width or less: ~~1.5 spaces per unit.~~ There shall be no parking requirement, provided secure storage for alternative transportation such as scooters, bicycles, and motorcycles, is provided.

b. Apartment buildings on lots wider than ~~50~~ 65 feet:

~~1.5~~ 1 (one) spaces per unit for units between 550 and ~~999~~ 1,600 square feet;

~~1.75 spaces per unit for units between 1,000 and 1,200 square feet;~~

2.0 spaces per unit for units above ~~1,200~~ 1,600 square feet.

c. Designated guest parking: Developments of 20 units or less shall have no designated guest parking requirements. Multi-family buildings and suites-hotels with more than 20 units shall be required to provide supplemental designated guest parking equal to ten percent of the required residential parking spaces.

d. For existing apartment and apartment-hotel buildings, which are classified as "contributing" are located within the Normandy Isles National Register District or the North Shore National Register District, and which are being substantially retained, preserved and restored, there shall be no parking requirement for the existing structure, and any addition up to a maximum of 2,500 square feet, whether attached or detached. The proposed addition to the existing structure

shall be subject to the review and approval of the Design Review Board or Historic Preservation Board, whichever has jurisdiction, and shall include a renovation plan for the existing structure that is fully consistent with the Secretary of the Interior Guidelines and

* * *

SECTION 2. Chapter 130 of the City Code, entitled "Off-Street Parking," Article II, "Districts; Requirements," Section 130-38, is hereby amended as follows:

Sec. 130-38. - Mechanical and robotic parking systems.

(1) Definitions.
   (a) *Mechanical parking* means mechanical parking lifts, robotic parking systems, and/or vehicle elevators.
   (b) *Mechanical parking lift* means an automated mechanism that lifts vehicles to make space available to park other vehicles below it in a vertical tandem fashion.
   (c) *Robotic parking system* means a mechanical garage using elevator systems to hoist individual vehicles from receiving areas to separate auto storage areas.
   (d) *Vehicle elevator* means an elevator used for motor vehicles in lieu of ramps within a parking structure.

(2) Parking spaces to be used to satisfy accessory off-street parking requirements must conform to the provisions of article III "design standards" of this chapter, with respect to all-weather surface area, minimum parking space dimensions, drive width, interior aisle width, and required markings. Therefore, the use of mechanical parking devices, robotic parking systems and vehicle elevators to satisfy accessory off-street parking requirements shall not be permitted, except as hereinafter provided.

(3) Exceptions to the mechanical parking prohibition may be considered by the planning board, pursuant to the conditional use process in chapter 118, article IV of the City Code, if the proposed project meets the following conditions:
   (a) Commercial main use parking garages on a separate lot.
      (i) Commercial main use parking garages, open to the public, may utilize mechanical parking devices, robotic parking systems and/or vehicle elevators, subject to all other provisions of section 130-68.
      (ii) Parking spaces within commercial main use parking garages utilizing mechanical parking may be used to satisfy off street parking requirements for residential or commercial uses required within the building by section 130-68 for the cladding of such garages, as may be required by the design review procedures. Notwithstanding the foregoing, any accessory commercial use within commercial main use parking garages utilizing mechanical parking shall not generate an off-street parking requirement in excess of 25 percent of the total number of spaces in the garage.
      (iii) Parking spaces within commercial main use parking garages utilizing mechanical parking, constructed on land:
         a. Located within a local historic district (except not within the Ocean Beach local historic district); and
         b. On land which was vacant as of October 17, 2008; and

c. On land within 300 feet of a proposed new hotel development;

May be used to satisfy off street parking requirements for the proposed new hotel units and the following hotel accessory uses: retail (at a maximum of 75 square feet per hotel unit), auditorium, ballroom, convention hall, gymnasium, spa, meeting rooms or other similar places of assembly (not including restaurants or alcoholic beverage establishments). However, in order to utilize mechanical parking to satisfy off street parking requirements for the foregoing uses, the following conditions must be satisfied:

1. At least one-half of all parking spaces within the commercial main use parking garage shall be reserved for use by the general public (not to be used for valet storage for offsite valet services);
2. Mechanical parking permitted under this subsection shall be for the sole purpose of new hotel development. For purposes of this subsection, new hotel development means newly constructed hotel units and the following hotel accessory uses, provided that such hotel accessory uses are part of the same development project as the newly constructed hotel units: retail (at a maximum of 75 square feet per hotel unit), auditorium, ballroom, convention hall, gymnasium, spa, meeting rooms or other similar places of assembly (not including restaurants or alcoholic beverage establishments);
3. A restrictive covenant in a form acceptable to the city attorney committing the parking garage to providing parking for the related hotel property, and maintaining such hotel property as a hotel, for at least 30 years, subject to release by the planning board if such board determines that the restriction is no longer necessary, shall be recorded prior to the issuance of a full building permit; and
4. Suite hotel units, as defined by section 142-1105, cannot satisfy their off-street parking requirements by using mechanical parking.

(iv) Except as described above in subsections 3(a)(ii) and (iii), mechanical parking system within main use parking garages, operating either as commercial garages open to the public, or, as private noncommercial garages, may not be used to satisfy off street parking requirements for uses on a separate lot. This provision may be waived through the procedures detailed in subsection (c), below.

(b) Existing multifamily buildings.

(i) Existing multifamily buildings with a deficiency of parking may utilize mechanical parking devices within the space of the existing parking structure area. All parking lifts shall be located within a fully enclosed parking garage and shall not be visible from exterior view. No outside parking lifts shall be permitted.

(ii) The increased number of parking spaces as a result of mechanical parking under this provision shall not be used to satisfy any accessory off-street parking requirements.

(c) Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory and main use off-street parking requirements.

(i) Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory and main use off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:

1. One set of schematic plans sufficient to show the proposed development project with accessory and main use off-street parking requirements satisfied by traditional, nonmechanical means, meeting all aspects of the design standards for parking spaces required in article III of chapter 130, and other provisions of these land development regulations, and requiring no variances from these provisions; and
2. A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory and main use off-street parking requirements.

The first set of schematic plans shall be reviewed by planning department staff for zoning compliance prior to the site plan review hearing by the applicable land use board. This first set of schematic plans may include one level of below-grade parking spaces, provided such below grade spaces are within the confines of the subject development site and are not located below city property, adjacent private property that is not part of the development site or any rights-of-way. If it is determined that these schematic plans meet the requirements of the design standards of the city code, then the total number of parking spaces shown on the plans shall be noted. Henceforth, the project may proceed to site plan approval based on the second set of plans, using mechanical parking. However, if the first set of schematic plans includes below grade parking spaces, at least 50 percent of the number of below grade parking spaces shown in the first set of plans must be located below grade in the second set of plans utilizing mechanical parking. Further, the allowable residential density, and the intensity of the uses permitted for the proposed project, shall not exceed that which would have been permitted using the number of parking spaces noted on the first set of plans using traditional parking. No variances to these provisions shall be permitted.

(d) Apartment buildings utilizing mechanical lifts with 20 apartment units or less shall be exempt from the requirements of section 138-38 (3)(c), and may be approved by the design review board or historic preservation board, as applicable, in accordance with the review criteria of section 138-38(4), provided the parking area is accessed from a rear alley and secure storage for alternative transportation such as scooters, bicycles, and motorcycles is provided on site.

(4) As part of the conditional use, design review board, or historic preservation board review process for the use of mechanical parking devices, robotic parking systems and/or vehicle elevators under any of the provisions of this section, ~~the planning board shall consider~~ the following review criteria shall be evaluated when considering each application for the use of mechanical parking systems:

(a) Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood;

(b) Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood and has demonstrated ~~to the planning board~~ how the scale, mass, volume and height of the building are reduced by the use of mechanical parking;

(c) Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking;

(d) Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view;

(e) In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit owner;

(f) In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues;

(g) Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way;

(h) Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided;

(i) In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed;

(j) Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated;

(k) Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed;

(5) Mechanical parking devices, robotic parking systems and/or vehicle elevators must also satisfy the following conditions:

(a) The noise or vibration from the operation of mechanical parking lifts, car elevators, or robotic parking systems shall not be plainly audible to or felt by any individual standing outside an apartment or hotel unit at any adjacent or nearby property. In addition, noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage;

(b) For mechanical lifts, the parking lift platform must be fully load-bearing, and must be sealed and of a sufficient width and length to prevent dripping liquids or debris onto the vehicle below;

(c) All free-standing mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage; robotic garages and vehicle elevators must have backup generators sufficient to power the system;

(d) All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift;

(e) The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches;

(f) All mechanical parking systems, including lifts, elevators and robotic systems, must be inspected and certified as safe and in good working order by a licensed mechanical engineer at least once per year and the findings of the inspection shall be summarized in a report signed by the same licensed mechanical engineer or firm. Such report shall be furnished to the planning director and the building official; and

(g) All parking lifts shall be maintained and kept in good working order.

(6) The proposed use of mechanical parking systems, including mechanical parking lifts, robotic parking systems or vehicular elevators, for any type of development or improvement, including, but not limited to, vehicle storage, whether proposed under the provisions of section 130-38, or any other section of the City Code, shall require compliance with the provisions of subsections 130-38(4) and 130-38(5), and, with the exception of mechanical parking used to provide parking on a property containing less than 20 units, shall require the review and approval of the planning board, pursuant to the conditional use process in chapter 118, article IV of the Code.

SECTION 4. REPEALER.

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

SECTION 5. 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 re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2017.

_____
Philip Levine
Mayor

ATTEST:

_____
Rafael E. Granado
City Clerk

Underline denotes additions
~~Strike through~~ denotes deletions

First Reading: _____, 2017

Second Reading: _____, 2017

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

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COMMERCIAL HEIGHT STANDARDS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," BY AMENDING SECTION 114-1, "DEFINITIONS," AND BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS,", ARTICLE II, "DISTRICT REGULATIONS", BY AMENDING DIVISION 4, "CD-1, COMMERCIAL, LOW-INTENSITY DISTRICT," SECTION 142-276, "DEVELOPMENT REGULATIONS, AND DIVISION 5, "CD-2, COMMERCIAL, MEDIUM-INTENSITY DISTRICT," SECTION 142-306, "DEVELOPEMENT REGULATIONS," AND DIVISION 6, "CD-3, COMMERCIAL, HIGH-INTENSITY DISTRICT, "SECTION 142-336, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," AND DIVISION 13, "MXE, MIXED USE ENTERTAINMENT DISTRICT," SECTION 142-545, "DEVELOPMENT REGULATIONS," AND DIVISION 18, "PS, PERFORMANCE STANDARD DISTRICT," SECTION 142-698, "COMMERCIAL PERFORMANCE STANDARD AREA REQUIREMENTS," TO MODIFY ALLOWABLE HEIGHTS FOR THE PURPOSE OF SEA-LEVEL RISE MITIGATION; AND BY AMENDING ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 5, "HEIGHT REGULATIONS," SECTION 142-1161, "HEIGHT REGULATION EXCEPTIONS," TO ALLOW FOR SOLAR PANELS, WIND TURBINE AND SUSTAINABLE ROOFING SYSTEMS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach seeks to encourage and incentivize new development and the preservation and restoration of structures located within the City; and

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City of Miami Beach recognizes Sea level rise and it responsibility to the citizens to adapt to meet those needs; and

WHEREAS, the City of Miami Beach understands how important it is to build resilient buildings that will be able to survive Sea Level Rise; and

WHEREAS, to mitigate the impacts of Climate Change the City must allow for the residents and buildings to reduce their vulnerability; and

WHEREAS, the City of Miami Beach understands that to combat the harmful effects of Climate Change, Local Municipalities are the front line of adaptation and must if there is no example to follow; and

WHEREAS, it is in the best interest of the City to promote the economic environmental health in the City through sustainable and environmentally friendly design and construction which reduces demand for energy and reduces greenhouse gas emissions; and

WHEREAS, studies have indicated that green buildings have lower maintenance costs associated with low energy consumption, which will improve the City's long-term economic well-being; and

WHEREAS, it is in the interest of the health, safety and welfare of the residents of the City to ensure sustainable construction and to ensure that the City safeguard natural resources and ensure that efficient buildings are constructed; and

WHEREAS, the amendment set forth below is 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. Amending Chapter 114 of the City Code, entitled "General Provisions," Section 114-11, "Definitions," of the Land Development Regulations, is hereby amended to read as follows:

Chapter 114 – GENERAL PROVISIONS

Sec. 114-1 – Definitions

Blue roof means a non-vegetated source control to detain storm-water. A blue roof slows or stores storm-water runoff by using various kinds of flow controls that regulate, block, or store water instead of vegetation.

* * *

Cool roof see white roof

* * *

Green roof means a green space created by layers of growing medium and vegetation added on top of a traditional roofing system. It may also include additional layers such as a root barrier and drainage and irrigation systems.

* * *

Height of building means the vertical distance from the lowest floor according to the following, as applicable:

(a) When the minimum finished floor elevation is located between grade and base flood elevation plus "City of Miami Beach Freeboard", height shall be measured from the minimum finished floor elevation to the highest point of the roof;

(b) When the minimum finished floor elevation in located above the base flood elevation plus Freeboard, height shall be measured from the base flood elevation plus Freeboard.

The highest point of a roof is as follows:

1. The highest point of a flat roof;
2. The deck line of a mansard roof;
3. The average height between eaves and ridge for gable hip and gambrel roofs; or
4. The average height between high and low points for a shed roof.

(c) ~~As all rights-of-way have not yet been elevated, f~~For commercial properties, height shall be measured from the base flood elevation, plus freeboard, provided that the height of the first floor shall be tall enough to allow the first floor to eventually be elevated to base flood elevation, plus ~~minimum~~ freeboard, with a future minimum interior height of at least ten (10) feet once the adjacent right-of-way is elevated as provided under the City's Public Works Manual.

* * *

Roof top farm means a garden on the roof of a building, roof plantings may provide food, temperature control, hydrological benefits, architectural enhancement, habitats or corridors for wildlife, recreational opportunities, and in large scale it may even have ecological benefits.

* * *

White roof means a roof that has been painted white or is surfaced with some other light or reflective material.

* * *

SECTION 2. Amending Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II. "District Requirements," Section 142-276, "Development Regulations," of the Land Development Regulations, is hereby amended to read as follows:

Chapter 142 - ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. - SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 4. – CD-1 COMMERCIAL, LOW INTENSITY DISTRICT

* * *

Sec. 142-276. - Development regulations.

The development regulations in the CD-1 commercial, low intensity district are as follows:

Maximum Building Height (Feet)
40

Notwithstanding the foregoing, at the discretion of the Design Review Board or Historic Preservation Board, as applicable, the maximum building height may be increased by 10 feet, provided the first story has a minimum height of 18 feet

* * *

DIVISION 5. – CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

Sec. 142-306. - Development regulations.

The development regulations in the CD-2 commercial, medium intensity district are as follows:

Maximum Building Height (Feet)
50

Notwithstanding the foregoing, at the discretion of the Design Review Board or Historic Preservation Board, as applicable, the maximum building height may be increased by 10 feet, provided the first story has a minimum height of 18 feet

* * *

DIVISION 6. – CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

* * *

Sec. 142-337. - Development regulations and area requirements.

(a) The development regulations in the CD-3 commercial, high intensity district are as follows:

(1) Max FAR: Lot area equal to or less than 45,000 sq. ft.—2.25; Lot area greater than 45,000 sq. ft.—2.75; Oceanfront lots with lot area greater than 45,000 sq. ft.—3.0.
(2) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0.
(3) Notwithstanding the above, lots located between Drexel Avenue and Collins Avenue and between 16th Street and 17th Street shall have a maximum FAR of 2.75.
(4) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 sq. ft.

(b) However, the floor area ratio maximum for residential development, inclusive of hotels, in the architectural district shall be 2.50.
(c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, high intensity district are as follows:

50

Notwithstanding the foregoing, at the discretion of the Design Review Board or Historic Preservation Board, as applicable, the maximum building height may be increased by 10 feet, provided the first story has a minimum height of 18 feet

* * *

DIVISION 13. – MXE MIXED USE ENTERTAINMENT DISTRICT

* * *

Sec. 142-545. - Development regulations.

The development regulations in the MXE mixed use entertainment district are as follows:

Maximum
Building
Height
(Feet)

75

Notwithstanding the foregoing, at the discretion of the Design Review Board or Historic Preservation Board, as applicable, the maximum building height may be increased by 10 feet, provided the first story has a minimum height of 18 feet.

* * *

DIVISION 18. – PS PERFORMANCE STANDARD DISTRICT

* * *

Sec. 142-698. – Commercial Performance standard area requirements.

(b)The commercial performance standard area requirements are as follows:

C-PS1

Maximum
Building
Height

40

Notwithstanding the foregoing, at the discretion of the Design Review Board or Historic Preservation Board, as applicable, the maximum building height may be increased by 10 feet, provided the first story has a minimum height of 18 feet.

C-PS2

Maximum
Building
Height

50

Notwithstanding the foregoing, at the discretion of the Design Review Board or Historic Preservation Board, as applicable, the maximum building height may be increased by 10 feet, provided the first story has a minimum height of 18 feet.

C-PS3

Maximum
Building
Height

80

Notwithstanding the foregoing, at the discretion of the Design Review Board or Historic Preservation Board, as applicable, the maximum building height may be increased by 10 feet, provided the first story has a minimum height of 18 feet.

C-PS4

Maximum
Building
Height

150

Notwithstanding the foregoing, at the discretion of the Design Review Board or Historic Preservation Board, as applicable, the maximum building height may be increased by 10 feet, provided the first story has a minimum height of 18 feet.

SECTION 3. Amending Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," Division 5, "Height Regulations," Section 142-1161, "Height Regulation Exceptions," of the Land Development Regulations, is hereby amended to read as follows:

* * *

DIVISION 5. – HEIGHT REGULATIONS

Sec. 142-1161. - Height regulation exceptions.

For all districts, except RS-1, 2, 3 and 4 (single-family residential districts).

(a) The height regulations as prescribed in these land development regulations shall not apply to the following when located on the roof of a structure or attached to the main structure. For exceptions to the single-family residential districts, see subsection 142-105(e).

(1) Air conditioning, ventilation, electrical, plumbing equipment or equipment rooms.

(2) Chimneys and air vents.

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

(4) Decorative structures used only for ornamental or aesthetic purposes such as spires, domes, belfries, 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.

(5) Elevator bulkheads or elevator mechanical rooms.

(6) Flagpoles subject to the provisions of section 138-72.

(7) Parapet walls, not to exceed three and one-half feet above the main roofline unless otherwise approved by the design review board up to a maximum of 25 feet in height.

(8) Planters, not to exceed three feet in height above the main roofline.

(9) Radio, television, and cellular telephone towers or antennas, and rooftop wind turbines.

(10) Stairwell bulkheads.

(11) Skylights, not to exceed five feet above the main roofline.

(12) Stage towers or scenery lofts for theaters.

(13) Swimming pools, whirlpools or similar structures, which shall have a four-foot wide walkway surrounding such structures, not to exceed five feet above the main roofline.

(14) Trellis, pergolas or similar structures that have an open roof of cross rafters or latticework.

(15) Water towers.

(16) Bathrooms required by the Florida Building Code, not to exceed the minimum size dimensions required under the Building Code, provided such bathrooms are not visible when viewed at eye level (five feet, six inches from grade) from the opposite side of the adjacent right-of-way; for corner properties. Such bathrooms shall also not be visible when viewed at eye level (five feet, six inches from grade) from the diagonal corner at the opposite side of the right-of-way and from the opposite side of the side street right-of-way.

(17) Solar Panels, wind turbines and other alternative energy fixtures.

(18) Sustainable roofing systems.

(b) The height of all allowable items in subsection (a) of this section, unless otherwise specified, shall not exceed 25 feet above the height of the roofline of the main structure. With the exception of items described in subsection (a)(17) of this section, when any of the above items are freestanding, they shall follow the height limitations of the underlying zoning district (except flagpoles which are subject to section 138-72).

(c) Notwithstanding other provisions of these regulations, the height of all structures and natural growth shall be limited by the requirements of the Federal Aviation Agency and any airport zoning regulations applicable to structure and natural growth.

SECTION 3. REPEALER.

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

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. 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 re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect 10 days after adoption.

PASSED and ADOPTED this _____ day of _____ 2017.

_____

MAYOR

ATTEST:

_____

CITY CLERK

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

_____
City Attorney Date

First Reading: _____, 2017
Second Reading: _____, 2017

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

Underline = new language
~~Strikethrough~~ = deleted language

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SUSTAINABLE ROOFING

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," BY AMENDING SECTION 114-1, "DEFINITIONS," AND BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS,", ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS", BY AMENDING DIVISION 1, " GENERALLY," SECTION 142-875, "ROOF REPLACEMENTS AND NEW ROOFS," PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach seeks to encourage and incentivize new development and the preservation and restoration of structures located within the City; and

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City of Miami Beach recognizes Sea level rise and it responsibility to the citizens to adapt to meet those needs; and

WHEREAS, the City of Miami Beach understands how important it is to build resilient buildings that will be able to survive Sea Level Rise; and

WHEREAS, to mitigate the impacts of Climate Change the City must allow for the residents and buildings to reduce their vulnerability; and

WHEREAS, the City of Miami Beach understands that to combat the harmful effects of Climate Change, Local Municipalities are the front line of adaptation and must if there is no example to follow; and

WHEREAS, it is in the best interest of the City to promote the economic environmental health in the City through sustainable and environmentally friendly design and construction which reduces demand for energy and reduces greenhouse gas emissions; and

WHEREAS, studies have indicated that green buildings have lower maintenance costs associated with low energy consumption, which will improve the City's long-term economic well-being; and

WHEREAS, it is in the interest of the health, safety and welfare of the residents of the City to ensure sustainable construction and to ensure that the City safeguard natural resources and ensure that efficient buildings are constructed; and

WHEREAS, the amendment set forth below is 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. Amending Chapter 114 of the City Code, entitled "General Provisions," Section 114-11, "Definitions," of the Land Development Regulations, is hereby amended to read as follows:

Chapter 114 – GENERAL PROVISIONS

Sec. 114-1 – Definitions

* * *

Sustainable roofing system means a solar roof, blue roof, white roof, cool roof, green roof, rooftop farming roofing system, or any other roofing system recognized by a green building certification agency that reduces heat island effect, allows for the reuse or retention of stormwater or reduces greenhouse gases.

SECTION 2. Amending Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article IV. "Supplementary District Regulations," Division 1, "Generally, Section 142-875, "Roof replacements and new roofs," of the Land Development Regulations, is hereby amended to read as follows:

Chapter 142 - ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. – GENERALLY

* * *

Sec. 142-875. - Roof replacements and new roofs.

(a) In all districts, ~~except locally designated historic districts, sites or structures~~, the new construction, repair or replacement of any pitched roof shall consist of flat or barrel tile, which shall be composed of concrete or~~,~~ clay ~~or ceramic~~ material. Asphalt shingles shall be prohibited.

(b) For properties located outside of a locally designated historic district, site or structure, metal, glass or sustainable roofing systems may be proposed for new construction, existing multifamily and townhome structures, existing commercial buildings, single-family homes constructed after 1942, and nonarchitecturally significant single-family homes constructed prior to 1942, and shall be subject to the review and approval of the planning department, in accordance with the following criteria:

(1) In single-family residential districts, the style, design and material used for the main structure and all accessory structures shall be compatible when located on the same property.

(2) The color of the roof shall be neutral and shall not overwhelm or cause the roof to stand out in a significant manner.

(3) The design, details, dimensions, surface texture and color shall be consistent with the architectural design, style and composition of the structure.

(4) The design, details, dimensions, surface texture and color shall be consistent with the established scale, context and character of the surrounding area.

(5) Asphalt shingles shall be prohibited.

(c) For architecturally significant single-family homes constructed prior to 1942, the planning director, or designee, may approve a metal, glass or sustainable roofing system if it is determined that the scale, massing and design of the subject home can accommodate a metal, glass or sustainable roofing system, and that ~~the metal or glass~~ such roofing system will not negatively impact the established architectural context of the immediate area. Such review by the planning director, or designee, shall be subject to the criteria in subsections ~~(a)~~ (b)(1)—(4) above.

(d) The appeal of any decision of the planning department under subsections (a), ~~and~~ (b) or (c) above, shall be to the ~~design review board~~, board of adjustment in accordance with chapter 118, article VIII of these land development regulations. The review by the ~~design review board~~, board of adjustment, either by appeal or if the metal, glass or sustainable roofing system does not qualify for planning director approval as provided above, shall also be pursuant to the criteria in subsections ~~(a)~~ (b) (1)—(4) above.

(e) Within any locally designated historic district, site or structure, ~~the new construction, repair or replacement of any pitched roof shall consist of flat or barrel tile, which shall be composed of concrete, clay or ceramic material. T~~ the following shall apply:

(1) The use of metal, glass or sustainable roofing systems on new construction shall require the review and approval of the historic preservation board, in accordance with the criteria in subsections ~~(a)~~ (b) (1)—(4) above, and chapter 118, article X of these land development regulations. For non-contributing buildings, or if new construction is eligible for administrative review under Chapter 118, Article X of the Land Development Regulations, the planning director, or designee, may approve a metal, glass or sustainable roofing system if it is determined that the scale, massing and design of the proposed new structure can accommodate a metal, glass or sustainable roofing system, and that such roofing system will not negatively impact the established architectural context of the immediate area. Such review by the planning director, or designee, shall be subject to the criteria in subsections (b)(1)—(4) above.

(2) Metal, glass or sustainable roofing systems ~~shall not be permitted on~~ proposed for contributing buildings shall require the review and approval of the historic preservation board, in accordance with the criteria in subsections (b) (1)—(4) above, and chapter 118, article X of these land development regulations. ~~except as hereinafter provided. Within all zoning districts, except single-family districts, and subject to the approval of the historic preservation board, metal or glass roofing systems may be permitted on roof top additions to contributing buildings, subject to the criteria in subsections (a)(1)—(4) above, and chapter 118, article X of these land development regulations, provided the metal or glass roofing system is not visible when viewed at eye level (five feet, six inches from grade) from the opposite side of the adjacent right-of-way; for corner properties, the metal or glass roofing system shall also not be visible when viewed at eye level from the diagonal corner at the opposite side of the right-of-way and from the opposite side of the side street right-of-way. The use of metal or glass roofing systems on existing noncontributing structures may be reviewed and approved by the planning director, or designee, in accordance with the criteria in subsections (a)(1)—(4) above, and chapter 118, article X of these land development regulations, if it is determined that the scale, massing and design of an existing noncontributing structure can accommodate a metal or glass roofing~~

~~system, and that such metal or glass roofing system will not negatively impact the established historic and architectural context of the immediate area.~~

(3) The appeal of any decision of the planning director, or designee ~~department~~ under this subsection shall be to the ~~historic preservation~~ board of adjustment. The review by the ~~historic preservation~~ board of adjustment, either by appeal or if the metal, glass or sustainable roofing system does not qualify for planning director approval as provided above, shall also be pursuant to the criteria in subsections ~~(a)~~(b)(1)—(4) above and section 118-564.

(f) Notwithstanding the above, for those structures constructed and substantially maintained in the Mediterranean revival or mission style of architecture, ~~only~~ the use of roof material other than concrete, clay or ceramic tile ~~may be utilized~~ shall be subject to the review and approval of the design review board or historic preservation board, as applicable. For purposes of this subsection, Mediterranean revival or mission architecture shall be defined as those structures built between 1915 through 1942 and characterized by, but not limited to, stucco walls, low pitch terra cotta or historic Cuban tile roofs, arches, scrolled or tile capped parapet walls and articulated door surrounds, or Spanish baroque decorative motifs and classical elements.

(g) Notwithstanding the above, in the event a material other than flat or barrel tile was permitted for a pitched roof in any district, such roof may be replaced with the same material, subject to the criteria in subsection (a) above.

(h) For those structures which contain historic Cuban barrel tiles, such tiles shall be retained and preserved, subject to the provisions of the applicable building codes.

(i) No variances from any of these provisions shall be granted. However, in the event that the building official determines that limitations exist regarding the load capacity of an existing roof, a roofing material other than concrete, clay or ceramic tile may be approved by the planning department for any type of structure, in accordance with the criteria specified in subsections 142-875~~(a)~~(b)(1)—(4) above.

SECTION 3. REPEALER.

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

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. 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 re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect 10 days after adoption.

PASSED and ADOPTED this _____ day of _____ 2017.

MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

_____
City Attorney Date

First Reading: _____, 2017
Second Reading: _____, 2017

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

Underline = new language
~~Strikethrough~~ = deleted language

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NONCONFORMING BUILDINGS SUSTAINABILITY INCENTIVES

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, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," BY AMENDING ARTICLE IX, "NONCONFORMANCES," TO CLARIFY AND UPDATE CERTAIN TERMS AND DESCRIPTIONS, AND TO PROVIDE MORE DEFINED PARAMETERS FOR WHAT CONSTITUTES A NONCONFORMING STRUCTURE, AND TO ESTABLISH REVISED STANDARDS FOR NON-CONFORMING STRUCTURES; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHERAS, the Mayor's Blue Ribbon Panel on Flooding & Sea Level Rise has recommended that the nonconforming building regulations (as well as all related regulations) should be amended to address long term sustainability and resiliency city wide; and

WHEREAS, the City of Miami Beach continually seeks to update and clearly define the requirements of the Land Development Regulations of the Code of the City of Miami Beach as they pertain to nonconforming structures; and

WHEREAS, the City of Miami Beach has adopted regulations pertaining to the maintenance and improvement of existing nonconforming structures and,

WHEREAS, The City of Miami Beach desires to refine, clarify, expand and enhance existing procedures and requirements for improvements to existing non-conforming structures in order to ensure that a substantial portion of any such structure is retained and preserved; 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. That Chapter 118, Entitled "Administration and Review Procedures", Article IX, Entitled "Nonconformances", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

* * *

Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.

* * *

(b) Nonconforming buildings.

(1) Nonconforming buildings which are repaired or rehabilitated by less than fifty (50) percent of the value of the building as determined by the building official shall be subject to the following conditions:

~~a. Repaired or rehabilitated residential and/or hotel units shall meet the minimum unit size requirements as set forth for the zoning district in which the property is located. The number of units in the building shall not be increased.~~

a~~b~~. The building shall have previously been issued a certificate of use, certificate of completion, certificate of occupancy or occupational license by the city to reflect its current use.

b~~c~~. Such repairs or rehabilitation shall meet the requirements of the city property maintenance standards, the applicable Florida Building Code, and the Fire Safety Code.

c~~d~~. If located within a designated historic district, or an historic site, the repairs or rehabilitations shall comply substantially with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, as amended, as well as the certificate of appropriateness criteria in Article X of these Land Development Regulations. If the repair or rehabilitation of a contributing structure conflicts with any of these regulations, the property owner shall seek relief from the applicable building or Fire Safety Code.

d~~e~~. Any new construction shall comply with the existing development regulations in the zoning district in which the property is located, provided, however, that open private balconies, including projecting balconies and balconies supported by columns, not to exceed a depth of 30 feet from an existing building wall, may be permitted as a height exception. The addition of balconies may be permitted up to the height of the highest habitable floor for a building non-conforming in height, provided such balconies meet applicable FAR and setback regulations. Any addition of a balcony in a nonconforming building shall be subject to the review and approval of the design review board or historic preservation board, as may be applicable.

(2) Nonconforming buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:

a. All residential and hotel units shall meet the minimum and average unit size requirements for rehabilitated buildings as set forth in the zoning district in which the property is located.

b. The entire building and any new construction shall meet all requirements of the city property maintenance standards, the applicable Florida Building Code and the Life Safety Code.

c. ~~The entire building and a~~Any new construction shall comply with the current development regulations in the zoning district in which the property is located. No new floor area may be added if the floor area ratio is presently at maximum or exceeded.

d. Development regulations for buildings located within a designated historic district or for an historic site:

1. The existing structure's floor area may remain or be relocated within the building, and the existing height, setbacks and any existing parking credits may remain if the following portions of the building remain substantially intact, and are retained, preserved and restored:

i. At least 75 percent of the front and street side ~~facades;~~ walls, exclusive of window openings;

~~ii. At least 75 percent of the original first floor slab;~~

iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls, exclusive of window openings; and

iv. All architecturally significant public interiors.

2. For the replication or restoration of contributing buildings, but not for noncontributing buildings, the historic preservation board may, at their discretion, waive the requirements of subsection(b)(2)d.1. above, and allow for the retention or replication of the existing structure's floor area, height, setbacks or parking credits, if at least one of the following criteria is satisfied, as determined by the historic preservation board:

   i. The structure is architecturally significant in terms of design, scale, or massing;

   ii. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;

   iii. The structure is associated with the life or events of significant persons in the city;

   iv. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;

   v. The structure has yielded or is likely to yield information important in prehistory or history; or

   vi. The structure is listed in the National Register of Historic Places.

   Notwithstanding the above, for buildings over three stories in height, at least 75 percent of the front facade and 75 percent of any architecturally significant portions of the street side facades shall be retained and preserved, in order to retain or replicate any non-conforming floor area, height, setbacks or parking credits. If the historic preservation board does not waive the requirements of subsection (b)(2)d.1. above for any reason, including the inability of a reconstructed building to meet the requirements of the applicable building code, any new structure shall be required to meet all current development regulations for the zoning district in which the property is located.

3. The building shall comply substantially with the secretary of interior standards for rehabilitation and guidelines for rehabilitating historic structures, as amended, as well as the certificate of appropriateness criteria in Article X of these Land Development Regulations.

4. If the repair or rehabilitation of a contributing structure or historic site conflicts with any of the requirements (as amended) in the applicable Florida Building Code or the Life Safety Code, the property owner shall seek relief from such code.

5. Regardless of its classification on the Miami Beach Historic Properties database, a building may be re-classified as contributing by the historic preservation board if it meets the relevant criteria set forth in the City Code.

6. Contributing structures shall be subject to all requirements in section 118-503 of these Land Development Regulations.

7. The existing building shall comply with the sustainability and resiliency requirements for new construction of Chapter 133; however, notwithstanding the requirements in Chapter 133, for such buildings, the Sustainability Fee

shall be valued at two (2) percent the of the total construction valuation of the building permit and the certification compliance schedule in section 133-6 (a) shall be revised as follows:

Certification Compliance Schedule

Level of Certification Achieved	Sustainability Fee Reimbursement to Participant for Meeting Certain Green Building Certification Levels
Failure to obtain Certification	0% refund of bond or payment of Sustainability fee
LEED Certified	100% refund of bond or payment of Sustainability fee
LEED Silver Certified	100% refund of bond or payment of Sustainability fee
LEED Gold Certified or International Living Future Institute Petals or Net Zero Energy Certified	100% refund of bond or payment of Sustainability fee
LEED Platinum Certified or International Living Future Institute Living Building Challenge Certified	100% refund of bond or payment of Sustainability fee

8. Replicated buildings shall be subject to the sustainability and resiliency requirements for new construction of Chapter 133.

e. Development regulations for buildings not located within a designated historic district and not an historic site.
   1. Buildings ~~constructed prior to 1965 and determined to be architecturally significant by the planning director, or designee,~~ may retain the existing floor area ratio, height, setbacks and parking credits, or relocate existing floor area within the building, if the following portions of the building remain substantially intact and are retained, preserved and restored:
      i. At least 75 percent of the front and street side facades, exclusive of window openings;
      ~~ii. At least 75 percent of the original first floor slab;~~
      ~~iii. At least 50 percent of all upper level floor plates; and~~
      iv. At least 50 percent of the interior side walls, exclusive of window openings.
   2. For buildings satisfying the above criteria, ~~and whose lot size is less than 20,000 square feet,~~ the parking impact fee program may be utilized, provided that all repairs and rehabilitations, and any new additions or new construction is approved by the design review board and that any existing, required parking, that is conforming, shall not be removed.
   3. Buildings constructed prior to 1965 and determined to be architecturally significant by the planning director, or designee, shall comply with the sustainability and resiliency requirements for new construction of Chapter 133; however, notwithstanding the requirements in Chapter 133, for such buildings, the Sustainability Fee shall be valued at three (3) percent the of the total

construction valuation of the building permit and the certification compliance schedule in section 133-6 (a) shall be revised as follows:

Certification Compliance Schedule

Level of Certification Achieved	Sustainability Fee Reimbursement to Participant for Meeting Certain Green Building Certification Levels
Failure to obtain Certification	0% refund of bond or payment of Sustainability fee
LEED Certified	75% refund of bond or payment of Sustainability fee
LEED Silver Certified	100% refund of bond or payment of Sustainability fee
LEED Gold Certified or International Living Future Institute Petals or Net Zero Energy Certified	100% refund of bond or payment of Sustainability fee
LEED Platinum Certified or International Living Future Institute Living Building Challenge Certified	100% refund of bond or payment of Sustainability fee

4. Buildings constructed in 1965 or thereafter, and buildings constructed prior to 1965 and determined by the planning director, or designee not to be architecturally significant, shall be subject to the sustainability and resiliency requirements for new construction of Chapter 133.

~~3~~5. For purposes of this subsection, the planning director, or designee shall make a determination as to whether a building is architecturally significant according to the following criteria:

   i. The subject structure is characteristic of a specific architectural style constructed in the city prior to 1965, including, but not limited to, vernacular, Mediterranean revival, art deco, streamline moderne, post-war modern, or variations thereof;
   ii. The exterior of the structure is recognizable as an example of its style and/or period, and its architectural design integrity has not been modified in an irreversible manner; and
   iii. Exterior architectural characteristics, features, or details of the subject structure remain intact.

   A property owner may appeal any determination of the planning director, or designee relative to the architectural significance of a building constructed prior to 1965 to the design review board, in accordance with the requirements and procedures set forth in article VI herein.

~~4. Buildings constructed in 1965 or thereafter, and buildings constructed prior to 1965 and determined by the planning director, or designee not to be architecturally significant, shall be subject to the regulations set forth in subsection (b)(2)a—c herein.~~

~~5. If there is a change in use, a building shall receive no parking credits and must either provide the required parking on-site, or within 500 feet of the site, or pay a parking impact fee~~.

f. Any new construction identified in subsections d. and e., above, shall comply with the existing development regulations in the zoning district in which the property is located, provided, however, that open private balconies, including projecting balconies and balconies supported by columns, not to exceed a depth of 30 feet from an existing building wall, may be permitted as a height exception. The addition of the highest habitable floor for a building nonconforming in height, provided such balconies meet applicable FAR and setback regulations. Any addition of a balcony in a nonconforming building shall be subject to the review and approval of the design review board or historic preservation board, as may be applicable.

(3) There shall be no variances from any of the provisions herein pertaining to maximum floor area ratio ~~and to parking credits~~.

~~(4) Single-family homes shall be treated the same as other buildings, in determining when an existing structures lot coverage, height and setbacks may remain.~~

(5) Notwithstanding the foregoing, in the event of a catastrophic event, including, but not limited to, fire, tornado, tropical storm, hurricane, or other act of God, which results in the complete demolition of a building or damage to a building that exceeds 50 percent of the value of the building as determined by the building official, such building may be reconstructed, repaired or rehabilitated, and the structure's floor area, height, setbacks and any existing parking credits may remain, if the conditions set forth in subsection (b)(1)a—d herein are met.

(6) The foregoing regulations shall not apply to any building or structure located on city-owned property or rights-of-way, or property owned by the Miami Beach Redevelopment Agency.

(7) Gasoline service stations.

a. Notwithstanding the foregoing provisions, a nonconforming gasoline service station that provides a generator or other suitable equipment that will keep the station operational, and which has been damaged, repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official pursuant to the standards set forth in the Florida Building Code may be repaired or rehabilitated, if the following conditions are met:

1. The entire building and any new addition shall meet all requirements of the city property maintenance standards, the applicable Florida Building Code and the Life Safety Code.
2. The entire building and any new addition shall comply with the current development regulations in the zoning district in which the property is located, including, but not limited to all landscape requirements. New monument-style signs shall be required. Pole signs shall be prohibited.
3. No new floor area may be added if the floor area ratio is presently at maximum or exceeded.

b. Necessary repairs to add an emergency electrical generator and related facilities to a nonconforming gasoline service station shall be permitted.

c. A nonconforming gasoline service station that provides a generator or other suitable equipment that will keep the station operational, may add new floor area (other than floor area strictly necessary to house an emergency electrical generator and related facilities), or convert existing floor area or land, to add new accessory uses, such as a convenience sales area or a car wash, subject to conditional use approval, notwithstanding the nonconforming status of the gasoline service station.

Sec. 118-396. - Intermittent or illegal uses.
The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of nonconforming use on a part of a lot or tract shall not be sufficient to establish a nonconforming use on the entire lot or tract.

Sec. 118-397. - Existence of a nonconforming building or use.
(a) The planning and zoning director shall make a determination as to the existence of a nonconforming use or building and in so doing may make use of affidavits and investigation in addition to the data presented on the city's building card, occupational license or any other official record of the city.
(b) The question as to whether a nonconforming use or building exists shall be a question of fact and in case of doubt or challenge raised to the determination made by the planning and zoning director, the question shall be decided by appeal to the board of adjustment after public notice and hearing and in accordance with the procedures set forth in section 118-134. In making the determination the board may require certain improvements that are necessary to insure that the nonconforming use or building will not have a negative impact on the neighborhood.

Sec. 118-398. - Building nonconforming in height, density, parking, floor area ratio or bulk.
Except as provided in chapter 118, article IX, herein, a nonconforming building shall not be ~~altered or~~ extended, unless such ~~alteration or~~ extension decreases the degree of nonconformity but in no instance shall the floor area requirements of any unit which is being ~~altered or~~ extended be less than the required floor area set forth in the applicable zoning district.

SECTION 2. REPEALER
All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 re-numbered or re-lettered 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 _____, 2017.

_____
Philip Levine, Mayor

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney Date

First Reading: , 2017
Second Reading: , 2017

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

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