MIAMIBEACH

SUSTAINABILITY AND RESILIENCY COMMITTEE
SUPPLEMENTAL MATERIAL
CITY MANAGER'S LARGE CONFERENCE ROOM , CITY HALL
April 19, 2017 AT 1:00 PM

Sustainability and Resiliency Committee
Commissioner Michael Grieco, Chairperson
Commissioner Ricky Arriola, Vice-Chairperson
Commissioner Kristen Rosen-Gonzalez, Member
Commissioner Joy Malakoff, Alternate

SUPPLEMENTAL MATERIAL ITEM #1

Resiliency Strategy

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.

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: **BUSINESS CASE ANALYSIS OF THE STORMWATER RESILIENCY PROGRAM**

BACKGROUND

At the January 2017 Sustainability and Resiliency Committee, during the Resilience Strategy Work Plan monthly update, Commissioner Arriola and other the four additional Commissioners present discussed the need for and requested a data-based business case study of our resilience program.

ANALYSIS

Staff has since prepared the following scope to begin to address the complex relationships between the city's infrastructure investments and risk in the city, the property tax base, the flood insurance market, the real estate market and mortgage cycles.

SCOPE OF WORK:

At its core, the business case study requested is:

An economic analysis of the value of our risk reduction investments to address flooding And sea level rise.

This analysis should explain the risk cost of inaction (in dollar terms) and the extent to which the risk cost is likely to be reduced as a result of the city's infrastructure investments (also in dollar terms).

This analysis will also consider the complex relationships between the anticipated reduction in risk cost and:

- Our private property tax base;
- Flood insurance (both future FEMA models / FIRM maps and private market rates);
- The availability and affordability of private property mortgages over mortgage cycles; and
- The city's municipal credit rating and insurance premiums.

This analysis would not just explain these interdependent relationships and so help decision-makers. It would also be an evidence-based tool to communicate the city's risk reduction

investment. If done right, it could be a tool for decision-makers that illustrates in economic terms the best case and worst case scenarios.

PROCESS

Staff consulted with the 100 Resilient Cities network who were quite intrigued with our complex question. The Network connected us to several subject matters experts: Swiss Re, a global provider of risk financing solutions; AIR Worldwide, a provider of catastrophe risk modeling; and RMS, a risk and resilience modeling company. All three of these companies have established, to varying degrees, relationships with governments to help them understand risk and risk reduction. This is new and complex for most local governments. The exact questions we have posed are at the edges of their traditional work. However, one company, RMS did understand the series of connections between our risk reduction efforts and the wider economic viability of the city.

Discussions with RMS have been encouraging, and they have provided us a letter confirming their understanding of our requirements and their preliminary ideas on how they would propose to work with the city. Their initial suggestion is to take two typical streets – one commercial and one residential – to provide a quantification of the direct value of our risk reduction investments, as well as expert commentary on the indirect relationship between these investments and wider, economic matters, such as our tax base, the insurability of private property in the city, the real-estate market and mortgage availability. RMS' letter is attached for consideration.

The market rate for a preliminary project of this nature is in the $350k - $500k range. However, leveraging a combination of the 100 Resilient City network and RMS' long-term commitment to increasing the resilience and sustainability of communities and economies in South Florida, we may be able to secure RMS' initial services at sub-commercial rates, perhaps at a cost less than $50,000. If RMS' analysis is useful, further economic analysis of similar interventions in the rest of Miami Beach, as well as of different types of interventions (e.g. sea walls) could be undertaken. Such work would be charged at market rates. This could be a consideration for the FY 2018 budget.

CONCLUSION

The proposal is presented for discussion and direction. This could be a great tool for us to talk to our residents and businesses about the value of our programs; show other cities the value of this investment cycle; and communicate true risk and risk reduction efforts to banks and the insurance industry. While this proposal may not answer all the questions generated by this complex issue, it should provide good, valuable insight at this time. It could lead to additional interest into a deeper dive. If the Committee sees value in this product, funds would need to be identified for full Commission review and approval.

JLM/SMT/AK

RMS Letter

Provided upon the request of Ms. Susanne Torriente

April 10, 2017

Susanne M. Torriente
Assistant City Manager/Chief Resiliency Officer
Office of the City Manager
1700 Convention Center Drive
Miami Beach, Florida 33139

10th April 2017

Dear Ms. Torriente,

Re: Analytical Services to Quantify the ROI of Miami Beach's Resilience Strategy

Thank you again for your interest in working with RMS.

Further to our recent exchanges, I wanted to clarify our understanding of your situation and furnish you with a summary of my initial thoughts about how RMS could support The City in quantifying the cost/benefit of the storm water resilience plan.

In what follows, you'll find set out some preliminary ideas on how RMS best commences a working relationship with The City on this issue. To that end, this note is structured in ten sections, as follows:

1. RMS Expertise: an introduction to RMS
2. Situation: our understanding of the context
3. Complication: our attempt to articulate the present issue
4. Solution Imperatives: our attempt to articulate what you want
5. Proposed Solution: what RMS would do, where and how
6. Outputs: what you could expect to receive from us
7. Requirements: what we'll need from you to undertake this analysis
8. Workplan: when we might commence / complete the work
9. Fees & Expenses: how much we might charge and chargeable expenses we might incur
10. Moving Forward: what the next steps might be

1. RMS Expertise

For over 25 years RMS has focused solely on understanding extremes in order to build more resilient communities and economies via innovative and sustainable change. Today, RMS is the leading provider of products and services to help governments and corporations assess and manage their resilience to extreme events, like hurricanes, and chronic stresses, like sea-level rise.

RMS emerged from Stanford University in 1989, initially modeling catastrophic risk for financial institutions. With 95% of RMS' model development team holding advanced degrees, the company is respected as a global authority on the economics of risk and resilience. RMS has grown to become a multinational business, with twelve offices across the Americas, Europe and Asia, including two in Florida (Miami and Tallahassee).

1a. Flood Expertise

RMS has been building flood models for its clients for the past 15 years. In 2016 RMS released the first of its next generation, High Definition (HD) flood models. These models build upon pre-existing knowledge to capture the full spectrum of flood risk at the highest resolution available in the market. These models encompass all sources of water: fluvial (i.e. riverine), pluvial (i.e. surface, groundwater, flash flood), coastal (e.g. storm surge) and residual (e.g. burst water pipes).

1b. Climate Change Expertise

RMS employs several climatologists who have academic experience in the field of climate change science. RMS' models incorporate climate change in several ways. This experience has been leveraged over the past few years on several consulting projects, including the quantification for Mayor Ed Lee of the cost of inaction in the face of sea level rise to San Francisco. More details on these projects can be made available upon your request.

1c. The Specific Team's Expertise

Were these current discussions between The City and RMS to progress, RMS would pull together a highly interdisciplinary project team. It would consist of an experienced group of RMS climate hazard modelers, as well as physical and economic impact modelers. This modeling team will work alongside an analytics team from RMS' Capital Markets group. With a background in financial engineering, data science, economic stress testing and the implementation of decision science tools used by banks and insurers, this analytics team is well positioned to flesh out the broader implications of the City's resilience strategy. The combined knowledge of this group, which covers all disciplines integral to modeling the financial consequences of risk and resilience, will provide valuable insight into the economic benefits of the proposed storm water management plan. The technical lead would likely be RMS' Chief Research Officer, Dr. Robert Muir-Wood,[1] a globally renowned and highly respected authority on such matters.

2. Situation

In the face of increasing sunny-day flooding, The City of Miami Beach has launched a $400m storm water management program which consists, primarily of two types of interventions: raising the roads and installing new pumps. Having now completed these interventions in the Sunset Harbor district, the City is approximately 20% of the way through the proposed implementation of this program.

[1] Over the last 25 years, Robert has led projects to quantify the economic impact of flood, hurricane, earthquake, tropical cyclone and windstorm in Europe, Japan, North America, South America, the Caribbean, Australasia, and South East Asia. Most recently, his research has included the modeling of the ways in which losses escalate after flood events, the significance of climate change on economic losses, the financial and social impact of extreme scenarios and the economic benefits of resilience investments in both developed and low income countries. Amongst other things, Robert is vice chair of the OECD High Level Advisory Board of the International Network on the Financial Management of Large Scale Catastrophes; was a Lead Author on the 2007 IPCC 4th Assessment Report and on the IPCC 2011 Special Report on Extremes; and was an Expert Review Panel member on the 'Risky Business' study of the economic impacts of climate change in the US. Robert has a Master's degree and a PhD in natural sciences from Cambridge University, England, where he was also a Research Fellow. He is a Visiting Professor at the Institute for Risk and Disaster Reduction at University College London. He is the author of seven books, as well as numerous published scientific papers and articles. His latest book, 'The Cure for Catastrophe', explores how human interventions can reduce the economic impacts from natural hazards and explains how we can 'stop manufacturing disasters'.

3. Complication

In January this year, a City's commissioner requested a business case explaining the value of the storm water plan. This commissioner was keen to ensure that the City was doing all it could to articulate in economic terms the benefits of the City's risk reduction efforts to all stakeholders, including amongst others the insurance, mortgage and real-estate markets. With $30bn of taxable real-estate values, the cost of inaction would seem to be very high. When sales and resort tax revenues as well as the real estate market are factored in, the value of the program seems intuitively to be all the greater. The Commissioner asked for a clear, analytically-sound, economic articulation of the storm water plan. Such an articulation would also act as a communications tool for various stakeholders.

To demonstrate the benefits of this program in dollars, it is envisaged that the analysis will take the following form:

1. Quantify risk ($) today in the absence of any adaptation strategies
2. Quantify how risk ($) will change over time in the absence of any adaptation
3. Quantify the reduction of risk ($) resulting from hypothetical adaptation
4. Assess how risk reduction can impact external forces, such insurability and credit

4. Solution Imperatives

This business case must be expressed in economic (i.e. dollar) terms.

Above all, the value of the risk reduction investments must be quantified – i.e. the cost-benefit (expressed in dollars) of the City's efforts – along with the ROI[2] of the plan. This calculation will need to account for the fact that non-stationary background factors – such as sea-level rise – are increasing the risk and, with it, the risk cost.

The following are therefore essential elements of any solution:

1. The risk cost[3] ($) of inaction today ($t_1$)
2. The risk cost ($) of inaction at some future time (t_2[4])
3. The risk cost ($) after the proposed actions
4. The cost ($) of the proposed actions
5. The cost-benefit ($) of the proposed actions at t_1
6. The cost-benefit ($) of the proposed actions at t_2
7. The ROI (%) of the proposed actions using the t_1 risk cost
8. The ROI (%) of the proposed actions using the t_2 risk cost

[2] 'Return on Investment' is a very common performance measure used to evaluate the efficiency of an investment or to compare the efficiency different investments. ROI measures the amount of return on an investment relative to the investment's cost. To calculate ROI, the benefit (aka 'return') of an investment is divided by the cost of the investment, and the result is expressed as a percentage or a ratio.

[3] Sometimes called 'loss cost' or 'technical pure premium', the 'risk cost' is the expected dollar cost to an insurer annually from indemnity payments. Loss costs do not include insurers' overheads or profit loadings – which can vary considerably by insurer. As such, it is a good, standard metric for a business case assessment.

[4] t_2 is to be agreed with City stakeholders. It could be something relatively near term, to address the political realities of election cycles, or something longer term, to reflect the proposed lifecycle of the new infrastructure.

9. The time to desired ROI (years) of the proposed actions

Further, consideration needs to be given to the following:

- Tax base – e.g. property, sales and resort taxes
- Flood insurance rates and affordability, including emerging trends – e.g. towards a private market, towards risk-based pricing
- The City's real-estate (and construction) market
- The City's debt bond program and credit rating
- The City's insurance program
- Mortgage availability
- Preservation of historic buildings

To be successful, the study's outputs must not just answer these business questions, they must also serve as an effective communications tool for four specific constituents:

1. City Commissioners (so that they can make informed decisions about the program)
2. Residents and businesses (so that they can have confidence in the program's continuation)
3. Financial institutions (to ensure that credit is given for the City's risk reduction efforts)
4. Other cities (to demonstrate Miami Beach's leadership in resilience)

5. Recommended Solution

RMS recommends selecting a representative sample of properties in an illustrative study area, estimating the 'risk cost' before and after the actions listed in the storm water master plan.[5]

5a. Scope

The storm water management program is focused on alleviating losses from lower severity, higher frequency flood events. As such, two sources of flooding will be considered in these risk costs: namely, extreme rainfall and exceptional, 'king' tides. These are the sources of flooding which drive hazard levels with annual return periods greater than 5%.[6]

It is proposed that the study focuses on two streets considered typical of the areas being protected[7]; one commercial the other residential[8]. The first might usefully be a commercial street in Sunset Harbour. Of particular consideration could be the work to ensure that flood risk in these commercial properties is reduced and that the stores can avoid being incorrectly considered 'basements' for the purposes of flood insurance.[9]

---

[5] 'As Waters Rise, Miami Beach Builds Higher Streets & Political Willpower', *All Things Considered* (May 10th, 2016), and 'Miami Beach's Battle to Stem Rising Tides', *Miami Herald* (October, 22nd, 2015)

[6] For the purposes of the analysis, extreme flooding events, such as those from hurricane storm surge, will not be included. This exclusion is based on guidance from the City's Office of Resilience.

[7] The exact streets will be agreed in consultation with the City's Office of Resilience.

[8] To the extent that the primarily purpose of this analysis is mollifying homeowners, RMS is open to focusing more deeply on residential properties.

[9] Sunset Harbor's Raised Streets Lead to Denied Flood Insurance Claim for Restaurant, *The Real Deal* (November 17th, 2016) and Raised Streets in Sunset Harbor Cause Restaurants to Lose Flood Insurance, *Miami Eater* (November 18th, 2016)

The second should be a residential street.[10] This analysis needs to consider whether, despite the road being raised, the flood risk to the properties has been reduced relative to the risk that existed before the interventions.

The study will consider an appropriate number of the properties along these streets. Further the study will be designed so that the findings for these streets could be scaled to the wider community. As such it is important that the City Manager's Office helps RMS select properties which a) highlight all the issues at hand and b) contain a wide range of representative properties.

5b. Methodology

The study will assess the flood return periods from rainfall and extreme tide flooding in the study area. The study will calculate the risk costs on the selected streets, both with and without the planned / implemented enhancements in flood protection.[11]

Further the study will then explore the implications of rising sea levels and rainfall extremes over the next thirty[12] years, calculating how risk costs on the sample properties might change. Again, these risk costs will be quantified both with and without the enhancements proposed in the storm water plan.

The study will then consider the implications of the findings on risk costs under these various scenarios (action vs. inaction; t_1 vs. t_2) for insurance costs and property values. It will discuss the knock-on consequences for constituents in the real-estate market (homeowners, landlords, tenants and developers), as well as for public income from taxes. Further it will consider the expected changes in flood insurance prices and availability, including the future of the NFIP and the implications for insurability and affordability.

Finally, there exists the option to consider (but not investigate analytically) how these risk costs from frequent flooding sit alongside the risk costs (and return period losses) from hurricane storm surge. While surge is not the focus of the storm water program, there is the risk that, if left out, the City remains open to criticism about the efficacy of the strategy in the face of extreme hazards. A large storm surge event in the next few years could lead to voter backlash, irrespective of whether such criticism is justified. The City therefore might wish to consider the probability in, say, the next five- or ten-year period of a surge above 6ft, as that would very likely transform the argument about flood-proofing the city.

6. Outputs

The outputs from the study will primarily be expressed in terms of risk costs – i.e. the average annualized dollar costs from flooding. Risk costs will be produced for both the conditions that affect flooding before and after the remediation activities. These risk costs will also be recalculated based on expected changes to sea level over the next 30 years.[13] All risk costs will be assessed against a

[10] Miami Beach to Begin New $100 Million Flood Prevention Project in Face of Sea Level Rise, *Miami Herald* (January 27th, 2017)

[11] It is proposed that the study focuses on flood alleviation from raised roadways and pumps. The impact of sea defenses could also be included by extension, based on advice from the Office of the City Manager.

[12] This timeframe is to be discussed and agreed with the Office of the City Manager. It might be shorter, to reflect political cycles. It might be longer, to ensure the plans are future-proof and deliver sustained value over the long term. Multiple timescales could be included by extension.

[13] Timeframe to be agreed with City stakeholders. Multiple timescales could be included by extension.

baseline of no action and will be calculated using a methodology which allows them to be transferred to different locations and properties across the City.

It is proposed that analytical outputs expressing in dollar terms the risk costs for specific, typical commercial and residential properties be delivered a) under current conditions, b) when the remedial works are completed and c) as the flood hazard can reasonably be expected to have changed in thirty years' time.[14]

Outputs will also include the cost-benefit ($) and ROI (%) of the proposed actions at t_1 and t_2, as well as the time (years) to payback of the proposed actions and the time (years) to desired ROI[15] of the proposed actions.

In addition to these analytical deliverables, The City will receive expert commentary on the implications of the analyses on the following:

- Tax revenues
- The City's debt and insurance programs
- Flood insurance rates and affordability
- House prices and affordability
- Mortgage availability, rates and affordability
- The broader real-estate and construction markets
- Preservation of historic buildings
- Extreme surge events (optional, but recommended)
- Further actions which could be taken to reduce flood risk (optional)

7. Requirements

In order to deliver this scope of work, RMS requires the timely cooperation from City officials. The following data, which are likely to be held by the City, will be required:

- Hazard and mapping of flood extents in recent rainfall and king tide events
- Very high resolution mapped topographic data, with building footprints for the study locations
- Engineering details regarding road elevations and pump performance
- Property tax assessment values
- Sales and resort tax income
- Growth assumptions from the City's Office of Economic Development
- The City's debt and insurance programs

As the project progresses, it is possible that other data may become required. Further, to carry out this work, field visits will be required. RMS would therefore require expert chaperoning in the field to undertake site surveys.

[14] Timeframe to be agreed with City stakeholders. Multiple timescales could be included by extension.
[15] Target return to be defined by the City.

8. Workplan

Timescales remain to be discussed and agreed with the City. I would, however, be reluctant committing to a) a project duration of less than 75 days and b) commencing before May 15th.

9. Fees & Expenses

Fees also remain to be discussed and agreed with the City. The commercial rate for a project of this nature would be in excess of $350k[16], plus expenses.[17] Further, fees using commercial rates would certainly be more than $500k if storm surge and more than one future time horizon were included.

RMS is keen, however, to assist in any way it can, and is very open to discussing ways to engage on this project whilst fitting in with the City's procurement and budgetary constraints. In part, this is motivated by goodwill, stemming from a our mission to help make high hazard areas, like South Florida, more economically resilient. In part, this keenness is motivated by RMS' hope to develop a meaningful and profitable relationship with the City. As the need for further such analytics – both for similar infrastructure investments city-wide and for different kinds of investments, like sea walls – becomes clear, RMS looks forward to being given the opportunity to bid on fully-funded, value-adding projects. We also intuit the need for the City to invest in the analytical capabilities in-house to enable staff – and in time elected officials and even residents – to quantify and visualize the economic impact of various investments in resilience.

With that in mind, you will find us a willing and flexible business partner: one which is keen to make things work within the fiscal constraints of your 2017 budget. I do ask, however, that you encourage the Commissioners to budget adequately for services like ours in FY 2018. It would be my pleasure to provide further input into that budgeting process, should you wish.

10. Moving Forward

Thanks again, Ms. Torriente, for the opportunity to share my thoughts on how we might work together. I am excited about the prospect. Between us, we can make a material difference both to the long-term economic viability of The Beaches and to the local communities which live there.

I look forward to hearing from you, and remain at your disposal.

Daniel Stander
Global Managing Director
Risk Management Solutions

[16] It is worth noting that fees of $350k equate to only 8.75 bps on the proposed cost of the program, and – assuming the program delivers a positive ROI – maybe as little as 1-2 bps of the value.

[17] Expenses to be discussed and agreed with the City. With careful planning, one trip to Miami for two people would suffice. It's not clear yet whence these resources will come – London, New Jersey or Tallahassee. Expenses could therefore be as little as $2,000 or as much as $25,000.

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 19, 2017

SUBJECT: **PROPOSED ORDINANCE AMENDMENTS PERTAINING TO RM-1 & RM-2 DEVELOPMENT REGULATIONS AND PARKING**

HISTORY

After several months of discussion and review, on January 17, 2016, the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise discussed the attached ordinance amendments and recommended that the City Commission refer them to the Land Use and Development Committee and Planning Board. Commissioners John Elizabeth Alemán and Joy Malakoff are the sponsors of the item.

On February 8, 2017, the City Commission referred the proposed Ordinance amendment to the Land Use and Development Committee and the Planning Board. This item will only move forward to Planning Board after LUDC review and approval.

On February 15, 2017, the Land Use and Development Committee discussed the proposed ordinances and continued the discussion to the March 8, 2017 meeting.

On March 8, 2017, the Land Use and Development Committee discussed the proposed ordinances and continued the discussion to the April 19, 2017 meeting.

ANALYSIS

The proposed ordinance amendments were vetted by the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise. The recommended code amendments are the result of numerous meetings in which the panel focused on changes needed to ensure the resiliency of new construction and properties located in the RM-1 and RM-2 districts. The proposed code amendments address resiliency and sustainability efforts, as well as complement our ongoing public investments in sea level rise risk reduction.

The Southeast Florida Regional Climate Change Compact Unified Sea Level Rise Projections from 1992 to 2100 are provided below. These projections, which were approved by the City Commission last year for planning purposes, highlight three planning horizons:

1. Short term, by 2030, sea level is projected to rise 6 to 10 inches above 1992 mean sea level,
2. Medium term, by 2060, sea level is projected to rise 14 to 34 inches above 1992 mean sea level,

3. Long term, by 2100, sea level is projected to rise 31 to 81 inches above 1992 mean sea level.

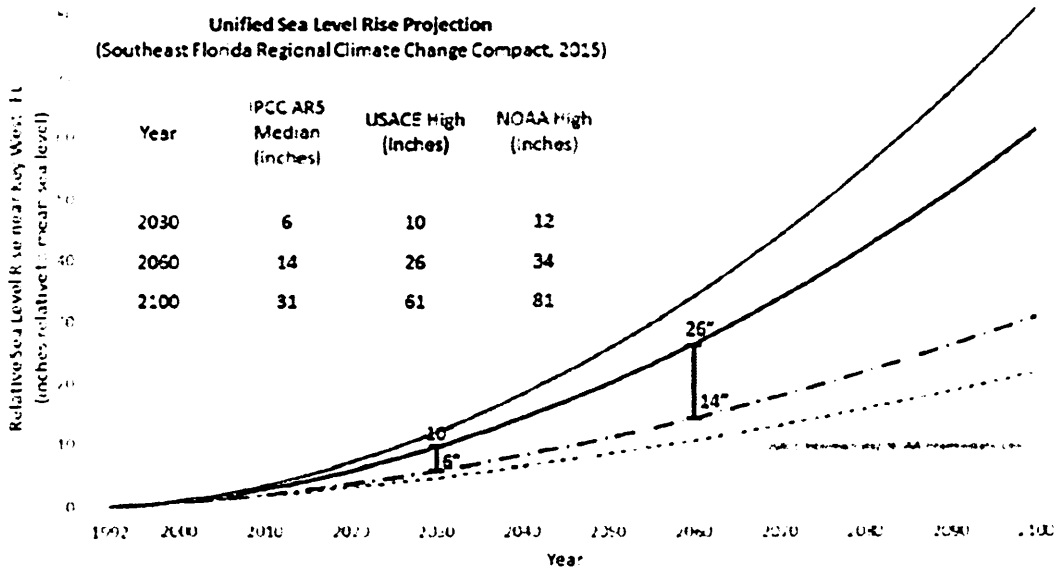


Figure 1: Unified Sea Level Rise Projection. These projections are referenced to mean sea level at the Key West tide gauge. The projection includes three global curves adapted for regional application: the median of the IPCC AR5 RCP8.5 scenario as the lowest boundary (blue dashed curve), the USACE High curve as the upper boundary for the short term for use until 2060 (solid blue line), and the NOAA High curve as the uppermost boundary for medium and long term use (orange solid curve). The incorporated table lists the projection values at years 2030, 2060 and 2100. The USACE Intermediate or NOAA Intermediate Low curve is displayed on the figure for reference (green dashed curve). This scenario would require significant reductions in greenhouse gas emissions in order to be plausible and does not reflect current emissions trends.

There are two ordinance amendments attached. The following is a summary of the existing regulations along with the modifications as recommended by the Blue Ribbon Panel:

	Current Regulations	Proposed Regulations
1.a. Minimum yard elevation	No minimum	6.56 feet NGVD
1.b. Maximum yard elevation	30 inches above grade	30 inches above grade or Future adjusted grade, whichever is greater
1.c. Maximum yard elevation waterfront lots (rear)	30 inches above grade	Base flood elevation plus freeboard
2.a. Lot coverage RM-1	No requirements ~52%-62% for building alone ~64%-72% incl. parking	45% including building and parking
2.b. Lot coverage RM-2		No requirements
3.a. Max Height RM-1	50 feet / 5-stories	55 feet/ 5-stories
3.b. Max Height RM-2	60 feet / 6 stories	75 feet / 6-stories

4.Parking setbacks		
Side	5 feet or 5% of lot width	10 feet or 8% of lot width
Rear	5 feet	5 feet if abutting an alley, otherwise 10% of lot depth
5. Building Setbacks		
Side	7.5 feet or 8% of lot width	10 feet or 8% of lot width
6. Parking		Zero for lots <= 65 feet in width
	1.5 /unit (550-999 SF)	1 / unit (550-1600 SF)
	1.75/unit (1000-1200 SF)	
	2/unit (>1200 SF)	2/unit (>1600 SF)
7. Mechanical Parking	Conditional Use approval required from Planning Board regardless of project size	May be approved by the Design Review Board or Historic Preservation Board for buildings with <20 units

1. Yard elevations

Recently, the City Commission amended the requirements for raising yards within Single Family Districts as an adaptation measure to address the effects of sea level rise. Currently there are no minimum yard elevation requirements for RM-1 and RM-2 properties, and the maximum elevation is 30 inches above grade. The proposed modifications would implement a minimum elevation and raise the maximum elevation for RM-1 and RM-2 zoned properties in a similar manner to the single family districts, as outlined below:

	Current Regulations	Proposed Regulations
1.a. Minimum yard elevation	No minimum	6.56 feet NGVD
1.b. Maximum yard elevation	30 inches above grade	30 inches above grade or Future adjusted grade, whichever is greater
1.c. Maximum yard elevation waterfront lots (rear)	30 inches above grade	Base flood elevation plus freeboard

In order to accommodate the raising of the roadways and public sidewalks, the proposed ordinance would require that all required yards be raised to a minimum elevation of five feet NAVD (6.56 feet NGVD), with the exception of driveways, private walkways, grade transition areas, surface stormwater shallow conveyance and LID features and areas where landscaping is to be preserved.

Grade means the city sidewalk elevation at the centerline of the front of the property. If there is no sidewalk, the elevation of the crown of the road at the centerline of the front of the property shall be used.

Adjusted Grade means the midpoint elevation between grade and the minimum required flood elevation for a lot or lots.

Future Adjusted Grade means the midpoint elevation between the future crown of the road as defined in the CDM Smith Stormwater Plan, and the base flood elevation plus minimum freeboard for a lot or lots.

Freeboard means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions. All new construction and substantial improvements to existing construction shall meet the minimum freeboard requirement, and may exceed the minimum freeboard requirement up to the maximum freeboard without such height counting against the maximum height for construction in the applicable zoning district.

Freeboard, minimum equals one (1) foot.

Freeboard, maximum equals five (5) feet.

Base Flood Elevation means the regulatory elevation associated with building elevation, flood-proofing, protection of building systems and utilities and other flood protection provisions as identified in current FEMA FIRM panels. Currently within the City of Miami Beach, this elevation ranges between 7 to 10 feet *NGVD*.

NGVD and ***NAVD*** are reference surface vertical *datums* (a fixed starting point) used to ensure that all elevation records are properly related. The current national datum is the **National Geodetic Vertical Datum (NGVD)** of 1929, which is expressed in relation to mean sea level, or the **North American Vertical Datum (NAVD)** of 1988. **NGVD 29** used a simple model of gravity based on latitude to calculate the approximate sea level and did not take into account other variations. Thus, the elevation difference for points across the country does change between NGVD and NAVD. In order to convert between the two datums in Miami Beach, 1.56 is added to an elevation that is expressed as NAVD. For example, 5.0 feet NAVD = 6.56 feet NGVD. Although NAVD is a more updated standard, NGVD is still more widely used, thus both reference datums are included in this analysis.

LID - ***Low-Impact Development*** techniques mimic natural processes to manage stormwater, and are frequently cheaper and more attractive than traditional stormwater management techniques.

2. Lot coverage

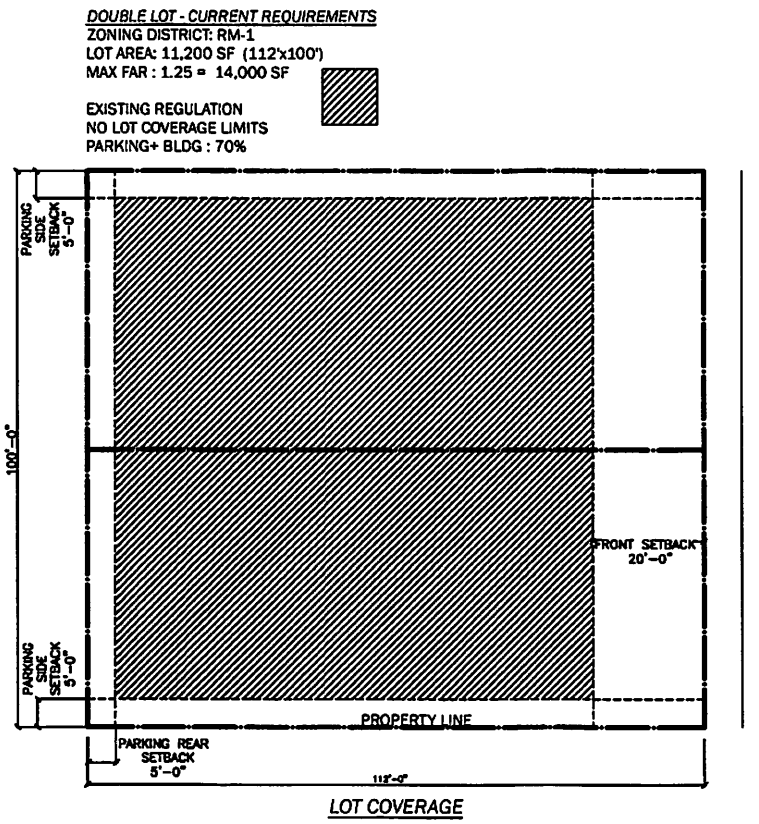
Currently there are no lot coverage requirements for RM-1 and RM-2 zoned properties. Subject to the approval of the HPB or DRB, an RM-1 or RM-2 zoned site can be developed with a 20 foot front setback, and as little as five feet of side and rear setback for parking spaces, resulting in very little pervious landscape area on site. Such landscaped areas are very beneficial for stormwater retention, result in attractive living environments, and help buffer the impacts of new in-fill construction on neighboring properties. Under the existing regulations, constructing a building with parking extending beyond the building walls results in a lot coverage of 64-72% of the total lot area. As proposed, the maximum lot coverage for RM-1 lots would be 45%. This lot coverage takes into consideration the proposed increase in building and parking setbacks, as

outlined in #4 and #5 below, as well as the decrease in parking requirements as outlined in #6.

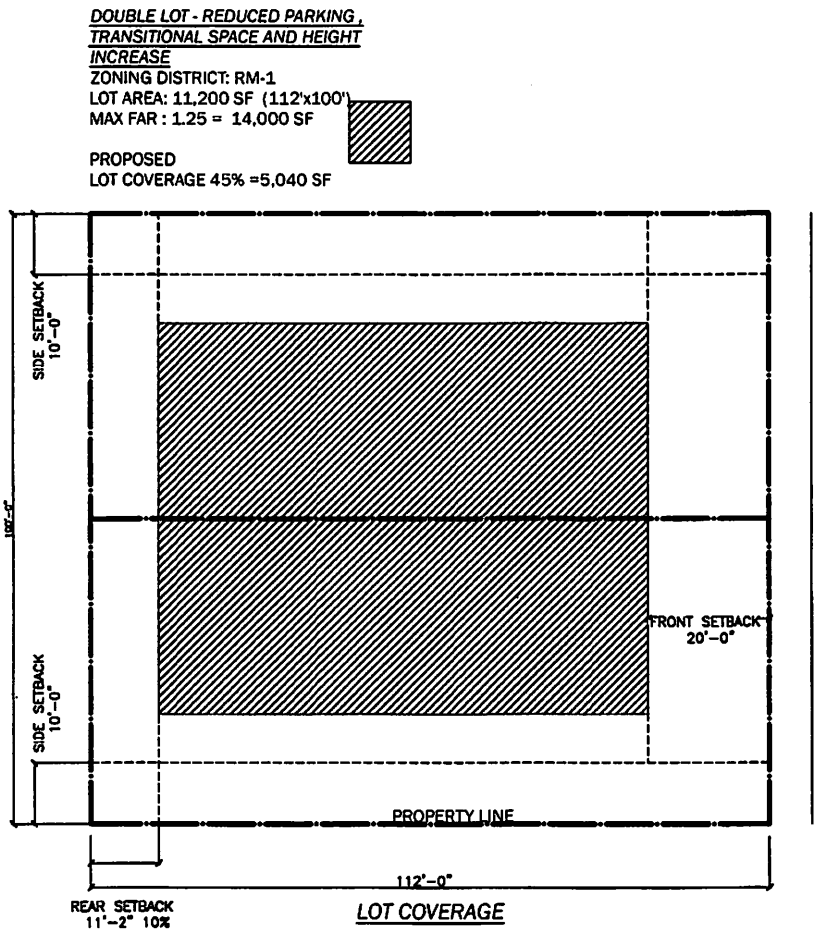
Due to the increased floor area ratio (FAR) allowances for RM-2 properties (2.0 vs. 1.25 generally for RM-1 properties), it is difficult to institute a lot coverage limitation for RM-2 properties while also accommodating the required parking. The referenced increased building and parking setbacks, along with the reduced parking requirements will together result in a reduced lot coverage compared to today's requirements, without actually putting in place a requirement.

	Current Regulations	Proposed Regulations
2.a. Lot coverage RM-1	No requirements ~52%-62% for building alone ~64%-72% incl. parking	45% including building and parking
2.b. Lot coverage RM-2		No requirements

Although there are currently no lot coverage limitations for RM properties, the graphic below illustrates the potential area that can be covered by building or parking for a typical double lot in the RM-1 zoning district (70%).



As proposed, lot coverage would be limited to 45% for RM-1 properties, as outlined in the shaded area below for a typical double lot in the RM-1 zoning district.



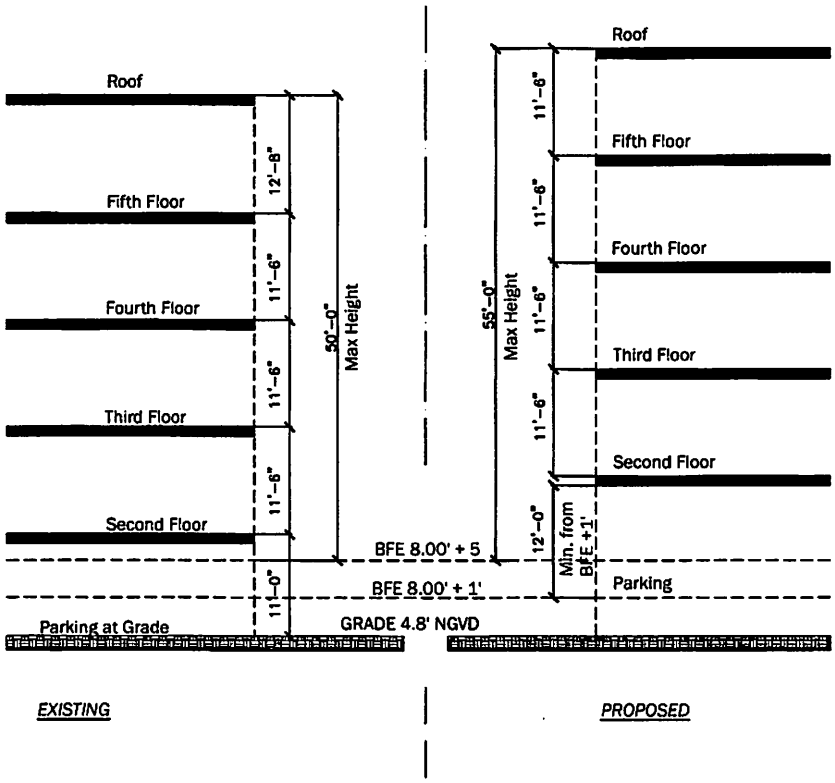
3. Maximum building height

Currently, the maximum building height is generally 50 feet/5-stories for RM-1 properties, and 60 feet/6-stories for RM-2 properties. As recommended by the Blue Ribbon Panel, the proposal would increase the maximum height to 55 feet for RM-1 districts. Although the Blue Ribbon Panel initially recommended 75 feet for RM-2 districts, since there is no longer a lot coverage requirement for RM-2 properties, the maximum increase in height has been proposed to be reduced to 65 feet for the RM-2 district. This proposed increase in height of 5 feet will allow more flexibility in providing higher first floor clearances, such as for parking areas or amenity areas under the building. Elevating the first floor will aid in allowing light and air at the ground level, and assist in the future repurposing of parking areas for recreational or passive uses.

The ordinance would also require, that when parking or other non-habitable transition

uses are provided under a building that the minimum clearance between the ground level and the underside of the first floor slab is at least 12 feet measured from BFE (base flood elevation) + 1 foot. The DRB or HPB could waive this requirement by up to two (2) feet, as recommended by the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise.

In the illustration below, the current height requirements for a typical RM-1 property are shown on the left, and the proposed height requirements are shown on the right. Because of the increased ground floor height requirements of 12 feet, as previously noted, in order to accommodate the same number of habitable floors, a height increase of five (5) feet is proposed.



The previously proposed height increase from 60 feet to 75 feet proposed for RM-2 properties took into consideration an anticipated lot coverage limitation for the RM-2 district. However, after further study of the parking and setback requirements, along with the higher FAR allowance for RM-2 properties, it was determined that a lot coverage limitation was not feasible. As such, the need for an additional 15 feet of height is not as critical for RM-2 properties. Accordingly, the administration recommends that the height increase for RM-2 properties be limited to only five (5) feet, which is in line with the height increase proposed for RM-1 properties, for the same reasons noted above.

	Current Regulations	Proposed Regulations
3.a. Max Height RM-1	50 feet / 5-stories	55 feet/ 5-stories

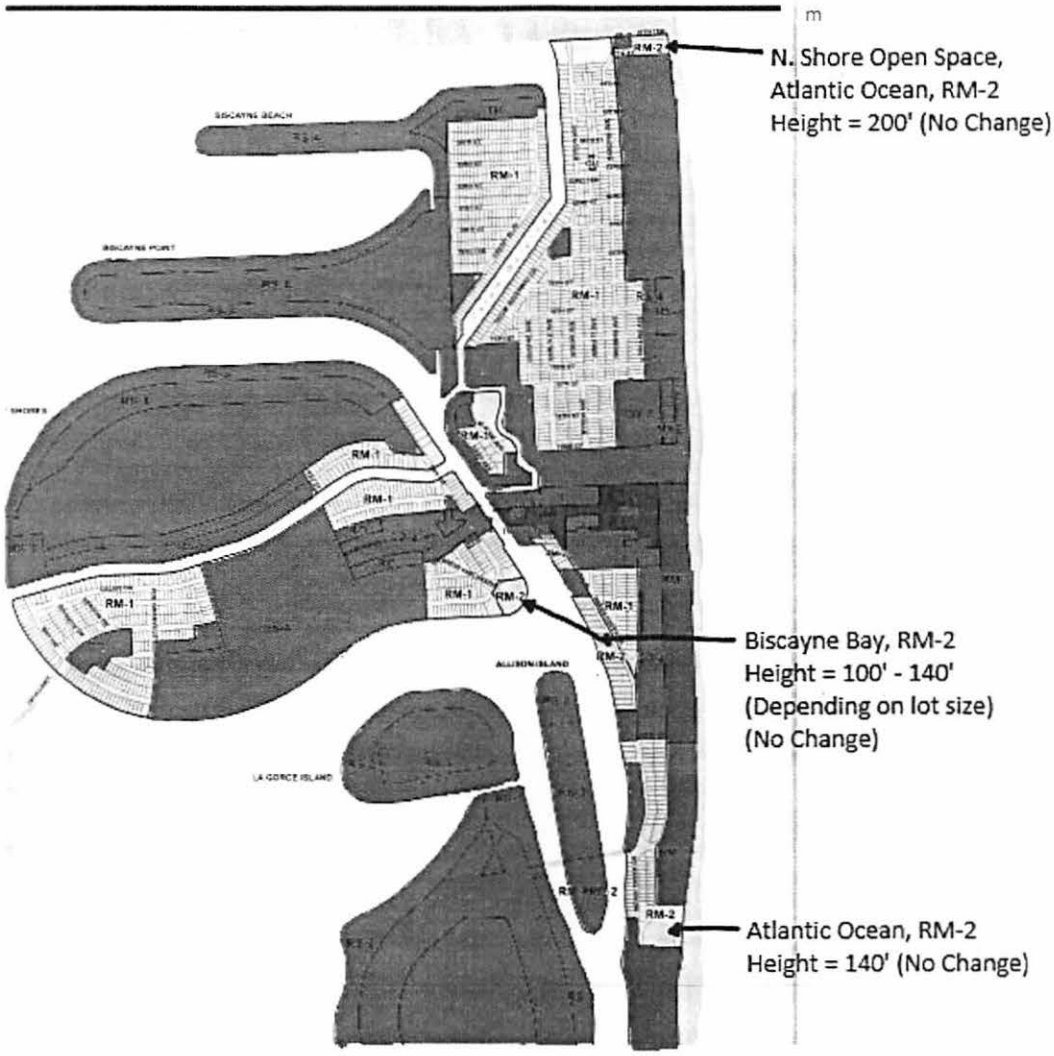
3.b. Max Height RM-2	60 feet / 6 stories	65 feet / 6-stories

It is important to note that the proposed amendments do not modify the more specific overlay regulations for the RM-1 portion of the Flamingo Park area, where the maximum height will remain at 35 feet. It also does not modify the heights of other more specific RM-1 and RM-2 properties.

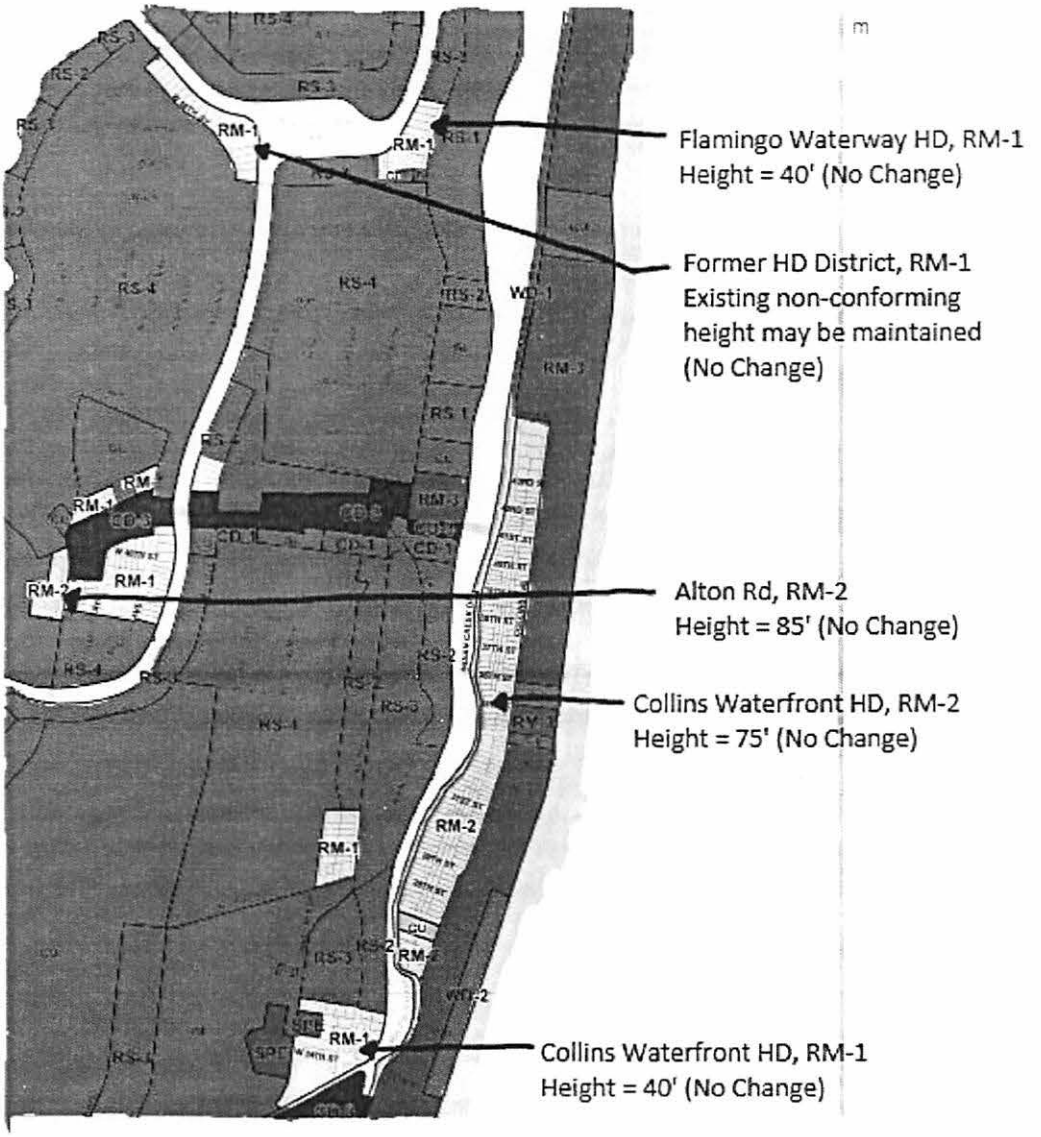
Although increased heights are part of the ordinance, no changes are proposed to the tower setback requirements. For example, under the current regulations, a 60 foot tall building located in the RM-2 district, is required to set back the front tower portion of the building (above 50 feet in height) an additional 10 feet from the required pedestal setback of 20 feet. This effectively results in the tower portion being set back 30 feet from the front property line. With the proposed Ordinance, a new building constructed to the maximum height of 65 feet, would require a front setback of 35 feet from the property line for the portion of the building located above the pedestal height of 50 feet.

The illustrations on the next pages highlight the RM-1 and RM-2 properties located in North Beach, Mid Beach, and South Beach. The areas noted on the illustrations already have either lower or higher hight limitations, and will not be modified as part of these ordinances. It should also be noted that if the North Beach local historic districts are adopted, the hight increases proposed herein would not apply to those districts. Further, if the North Beach Conservation District is adopted, the increased height allowances would also not apply to the conservation district.

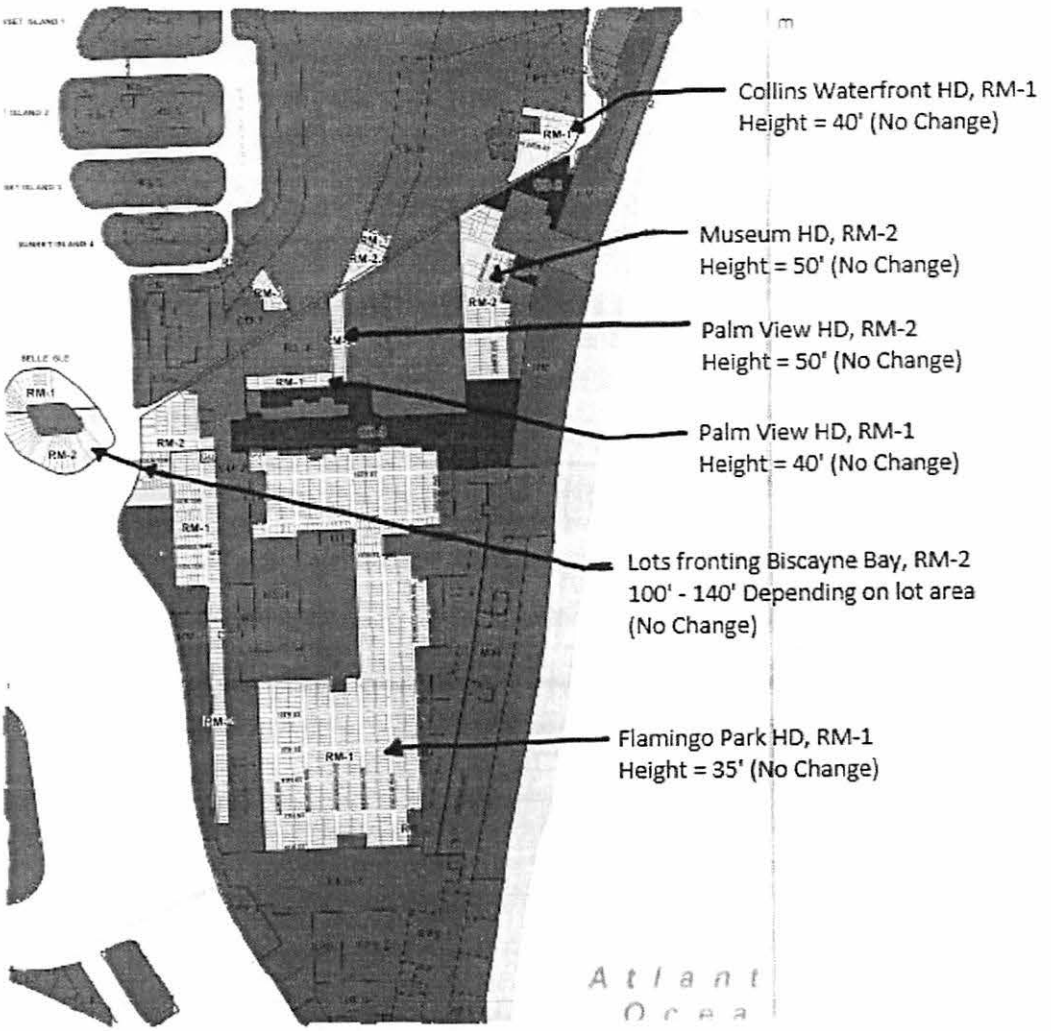
RM-1 & 2 Districts North Beach



RM-1 & 2 Districts Mid Beach



RM-1 & 2 Districts South Beach

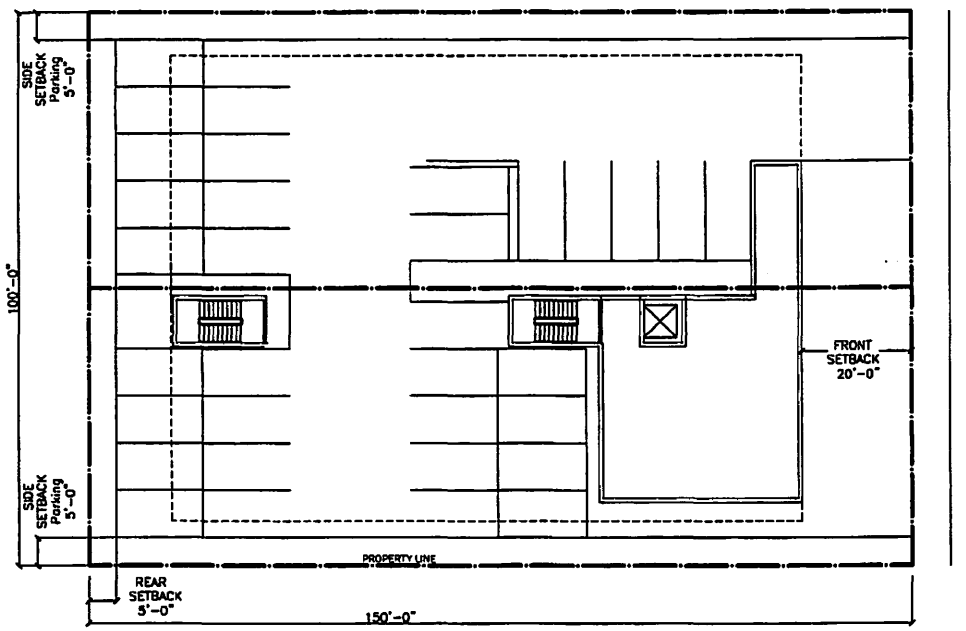


4. Parking setbacks

Currently in the RM-1 and RM-2 districts, parking can be constructed at a 5 foot setback along the sides and rear of a property. This allowance results in parking areas extending into the side and rear yards, leaving only very minimal areas available for landscaping. As proposed, parking would have to following the building setbacks, which would allow more pervious landscaped areas and retention of more storm water on site.

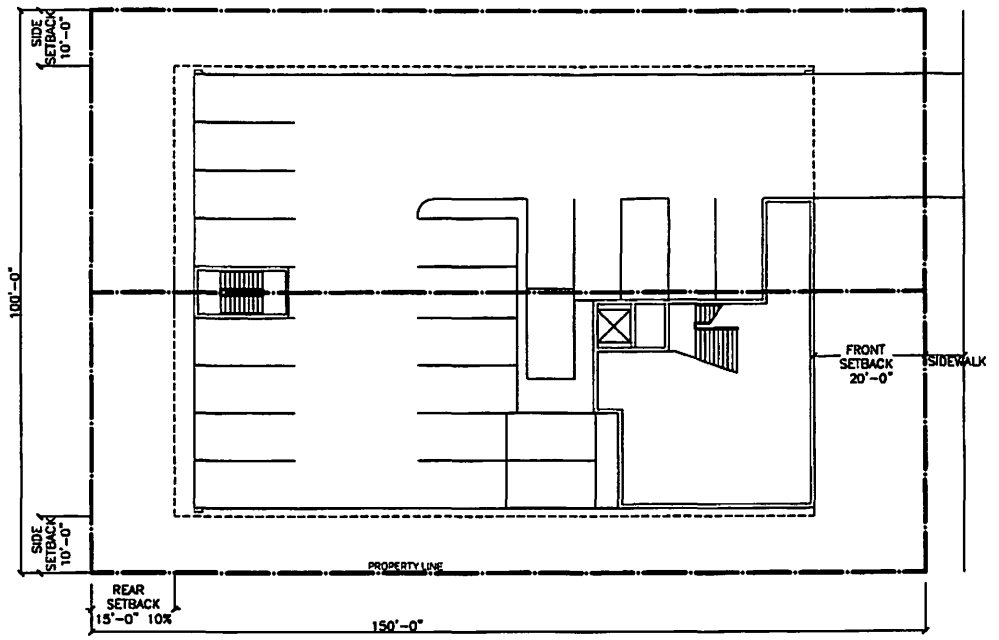
	Current Regulations	Proposed Regulations
4.Parking setbacks		
Side	5 feet or 5% of lot width	10 feet or 8% of lot width
Rear	5 feet	5 feet if abutting an alley, otherwise 10% of lot depth

The illustration below shows typical example of the arrangement of parking spaces for the development of a double lot in the RM-2 district, with parking constructed to a five (5') foot setback along the sides and rear, leaving little room for any landscaped areas.



GROUND FLOOR PLAN - Existing requirements w/5' (5%) side and rear parking setbacks and 8' (8%) building side setbacks

The illustration below shows the same lot configuration with the proposed increased parking setbacks to align with the required building setbacks. This plan also takes into consideration the proposed reduction in parking requirements.



GROUND FLOOR PLAN - PROPOSED
Increased parking setbacks (to follow increased building setbacks (10% of side yard) and reduced parking requirements

5. Building setbacks

The required building side setbacks in the RM-1 and RM-2 districts is 7.5 feet or 8% of the lot width. The proposed ordinance increases this to 10 feet or 8% of the lot width, in order to get slightly more landscaped areas within the side yards on smaller lots.

	Current Regulations	Proposed Regulations
5. Building Setbacks		
Side	7.5 feet or 8% of lot width	10 feet or 8% of lot width

6. Parking requirements

Currently the City code requires between 1.5 to 2.0 parking spaces per residential unit as outlined below. As proposed, no parking would be required on lots that are less than 65 feet in width, and the range of parking spaces required for larger properties is outlined below. On small lots it can be difficult to provide parking, and may overly restrict the redevelopment of small single lots. Development on small lots allows strategic infill rather than more extensive demolition and larger new construction. Such smaller scale construction is often more pedestrian oriented for the neighborhood.

	Current Regulations	Proposed Regulations
6. Parking		Zero for lots <= 65 feet in width
	1.5 /unit (550-999 SF)	1 / unit (550-1600 SF)
	1.75/unit (1000-1200 SF)	
	2/unit (>1200 SF)	2/unit (>1600 SF)

Recently the City of Miami adopted code modifications to the Little Havana area to eliminate the parking requirements for buildings that are under 10,000 SF and located near public transit. The market will dictate need.

7. Mechanical parking

Lastly, for small residential buildings of less than 20 units, the proposed ordinance would allow the DRB or HPB to review and approve mechanical parking. Currently, any mechanical parking, regardless of the size of development, requires the review and the approval of the Planning Board.

	Current Regulations	Proposed Regulations
7. Mechanical Parking	Conditional Use approval required from Planning Board regardless of project size	May be approved by the Design Review Board or Historic Preservation Board for buildings with <20 units

As discussed by the Land Use and Development Committee last month, the mechanical parking ordinance has been amended to allow the Design Review Board or Historic Preservation Board to review and approve mechanical parking for up to three (3) mechanical lifts in single family homes.

March 8, 2017 UPDATE

Pursuant to the direction of the Land Use Committee on February 15, 2017, the following changes were made to the ordinance for the March 8, 2017 LUDC meeting:

1. ***Mechanical Parking.*** In addition to allowing mechanical parking to be reviewed by the DRB or HPB for apartments with less than 20 units, the parking ordinance has been modified to also allow the DRB or HPB to review mechanical parking for up to three (3) lifts for single family homes, as noted in #7 above.

2. ***Ground Floor Requirements.*** Additional ground floor requirements when parking or amenity areas are located below the first habitable level have been included in the Ordinance as outlined below:
   A. All ceiling and sidewall conduits shall be internalized or designed in such a matter as to be part of the architectural language of the building in accordance with the design review or certificate of appropriateness criteria, as applicable.
   B. All parking and driveways shall substantially consist of permeable materials.
   C. Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level, in accordance with the design review or certificate of appropriateness criteria, as applicable.
   D. At least one stair shall be visible and accessible from the building's main

lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal path of travel from the street. Such stair, if unable to meet minimum life-safety requirements, shall be in addition to required egress stairs.

Height

The Administration recommended that the proposed increase in height for RM-2 properties be reduced from 75 feet to 65 feet (from the current maximum of generally 60 feet) as noted in #3 above.

Lot Aggregation

As it pertains to the discussion on lot aggregation, currently, the West Avenue Overlay District restricts the aggregation of lots to no more than two lots for properties zoned RM-1. Within the RM-2 zoning of the Gilbert Fine Neighborhood Conservation District, the aggregation of lots is required for new development. Within other portions of the city, the height of an RM-2 property is dependent upon the size of the lot, as noted in the height illustration maps above. As part of the proposed North Beach Neighborhood Conservation District, limitations on lot aggregation are also proposed.

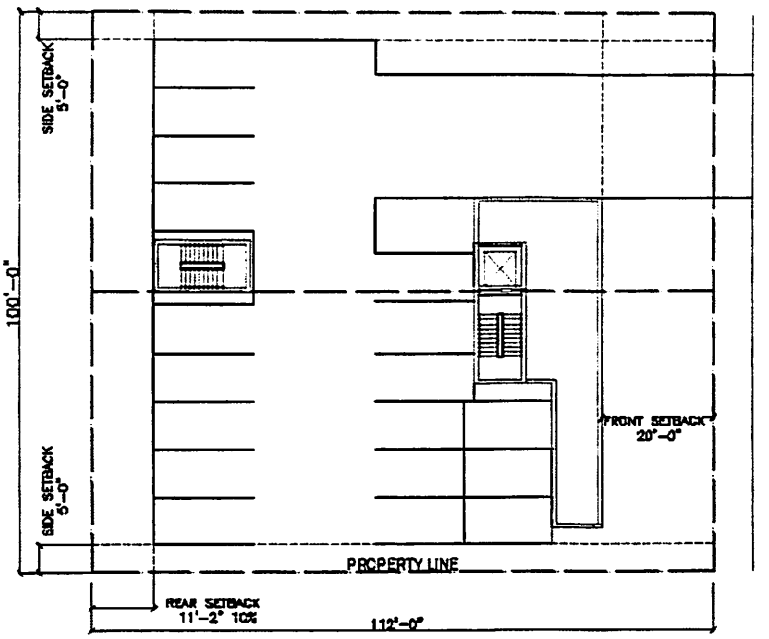
April 19, 2017 UPDATE

Parking and Lot Coverage

Double RM-1 Lot:

As requested by the committee, staff took a closer look at parking requirements and lot coverage for a typical interior, double lot in the RM-1 zoning district (no alley), with a lot area of 11,200 SF, and corresponding FAR of 14,000 SF. Each scenario takes into consideration the requirements for screening of the parking area from the street as required by the City Code, as well as requirements for building circulation.

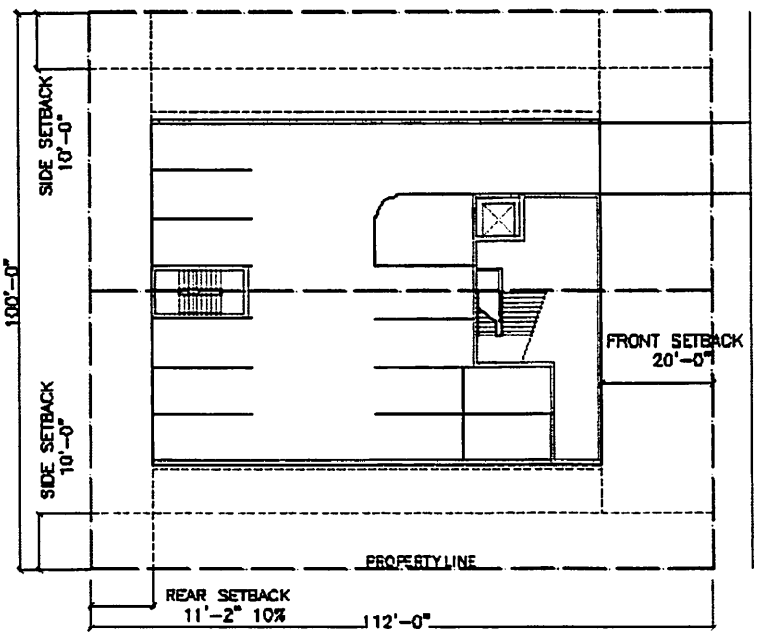
Scenario A1 - Existing requirements (1.5 parking spaces per unit, 5 foot parking setback, no lot coverage requirement):



GROUND FLOOR PLAN - Existing Requirements

18 parking space can reasonably be accommodated on site, resulting in 12 apartment units with an average size of approximately 935 SF per unit.

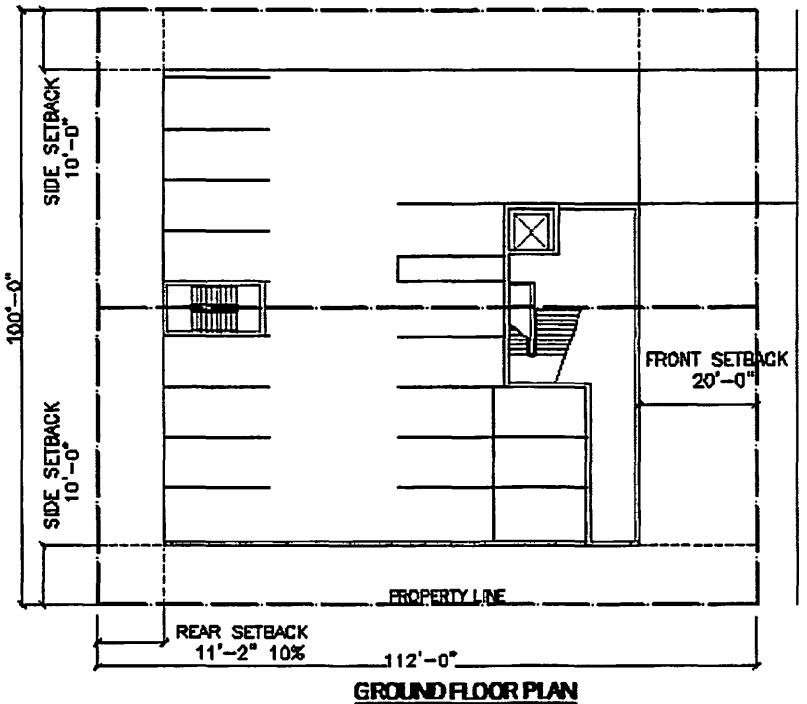
Scenario A2 (1 parking space per unit, increased parking setbacks of 10 feet, lot coverage = 45%):



GROUND FLOOR PLAN
1 parking space/unit, inccreased parking setbacks of 10 feet, lot coverage = 45%

12 parking spaces can reasonably be accommodated on site, resulting in 12 apartment units with an average unit size of approximately 935 SF per unit.

Scenario A3 (1 parking space per unit, increased parking setbacks of 10 feet, no lot coverage requirement):



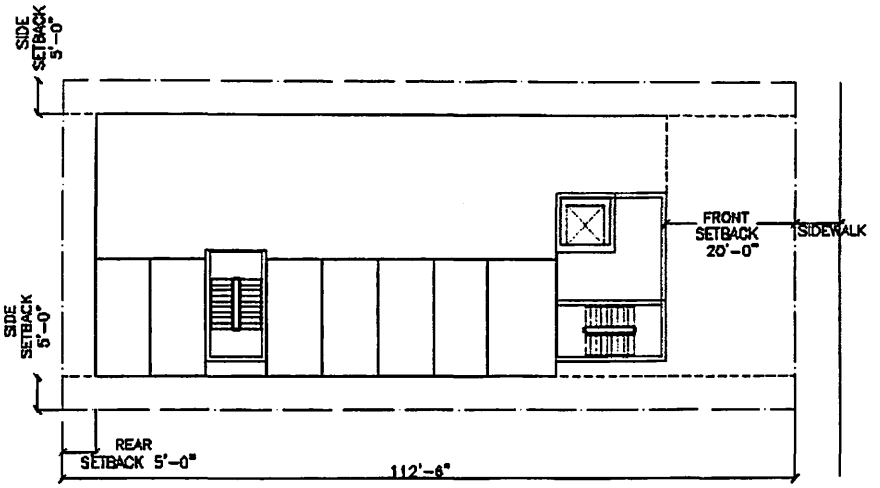
GROUND FLOOR PLAN
1 parking space/unit, increased parking setbacks of 10 feet, no lot coverage requirement

17 parking spaces can reasonably be accommodated on site, resulting in 17 apartment units with an average unit size of 660 SF per unit.

Single RM-1 Lot:

As requested by the committee, staff took a closer look at parking requirements and lot coverage for a typical interior, single lot in the RM-1 zoning district (no alley), with a lot area of 5,600 SF, and corresponding FAR of 7,000 SF. Each scenario takes into consideration the requirements for screening of the parking area from the street as required by the City Code, as well as requirements for building circulation.

Scenario B1 – Existing Requirements (1.5 parking spaces per unit, 5 foot parking setback, no lot coverage requirement)



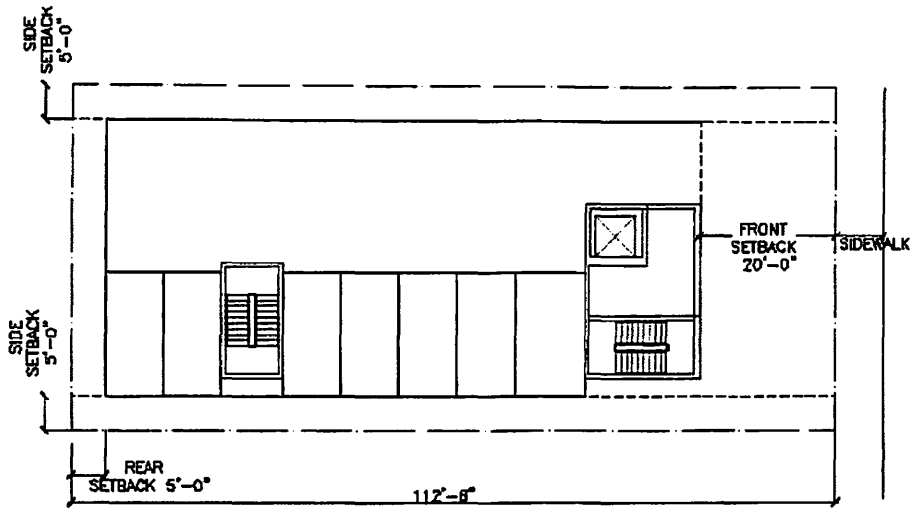
GROUND FLOOR PLAN - Existing Requirements

6 parking spaces can reasonably be accommodated on site, resulting in 4 apartment units with an average unit size of 1400 SF per unit.
NOTE: This scenario typically requires multiple setback variances to accommodate column locations for the pedestal, which has a greater setback requirement.

Scenario B2 – (No parking requirements, lot coverage limitation of 45%)

With no required parking, approximately 10 apartment units could be constructed, with an average unit size of approximately 560 SF.

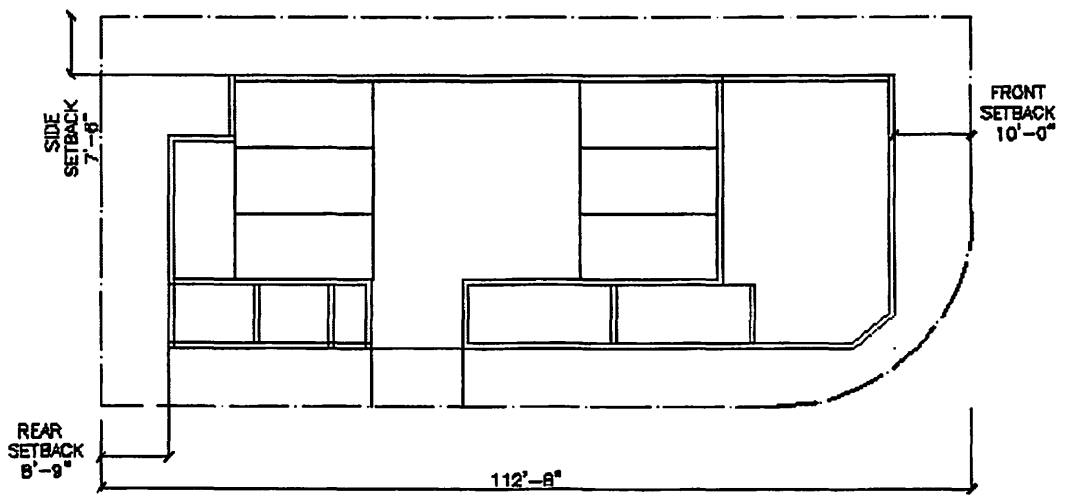
Scenario B3 – (1 parking space per unit, no change to parking setbacks, no lot coverage limitation



GROUND FLOOR PLAN -
1 parking space/unit, no change to parking setbacks, no lot coverage limts

With a reduced parking requirement of 1 space per unit, approximately 6 to 7 units could be constructed on a single lot with an average unit size of 933 SF to 800 SF.
NOTE: This scenario typically requires multiple setback variances to accommodate column locations for the pedestal, which has a greater setback requirement.

Scenario B4 – A recently approved project for a corner property (7645 Carlyle Ave), designed by architect Gus Ramos:



GROUND FLOOR PLAN
w/variances

There is a consensus that this two and three story townhome project with 6 units, and 12 parking spaces (provided with mechanical parking), responds to the low scale character of the surrounding RM-1 district. It should be noted that front and rear setback variances were granted. The parking is fully enclosed and complies with the current building setback requirements, and the lot coverage is approximately 60%. With a proposed lot coverage of 45%, increases to the building and parking setbacks, and retention of parking requirements, a project such as this would not be able to be approved without additional variances.

Similar projects, also designed by Gus Ramos and constructed in the North Beach area are shown below.

600 76th Street

81st and Harding Ave

RM-1 Summary:

If parking requirements, although reduced, are maintained for single lots, an increase in the parking setbacks or implementation of a lot coverage requirement would not be

feasible. Should the committee recommend that parking requirements be retained for single lots, the administration would recommend no change to the building or parking setbacks for single lots less than 65 feet in width. For double lots, the administration recommends a lot coverage limitation of 45% with the ability of the Design Review Board or historic preservation board to waive this requirement in accordance with the design review or certificate of appropriateness criteria, as applicable.

Height

As the purpose for the increase in building height is tied to the new requirement for higher first floor levels, the administration recommends that the additional five (5') feet of height, now recommended for both RM-1 and RM-2 properties, be provided at the ground floor level.

Lot Aggregation

As recommended by the Committee last month, a limitation on the aggregation of lots is now included in the ordinance for RM-1 zoned properties, and limits aggregation to no more than two platted lots.

SUMMARY

The following is a summary of the administration's recommendation (underline and strike-thru denotes changes compared to the recommendation of the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise.

	Current Regulations	Proposed Regulations
1.a. Minimum yard elevation	No minimum	6.56 feet NGVD
1.b. Maximum yard elevation	30 inches above grade	30 inches above grade or Future adjusted grade, whichever is greater
1.c. Maximum yard elevation waterfront lots (rear)	30 inches above grade	Base flood elevation plus freeboard
2.a. Lot coverage RM-1	No requirements ~52%-62% for building alone ~64%-72% incl. parking	Single Lots – no requirement, double lots - 45% including building and parking, subject to waiver by DRB
2.b. Lot coverage RM-2		No requirements
3.a. Max Height RM-1	50 feet / 5-stories	55 feet/ 5-stories
3.b. Max Height RM-2	60 feet / 6 stories	~~75~~ 65 feet / 6-stories
4.Parking setbacks		
Side	5 feet or 5% of lot width	Single Lots, no change, otherwise 10 feet or 8% of lot width
Rear	5 feet	5 feet if abutting an alley, otherwise 10% of lot depth
5. Building Setbacks		

Side	7.5 feet or 8% of lot width	Single lots, no change, otherwise 10 feet or 8% of lot width
6. Parking		Zero for lots <= 65 feet in width
	1.5 /unit (550-999 SF)	1 / unit (550-1600 SF)
	1.75/unit (1000-1200 SF)	
	2/unit (>1200 SF)	2/unit (>1600 SF)
7. Mechanical Parking	Conditional Use approval required from Planning Board regardless of project size	May be approved by the Design Review Board or Historic Preservation Board for buildings with <20 units

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the matter further and provide appropriate policy direction. If there is consensus on the proposal, it is further recommended that the ordinance be recommended for approval at the Planning Board, subject to the changes noted above.

JLM/SMT/TRM/MAB

M:\$CMB\CCUPDATES\Land Use and Development Committee\2017\April 19, 2017\RM-1 and RM-2 Dev Regs and Parking - MEM April 2017 LUDC.docx

Residential Parking ORDINANCE

An ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending the City Code, by amending Chapter 130, "Off-Street Parking," Division II, "Districts; Requirements," at Section 130-32, "Off-street parking requirements for parking district no. 1," by eliminating the parking requirements for apartment buildings on lots that are 65 feet in width or less, and by reducing the parking requirements for apartment buildings on lots wider than 65 feet; and by amending Section 130-38, "Mechanical and robotic parking systems," by establishing conditions under which mechanical parking in apartment buildings and single family homes may be reviewed and approved by the design review board or historic preservation board as applicable;providing 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.

(4) The following exceptions to the mechanical parking prohibition may be considered by the design review board or historic preservation board, as applicable.

(a) Apartment buildings with 20 apartment units or less may utilize mechanical lifts, in accordance with the review criteria of section 138-38(5), 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.

(b) Single-family homes utilizing up to three (3) mechanical lifts may be approved by the design review board or historic preservation board, as applicable, in accordance with the applicable review criteria of Section 130-38(5).

~~(4)~~ (5) 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

M:\$CMB\CCUPDATES\Land Use and Development Committee\2017\April 19, 2017\RM-1+RM-2 Parking- ORD April 2017 LUDC.docx

RM-1 and RM-2 Setbacks and Height

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," at Section 114-1, "Definitions," by amending the definition for lot coverage; by amending Chapter 142, "Zoning Districts and Regulations," Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," at Section 142-55, "Development regulations and area requirements," by establishing minimum and maximum yard elevation, stormwater retention, yard slope, retaining wall, lot coverage, ground floor requirements, limitations on lot aggregation, and by increasing the building height to 55 feet for properties not located within an historic district; by amending Section 145-56, "Setback requirements," by increasing the parking, subterranean, pedestal, and tower setback requirements; by amending Subdivision IV, "RM-2 Residential Multifamily Medium Intensity," at Section 142-216, "Development regulations," by establishing minimum and maximum yard elevation, stormwater retention, yard slope, retaining wall, and ground floor height requirements; by amending Section 142-217, "Area requirements," by increasing the building height to 65 feet for properties not located within an historic district, or otherwise more specifically delineated within other defined districts or within historic districts; and by amending Section 145-218, "Setback requirements," by increasing the parking, subterranean, pedestal, and tower setback requirements; providing 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 114 of the City Code, entitled "GENERAL PROVISIONS," Section 114-1, is hereby amended as follows:

Sec. 114-1. - Definitions.

* * *

Lot coverage means the percentage of the total area of a lot that, when viewed directly from above, would be covered by all principal and accessory buildings and structures, or portions thereof; provided, however, that exterior unenclosed private balconies, and awnings ~~and porte-cocheres~~ shall not be included in determining the building area.

* * *

SECTION 2. Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Section 142-155, is hereby amended as follows:

Sec. 142-155. - Development regulations and area requirements

* * *

The development regulations in the RM-1 residential multifamily, low density district are as follows:

(1) Max. FAR: 1.25; west side of Collins Avenue between 76th and 79th Streets—1.4.

(2) Public and private institutions: Lot area equal to or less than 15,000 sq. ft.—1.25; lot area greater than 15,000 sq. ft.—1.4.

(3) Exterior building and lot standards:

a. Minimum yard elevation requirements.

1. The minimum elevation of a required yard shall be no less than five (5) feet NAVD (6.56 feet NGVD), with the exception of driveways, walkways, transition areas, green infrastructure (e.g., vegetated swales, permeable pavement, rain gardens, and rainwater/stormwater capture and infiltration devices), and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the maximum elevation requirements as outlined in paragraph c., below, the minimum elevation requirements shall still apply.

2. Exemptions. The minimum yard elevation requirements shall not apply to properties containing individually designated historic structures, or to properties designated as "contributing" within a local historic district, or a National Register Historic District.

b. Maximum yard elevation requirements. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:

1. *Front Yard, Side Yard Facing a Street, & Interior Side Yard.* The maximum elevation within a required front yard, side yard facing a street & interior side yard shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater. In this instance, the maximum height of any fence(s) or wall(s) in the required yard, constructed in compliance with Section 142-1132(h), "Allowable encroachments within required yards", shall be measured from existing grade.

2. Rear Yard. The maximum elevation for a required rear yard, (not including portions located within a required side yard or side yard facing the street), shall be calculated according to the following:

(A) Waterfront. The maximum elevation shall not exceed the base flood elevation, plus freeboard.

(B) Non-waterfront. The maximum elevation shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater.

c. Stormwater retention. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.

d. Retaining wall and yard slope requirements.

(A) Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria.

(B) Within the required front yard and side yard facing a street the following shall apply:

i. the first four (4) feet of the property line, the maximum height of retaining walls shall not exceed 30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present.

ii. When setback a minimum of four (4) feet from property line, the maximum height of retaining walls shall not exceed 30 inches above adjacent grade.

iii. The maximum slope of the required front and side yard facing a street shall not exceed 11 percent (5:1 horizontal:vertical).

e. Lot Coverage. The maximum lot coverage for a lot or lots greater than 65 feet in width shall not exceed 45%. In addition to the building areas included in *lot coverage*, as defined in section 114-1, Impervious parking areas and impervious driveways shall also be included in the lot coverage calculations. The design review board or historic preservation board, as applicable may waive the lot coverage requirements in accordance with the design review or certificate of appropriateness criteria, as applicable.

f. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:

(A) A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable may waive this height requirement by up to two (2) feet, in accordance with the design review or certificate of appropriateness criteria, as applicable.

(B) All ceiling and sidewall conduits shall be internalized or designed in such a matter as to be part of the architectural language of the building in accordance with the design review or certificate of appropriateness criteria, as applicable.

(C) All parking and driveways shall substantially consist of permeable materials.

(D) Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level, in accordance with the design review or certificate of appropriateness criteria, as applicable.

(E) At least one stair shall be visible and accessible from the building's main lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal path of travel from the street. Such stair, if unable to meet minimum life-safety egress requirements, shall be in addition to all required egress stairs.

g. Lot Aggregation. No more than two contiguous lots may be aggregated for development purposes.

~~(3)~~(4) In the Flamingo Park Local Historic District, the following shall apply:

* * *

(b)The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
5,600	50	New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.	New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—550	Historic district—40 Flamingo Park Local Historic District—35 (except as provided in section 142-1161) Otherwise—50 For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses -55	Historic district—4 Flamingo Park Local Historic District—3 (except as provided in section 142-1161) Otherwise—5

SECTION 3. Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Section 142-156, is hereby amended as follows:

Sec. 142-156. - Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (c) below is applicable	20 feet	~~5~~ 10 feet, or ~~5~~ 8% of lot width, whichever is greater	~~5~~ 10 feet, or ~~5~~ 8% of lot width, whichever is greater	~~Non-oceanfront lots—~~5 feet abutting an alley, otherwise 10% of the lot depth ~~Oceanfront lots—50 feet from bulkhead line~~
~~Subterranean~~	~~20 feet~~	~~5 feet, or 5% of lot width, whichever is greater (0 feet if lot width is 50 feet or less)~~	~~5 feet, or 5% of lot width, whichever is greater~~	~~Non-oceanfront lots—0 feet Oceanfront lots—50 feet from bulkhead line~~
Subterranean and Pedestal,	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Sum of the side yards shall equal 16% of lot width Minimum—~~7.5~~ 10 feet or 8% of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum —~~7.5~~ 10 feet or 8% of lot width, whichever is greater	~~Non-oceanfront lots—~~10% of lot depth ~~Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater.~~
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean	The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum —~~7.5~~ 10 feet or 8% of lot width, whichever is greater	~~Non-oceanfront lots—~~15% of lot depth ~~Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater~~

	Front Subdivision—50 feet			

(b) In the RM-1, residential district, all floors of a building containing parking spaces shall incorporate the following:

(1) Residential uses at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.

(2) Residential uses above the first level along every facade facing a waterway.

(3) For properties less than 60 feet in width, the total amount of residential space at the first level along a street side shall be determined by the design review or historic preservation board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

(c) In cases where the city commission approves after public hearing a public-private parking agreement for a neighborhood based upon an approved street improvement plan, the minimum front yard setback for parking subject to the agreement shall be zero feet. The street improvement plan must be approved by the design review board if outside an historic district, or the historic preservation board if inside an historic district.

* * *

SECTION 4. Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Section 142-216, is hereby amended as follows:

Sec. 142-216. - Development regulations.

The development regulations in the RM-2 residential multifamily, medium intensity district are as follows:

(1) Max. FAR: 2.0.

(2) Exterior building and lot standards:

a. Minimum yard elevation requirements.

1. The minimum elevation of a required yard shall be no less than five (5) feet NAVD (6.56 feet NGVD), with the exception of driveways, walkways, transition areas, green infrastructure (e.g., vegetated swales, permeable pavement, rain gardens, and rainwater/stormwater capture and infiltration devices), and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the maximum elevation requirements as outlined in paragraph b. below, the minimum elevation requirements shall still apply.

2. Exemptions. The minimum yard elevation requirements shall not apply to properties containing individually designated historic structures, or to properties designated as "contributing" within a local historic district, or a National Register Historic District.

b. Maximum yard elevation requirements. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:

1. *Front Yard, Side Yard Facing a Street, & Interior Side Yard.* The maximum elevation within a required front yard, side yard facing a street & interior side yard shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater. In this instance, the maximum height of any fence(s) or wall(s) in the required yard, constructed in compliance with Section 142-1132(h), "Allowable encroachments within required yards", shall be measured from existing grade.

2. Rear Yard. The maximum elevation for a required rear yard, (not including portions located within a required side yard or side yard facing the street), shall be calculated according to the following:

(A) Waterfront. The maximum elevation shall not exceed the base flood elevation, plus freeboard.

(B) Non-waterfront. The maximum elevation shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater.

c. Stormwater retention. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.

d. Retaining wall and yard slope requirements.

(A) Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria.

(B) Within the required front yard and side yard facing a street the following shall apply:

i. the first four (4) feet of the property line, the maximum height of retaining walls shall not exceed 30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present.

ii. When setback a minimum of four (4) feet from property line, the maximum height of retaining walls shall not exceed 30 inches above adjacent grade.

iii. The maximum slope of the required front and side yard facing a street shall not exceed 11 percent (5:1 horizontal:vertical).

e. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:

(A) A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable may waive this height requirement by up to two (2) feet, in accordance with the design review or certificate of appropriateness criteria, as applicable.

(B) All ceiling and sidewall conduits shall be internalized or designed in such a matter as to be part of the architectural language of the building in accordance with the design review or certificate of appropriateness criteria, as applicable.

(C) All parking and driveways shall substantially consist of permeable materials.

(D) Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level, in accordance with the design review or certificate of appropriateness criteria, as applicable.

(E) At least one stair shall be visible and accessible from the building's main lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal path of travel from the street. Such stair, if unable to meet minimum life-safety egress requirements, shall be in addition to all required egress stairs.

SECTION 5. Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Section 142-217, is hereby amended as follows:

Sec. 142-217. - Area requirements.

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
7,000	50	New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the	New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—550 Hotel units—N/A	Historic district—50 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—75 Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—75 Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—85 Otherwise—60 For properties outside a local	Historic district—5 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—8 Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—8 Area fronting west side of Collins Ave. btwn. 76th St.

		existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.		historic district with a ground level consisting of non-habitable parking and/or amenity uses -65 Lots fronting Biscayne Bay less than 45,000 sq. ft.—100 Lots fronting Biscayne Bay over 45,000 sq. ft.—140 Lots fronting Atlantic Ocean over 100,000 sq. ft.—140 Lots fronting Atlantic Ocean with a property line within 250 feet of North Shore Open Space Park Boundary—200	and 79th St.—8 Otherwise—6 Lots fronting Biscayne Bay less than 45,000 sq. ft.—11 Lots fronting Biscayne Bay over 45,000 sq. ft.—15 Lots fronting Atlantic Ocean over 100,000 sq. ft.—15 Lots fronting Atlantic Ocean with a property line within 250 feet of North Shore Open Space parking Boundary—21

SECTION 6. Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Section 142-218, is hereby amended as follows:

Sec. 142-218. - Setback requirements.

The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (b) below is applicable	20 feet	~~5~~ 10 feet, or ~~5~~ 8% of lot width, whichever is greater	~~5~~ 10 feet, or ~~5~~ 8% of lot width, whichever is greater	~~Non-oceanfront lots~~ Abutting an alley—5 feet Oceanfront lots—50 feet from bulkhead line
~~Subterranean~~	~~20 feet~~	~~5 feet, or 5% of lot width, whichever is greater. (0 feet if lot~~	~~5 feet, or 5% of lot width, whichever is~~	~~Non-oceanfront lots—0 feet~~ ~~Oceanfront lots—50 feet from~~

		~~width is 50 feet or less)~~	~~greater~~	~~bulkhead line~~
Subterranean and Pedestal	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Sum of the side yards shall equal 16% of lot width Minimum—~~7.5~~ 10 feet or 8% of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum—~~7.5~~ 10 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Same as pedestal for structures with a total height of 60 feet or less. The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum—~~7.5~~ 10 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

(b) In cases where the city commission approves after public hearing a public-private parking agreement for a neighborhood based upon an approved street improvement plan, the minimum front yard setback for parking subject to the agreement shall be zero feet. The street improvement plan must be approved by the design review board if outside an historic district, or the historic preservation board if inside an historic district.

SECTION 7. REPEALER.

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

SECTION 8. 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 9. SEVERABILITY.

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

SECTION 10. 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

M:\$CMB\CCUPDATES\Land Use and Development Committee\2017\April 19, 2017\RM-1+RM-2 Dev Regs ORD April 2017 LUDC.docx

ITEM 9C

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 8, 2017

SUBJECT: **Discussion: Proposed Ordinance Amendment Pertaining to Maximum Building Heights in Commercial Zoning Districts and Allowable Height Exceptions.**

HISTORY

On January 17, 2017, the Mayor's Blue Ribbon Panel on Sea Level Rise discussed the attached Ordinance amendment and recommended that the City Commission refer it to the Land Use and Development Committee and Planning Board.

On February 8, 2017, the City Commission referred the proposed Ordinance amendment to the Land Use and Development Committee (Item C4 D). The amendment was also referred to the Planning Board after Land Use and Development Committee review and approval. Commissioners John Elizabeth Alemán and Joy Malakoff are the sponsors of the item.

On February 15, 2017 the Land Use and Development Committee discussed the item and continued it to the March 8, 2017 meeting.

ANALYSIS

In an effort to adapt to the effects of climate change and sea level rise, the City has adopted regulations related to the base flood elevation (BFE) and freeboard to encourage the ground floor of new buildings to be developed at a higher elevation. In addition, the City is raising the levels of roads and sidewalks to ensure that they remain dry and passable. During this transition period sidewalk and ground floors may be located at different elevations. Commercial buildings however rely on customers passing by the sidewalk and being drawn in by the view of the commercial uses inside.

As a result the attached ordinance amendment would allow for buildings in commercial districts to be developed with an additional ten (10) feet of height at the ground floor, provided the ground floor is a minimum of 18 feet high with the review and approval of the Design Review Board or Historic Preservation Board, as applicable. This would allow for the ground floor to be placed at a lower level, while providing sufficient ceiling height for the ground floor to be raised at such time when roadways and sidewalks are raised.

Additionally, the proposal amends and expands allowable height exceptions for sustainable roofing systems and alternative forms of energy. This includes, but is not limited to, solar roof, blue roof, white roof, cool roof, green roof, and rooftop farming roofing system, along with solar panels, wind turbines, and other alternative energy fixtures as allowable height exceptions in all districts except single-family districts.

UPDATE

At the February 15, 2017 meeting, the Land Use and Development Committee requested that graphics be provided to illustrate how the proposed change could affect development. The graphics are attached to this report.

Additionally, it was requested that a modification be incorporated to specify that the additional height be for the sole use of the ground floor. The modification has been incorporated into the attached ordinance.

CONCLUSION

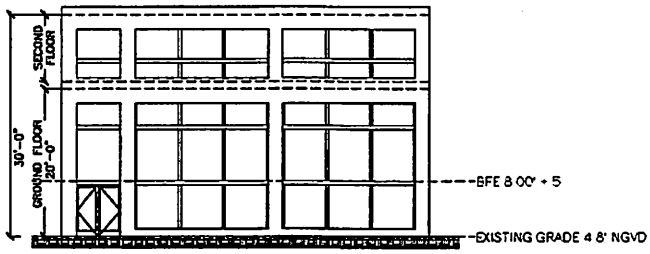
The Administration recommends that the Land Use and Development Committee discuss the matter further and provide policy direction. If there is consensus on the proposal, it is further recommended that the ordinance be recommended for approval at the Planning Board.

JLM/SMT/TRM/RAM

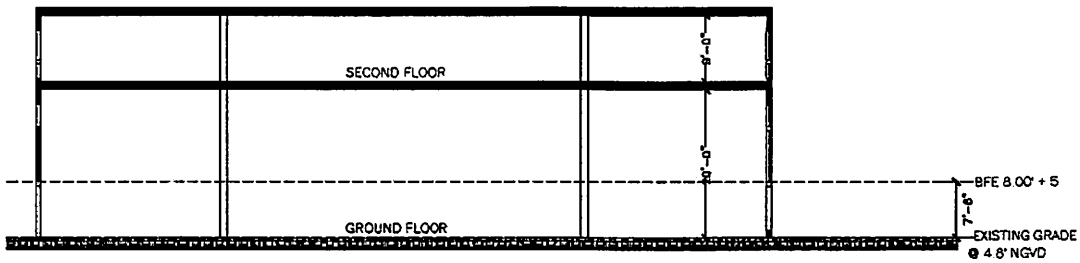
M:\$CMB\CCUPDATES\Land Use and Development Committee\2017\March 8, 2017\Commercial Height Standards - MEM March 2017 LUDC.docx

New Construction at Current Road Elevation

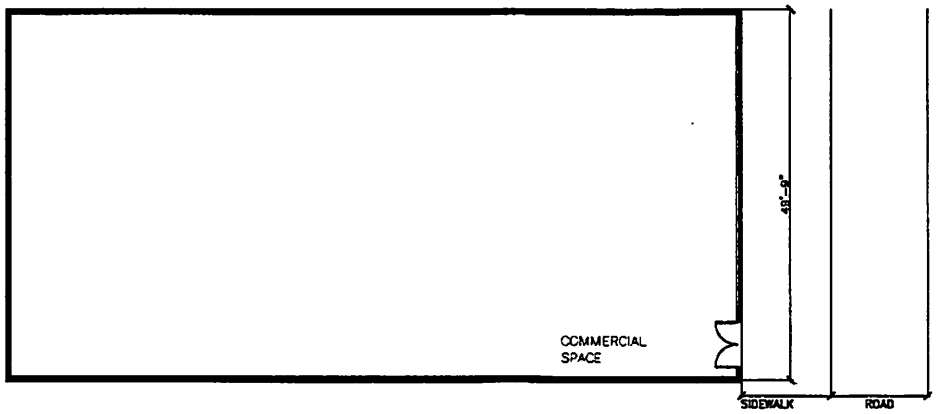
CASE STUDY - COMMERCIAL BUILDING
GROUND FLOOR AT EXISTING GRADE



FRONT ELEVATION



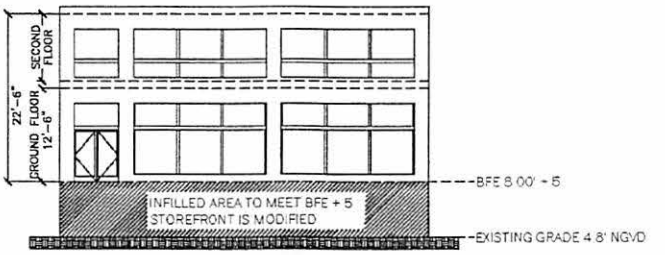
SECTION



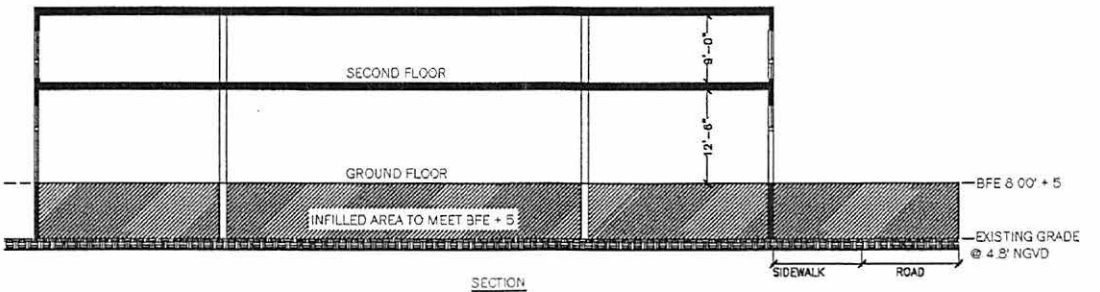
PLAN VIEW

New Construction when Road is Raised

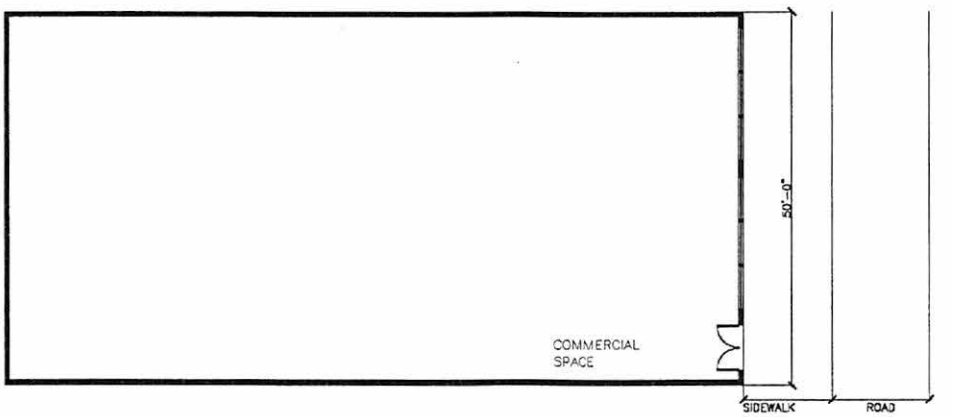
CASE STUDY - COMMERCIAL BUILDING
GROUND FLOOR AND ROAD AT BFE + 5



FRONT ELEVATION

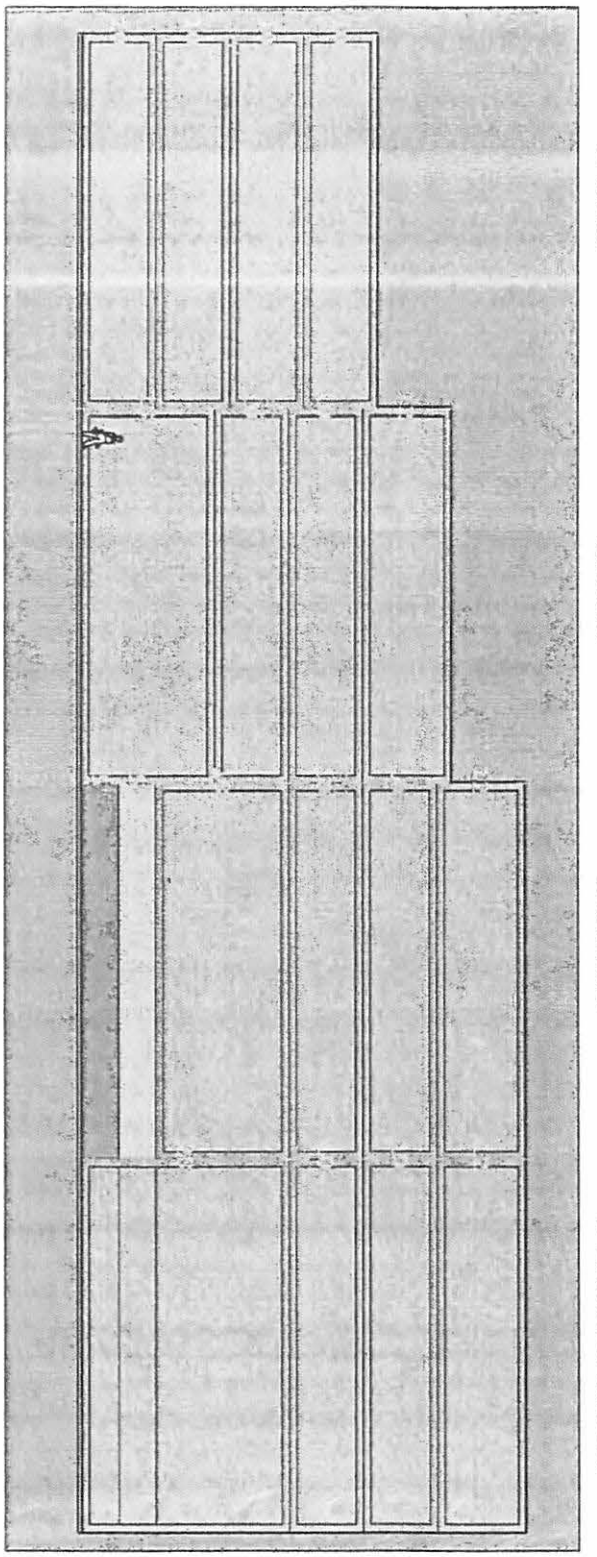


SECTION



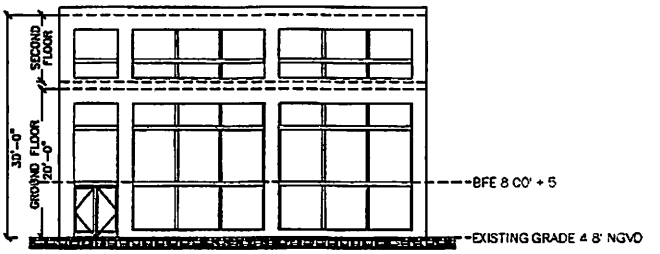
PLAN VIEW

CD-1 Heights

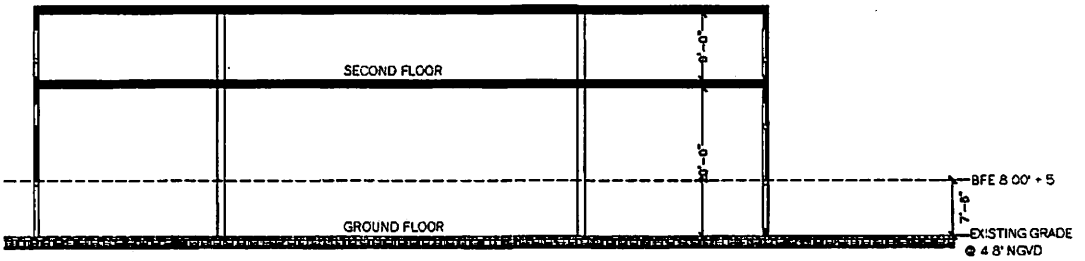

40' from grade
50' from grade
50' from freeboard
50' from freeboard w/ transition area
CD-1 Heights

New Construction at Current Road Elevation

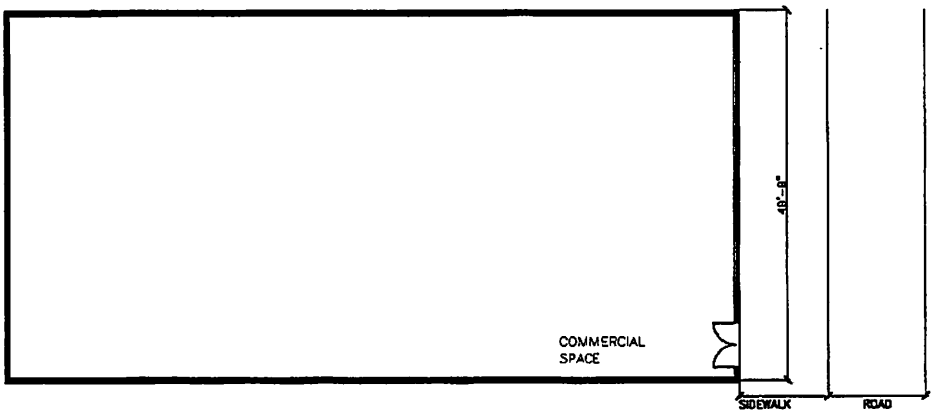
CASE STUDY - COMMERCIAL BUILDING
GROUND FLOOR AT EXISTING GRADE



FRONT ELEVATION



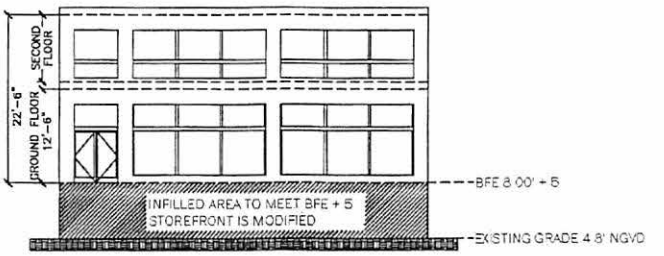
SECTION



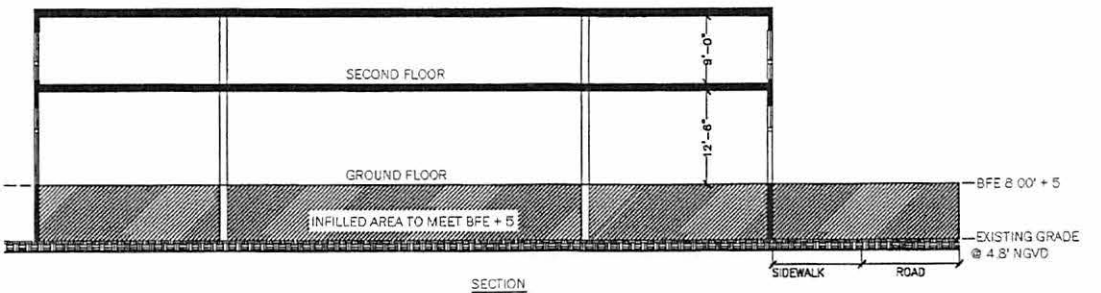
PLAN VIEW

New Construction when Road is Raised

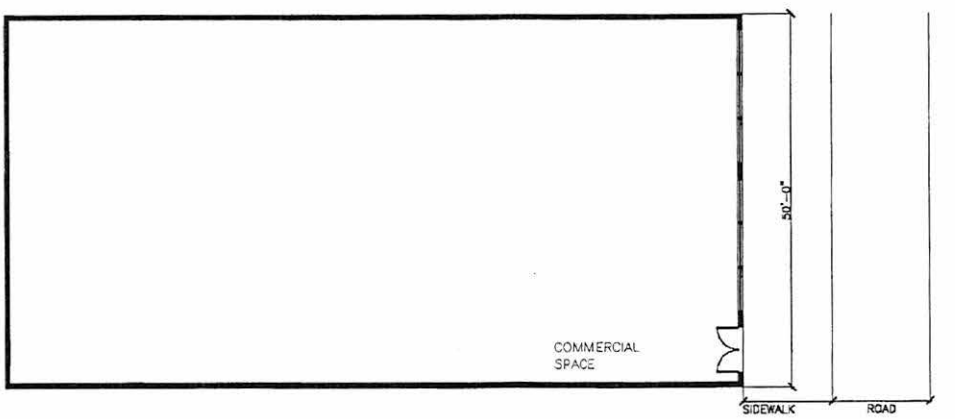
CASE STUDY - COMMERCIAL BUILDING
GROUND FLOOR AND ROAD AT BFE + 5



FRONT ELEVATION

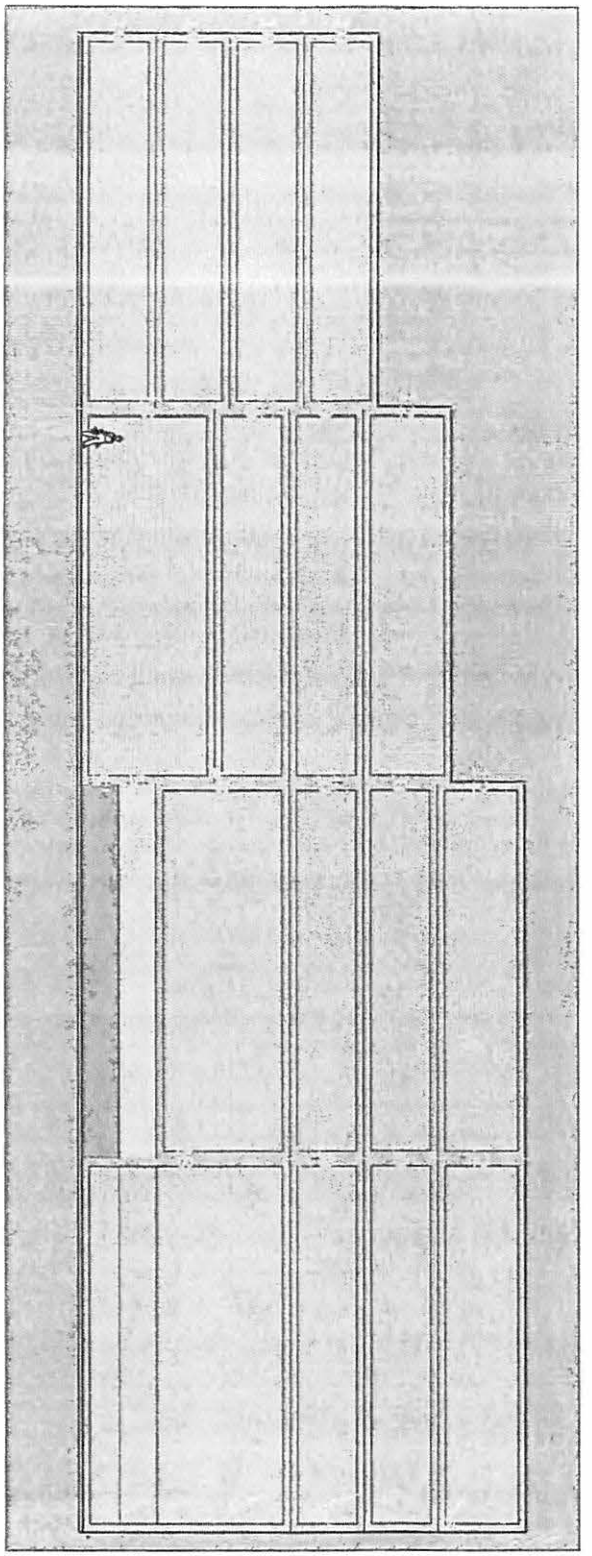


SECTION



PLAN VIEW

CD-1 Heights


40' from grade
50' from grade
50' from freeboard
50' from freeboard w/ transition area
CD-1 Heights

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 including roof plantings that may provide food, temperature control, hydrological benefits, architectural enhancement, recreational opportunities, and in large scale 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 within the first story, 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 within the first story, 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 within the first story, 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 within the first story, 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 within the first story, 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 within the first story, 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 within the first story, 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 within the first story, 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

M:\$CMB\CCUPDATES\Land Use and Development Committee\2017\March 8, 2017\Commercial Height Standards - ORD March 2017 LUDC.docx

ITEM 9D

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 15, 2017

SUBJECT: **Discussion: Proposed Ordinance Amendment Pertaining to Sustainable Roof Replacements and Roofs.**

HISTORY

On January 17, 2016, the Mayor's Blue Ribbon Panel on Sea Level Rise discussed the attached Ordinance amendment and recommended that the City Commission refer it to the Land Use and Development Committee and Planning Board. Commissioners John Elizabeth Alemán and Joy Malakoff are the sponsors of the item.

On February 8, 2017, the City Commission referred the proposed Ordinance amendment to the Land Use and Development Committee (Item C4 E). The amendment was simultaneously referred to the Planning Board. Commissioners John Elizabeth Alemán and Joy Malakoff are the sponsors of the item.

ANALYSIS

Several innovative roofing systems are being developed to improve the sustainability of buildings. These include solar roofs, which allow for the generation of electricity; blue roofs, which improve stormwater retention and treatment; white/cool roofs, which reflect sunlight and reduce the heat island effect; green roofs, which provide vegetation and irrigation to reduce heat island effect, and improve stormwater retention; and rooftop farming systems which for food growth. The proposed ordinance amendment allows for the use of sustainable roofing systems for roof replacement. Additionally, the proposed ordinance expands the use of energy efficient roofing systems, such as standing seam metal, and prohibits the use of asphalt shingles which typically absorb heat and increase the urban heat island effect and surrounding temperatures.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the matter further and provide appropriate policy direction. If there is consensus on the proposal herein, it is further recommended that the ordinance be recommended for approval at the Planning Board.

JLM/SMT/TRM/RAM

M:\$CMB\CCUPDATES\Land Use and Development Committee\2017\February 15, 2017\Sustainable Roofing - MEM Feb 2017 LUDC.docx

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

M:\$CMB\CCUPDATES\Land Use and Development Committee\2017\February 15, 2017\Sustainable Roofing - ORD Feb 2017 LUDC.docx

ITEM 9E

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 19, 2017

SUBJECT: **Discussion: Proposed Ordinance Amendment Pertaining to Nonconforming Buildings.**

HISTORY

On January 17, 2017, the Mayor's Blue Ribbon Panel on Sea Level Rise discussed the attached Ordinance amendment and recommended that the City Commission refer it to the Land Use and Development Committee and Planning Board. Commissioners John Elizabeth Alemán and Joy Malakoff are the sponsors of the item.

On February 8, 2017, the City Commission referred the proposed Ordinance amendment to the Land Use and Development Committee (Item C4 F). The amendment was simultaneously referred to the Planning Board. Commissioners John Elizabeth Alemán and Joy Malakoff are the sponsors of the item.

On February 15, 2017, the item was continued to a date certain of March 8, 2017.

On March 7, 2017, a modified version of the ordinance was presented to the Mayor's Blue Ribbon Panel on Sea Level Rise. The Blue Ribbon Panel recommended that the ordinance be adopted.

On March 8, 2017, the Land Use and Development Committee discussed the modified ordinance and continued it to a date certain of April 19, 2017.

ANALYSIS

Section 118-395 defines the procedures for the retention of nonconforming structures that are being renovated. The section has several requirements for existing structures undergoing a renovation both below and in excess of 50% of the value of the structure, specifically as it pertains to nonconforming development attributes such as floor area, height, setbacks, and parking credits.

In order to ensure that buildings undergoing a renovation of more than 50% of the value of the building become more sustainable, the proposed ordinance would allow for additional flexibility in the portions of the building that must be maintained in order to maintain nonconforming height, setbacks, and parking credits, while establishing additional sustainability and resiliency requirements. However, any non-conforming FAR must be removed if the building renovation exceeds 50%.

The proposed ordinance would require that certain buildings undergoing a substantial renovation be subject to the Sustainability and Resiliency Requirements of Chapter 133 of the City Code with some modifications.

UPDATE:
Subsequent to the February 15, 2017 Land Use Committee meeting, Planning staff met with the City Attorney regarding the portions of the ordinance pertaining to non-conforming FAR. As it pertains to Sec 1.03(c) of the City Charter, the following was concluded:

- Any proposal to allow for the retention of non-conforming FAR as part of a renovation exceeding the 50% rule would be considered an increase in zoned FAR. As such voter approval of such an amendment would be required.

- Any proposal to allow for the relocation of non-conforming FAR within a building or property, whether a renovation is below or exceeding the 50% rule, would be considered an increase in zoned FAR. As such voter approval of such an amendment would be required.

In light of the above noted conclusions, the proposed ordinance was modified by removing the previously drafted revisions pertaining to non-conforming FAR. While this has resulted in a reduced scope for the legislation, staff believes that the requirement for LEED certification in non-conforming buildings exceeding the 50% rule should move forward.

On March 7, 2017 the revised ordinance was presented to the Mayors Blue Ribbon Panel on Seal Level Rise. The Blue Ribbon Panel recommended that the ordinance be adopted.

On March 8, 2017, the Land Use and Development Committee discussed the modified ordinance and continued it to a date certain of April 19, 2017. Additionally, the Committee requested that the following modifications be made:

1. Remove LEED requirements from designated historic districts and sites;
2. Adjust the required percentages for non-historic properties; and
3. Remove all tables and text taken directly from Chapter 133.

Chapter 133 requires a minimum of LEED Gold Certification, or the payment of a fee of five percent (5%) of construction value. The percentage is based on research indicating the estimated cost of achieving the applicable level of certification. In order to not overly burden historic structures undergoing a renovation, the regulations requiring compliance with the Sustainability and Resiliency Requirements of Chapter 133 for projects undergoing a substantial renovation were modified.

Specifically, contributing buildings within a designated historic district or site would be exempt from the requirements of Chapter 133. Buildings located outside of an historic district or site, constructed prior to 1965 and determined to be architecturally significant would be subject to the Sustainability and Resiliency Requirements; however, the fee would be set at three percent (3%) of construction value and a full refund would be

provided if the project achieves LEED Silver Certification or higher. The 5% fee requirement of Chapter 133 would still apply to existing non-contributing buildings located within an historic district or site, as well as non-architecturally significant and post 1965 buildings located outside of a historic district or site.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the proposed revisions to the ordinance and provide appropriate policy direction. If there is consensus on the proposal herein, it is further recommended that the ordinance be recommended for approval at the Planning Board.

JLM/SMT/TRM/RAM

M:\$CMB\CCUPDATES\Land Use and Development Committee\2017\April 19, 2017\Nonconforming Buildings Sustainabillity Requirements - MEM April 2017 LUDC.docx

NONCONFORMING BUILDINGS - SUSTAINABILITY REQUIREMENTS

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 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 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 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 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. Existing non-contributing structures in a designated historic district or site shall be subject to the sustainability and resiliency requirements for new construction in Chapter 133.~~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~~

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, 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 in Chapter 133; however, the Sustainability Fee for such buildings shall be valued at three (3) percent the of the total construction valuation of the building permit. ~~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 in 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) Unless superseded by the provisions in Chapter 142, Article II, Division 2, sSingle-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

M:\$CMB\CCUPDATES\Land Use and Development Committee\2017\April 19, 2017\Nonconforming Buildings Sustainabillity Requirements - ORD April 2017 LUDC.docx