

URBAN HEAT ISLAND ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH AT CHAPTER 114 ENTITLED "GENERAL PROVISIONS," SECTION 114-1, ENTITLED "DEFINITIONS," TO DEFINE "COOL PAVEMENT," "HIGH ALBEDO SURFACES," "POROUS PAVEMENT," "SOLAR CARPORT," AND RELATED DEFINITIONS; AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I, ENTITLED "IN GENERAL," AT SECTION 118-7, ENTITLED "FEES FOR THE ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS," TO WAIVE APPLICATION FEES FOR LAND USE BOARD APPROVAL TO INSTALL SUSTAINABLE ROOFING SYSTEMS, SOLAR CARPORTS, AND COOL PAVEMENTS; AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," AT ARTICLE III, ENTITLED "DESIGN STANDARDS," TO CREATE REQUIREMENTS FOR SURFACE AND ROOFTOP PARKING; AMENDING CHAPTER 133, ENTITLED "SUSTAINABILITY AND RESILIENCY," ARTICLE II, ENTITLED "SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA," IN ORDER TO ESTABLISH REVIEW CRITERIA TO THE REDUCE THE HEAT ISLAND EFFECT OF BUILDINGS; AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," AT SECTION 142-105, ENTITLED "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO ALLOW FOR SOLAR PANELS TO BE CONSIDERED AN ALLOWABLE HEIGHT EXCEPTION; AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION I, ENTITLED "GENERALLY," AT SECTION 142-875, ENTITLED "ROOF REPLACEMENTS AND NEW ROOFS," TO ESTABLISH REQUIREMENTS FOR SUSTAINABLE ROOFS AND TO CREATE A "SUSTAINABLE ROOF FEE" FOR CONSTRUCTING A ROOF UTILIZING ALTERNATIVE ROOFING MATERIALS; AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION II, ENTITLED "ACCESSORY USES," AT SECTION 142-902, ENTITLED "PERMITTED ACCESSORY USES," TO CLARIFY THAT SOLAR PANELS ARE A PERMITTED ACCESSORY USE IN ALL DISTRICTS; AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 4, ENTITLED "SUPPLEMENTARY YARD REGULATIONS," AT SECTION 142-1132, ENTITLED "ALLOWABLE ENCROACHMENTS WITHIN REQUIRED YARDS," TO ALLOW FOR SOLAR CARPORTS AS AN ALLOWABLE ENCROACHMENT INTO THE SIDE YARD SETBACKS, AND TO CREATE DRIVEWAYS REQUIREMENTS INCORPORATING PERVIOUS SURFACE AREAS; FURTHER AMENDING THE ABOVE PROVISIONS TO ENSURE CONSISTENCY THROUGH OUT THE CODE AND TO CLEAN UP CERTAIN LANGUAGE OF THE CODE; AND AMENDING APPENDIX A, ENTITLED "FEE SCHEDULE," IN ORDER TO ESTABLISH A SUSTAINABLE ROOF

FEE; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, heat islands are urbanized areas that experience higher temperatures than surrounding areas; and

WHEREAS, heat islands are created by development projects that result in impermeable and dry surfaces that have taken the place of open land and vegetation; and

WHEREAS, the effects from climate change are leading to higher temperatures and more severe heat island affects; and

WHEREAS, heat islands lead to increased energy consumption due to the extensive use of air-conditioning, especially during the hot and humid summer months; and

WHEREAS, efforts to cool urban heat islands may produce many benefits to the City, including lowering temperatures, reduced demand for electricity, reducing air pollution, greenhouse gases, and may prevent certain harmful health impacts; and

WHEREAS, the City of Miami Beach 2025 Comprehensive Plan (Comprehensive Plan), under the the Future Land Use Element, at Policy 3.6 requires that the City “[m]aximize unpaved landscape to allow for more stormwater infiltration. Encourage planting of vegetation that is highly water absorbent, can withstand the marine environment, and the impacts of tropical storm winds. Encourage development measures that include innovative climate adaption and mitigation designs with creative co-benefits where possible”; and

WHEREAS, for the purpose of prioritizing funding for infrastructure and adaptation planning the Comprehensive Plan designates the entire City as an “Adaptation Action Area” (“AAA”) containing one or more areas that experience coastal flooding due to extreme high tides and storm surges, and which areas are vulnerable to the related impacts of rising sea levels; and

WHEREAS, the Comprehensive Plan under the Conservation/Coastal Zone Management Element, at Policy 13.4 states that “the City will develop and implement adaptation strategies for areas vulnerable to coastal flooding, tidal events, storm surge, flash floods, stormwater runoff, salt water intrusion and other impacts related to climate change or exacerbated by sea level rise, with the intent to increase the community’s comprehensive adaptability and resiliency capacities”; and

WHEREAS, the Comprehensive Plan under the Conservation/Coastal Zone Management Element, at Policy 13.8 provides that the “City shall integrate AAAs into existing and future City processes and city-wide plans and documents which may include: Land Development Regulations;” and

WHEREAS, the City seeks to implement certain land development regulation modifications to allow for certain sustainable construction methods which may assist the City in reducing the “heat island” effects, and may also utilize alternate technologies, like solar panels or “cool pavement” technologies to reduce some of the effects of climate change in the City; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

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

SECTION 1. The City Code of the City of Miami Beach, Chapter 114, entitled "General provisions," at Section 114-1, entitled "Definitions," is hereby amended as follows:

CHAPTER 114

DEFINITIONS

Sec. 114-1. - Definitions.

The following words, terms and phrases when used in this subpart B, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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Carport/shelter means a canopy or rooflike structure, open on at least two sides, which may be attached or detached from the main building, for the purpose of providing shelter for one or more motor vehicles.

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Carport, solar means a canopy or rooflike structure, where the top surface is composed of solar panels, open on at least two (2) sides, which may be attached or detached from a building, for the purpose of providing shelter for one or more motor vehicles.

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Cool pavement means a paving material that has a "High Albedo Surface" and reflects more solar energy or has been otherwise modified to remain cooler than conventional pavements.

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Cool roof: See "white roof."

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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.

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High albedo surface means a material that has a solar reflectance value of 0.65 or greater on the Solar Reflectance Index (SRI) via the Cool Roof Rating Council Standard Product Rating Program Manual (CRRC-1), as may be amended from time-to-time. The manual is available at https://coolroofs.org/documents/CRRC-1_Program_Manual_-_2018-11-08.pdf.

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Porous pavement means a pavement material that allows for water to drain through the pavement surface into the ground. Such pavement shall have a minimum of 20 percent of air content, or voids to allow for the water to drain.

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Sustainable roof fee means a fee that is charged for the use of non-sustainable roofing systems. The funds collected shall be deposited in the "Sustainability and Resiliency Fund," established pursuant to section 133-8 of the City Code.

Sustainable roofing system means a solar roof, blue roof, white roof, cool roof, green roof, metal roof, 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.

* * *

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

SECTION 2. The City Code of the City of Miami Beach, Chapter 118, entitled "Administration and review procedures," Article I, entitled "In general," at Section 118-7, entitled "Fees for the administration of land development regulations," is hereby amended as follows:

CHAPTER 118

ADMINISTRATION AND REVIEW PROCEDURES

ARTICLE I IN GENERAL

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Sec. 118-7. - Fees for the administration of land development regulations.

- (a) Application fees, generally. The fees identified herein, and as outlined in Appendix A are for the purpose of defraying expenses for public notices, and administrative costs associated with processing and analyzing the request. These fees shall be evaluated and adjusted annually based on the consumer price index for all urban consumers (CPI-U). No application shall be considered complete until all requested information has been submitted and all applicable fees paid. The cost associated notice is the responsibility of the applicant. There shall be no refund or adjustment of fees. Any unpaid fees,

including fees assessed for failure to appear before a board, shall become a lien against the property.

- (b) Waived fees. The public hearing application fee for application for public hearing relating only to a solar roof or a renewable energy system, sustainable roofing system, solar carports, porous pavements, or cool pavements on an existing building or parking facility shall be waived. If the application for one of these alternative, sustainable systems includes other zoning requests, components, the standard public hearing application fee shall apply to those portions of the application. Additionally, the filing fee for a variance(s) application relating to installation of a renewable energy system, sustainable roofing system, solar carports, porous pavements, or cool pavements only to a solar roof or a renewable energy system shall also be waived.

SECTION 3. The City Code of the City of Miami Beach, Chapter 130 entitled “Off-Street Parking,” Article III entitled “Design Standards,” at Section 130-62, entitled “Drainage and maintenance”; Section 130-68, entitled “Commercial and noncommercial parking garages;” and Section 130-69 entitled “Commercial and noncommercial parking lots,” are hereby amended as follows:

CHAPTER 130 OFF-STREET PARKING

ARTICLE III DESIGN STANDARDS

Sec. 130-62. - Drainage and maintenance.

- (1) Off-street parking facilities shall be drained of excess stormwater to prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable city specifications.
- (2) Off-street parking areas shall be maintained in a clean, orderly, and dust free condition, at the expense of the owner or lessee, and shall not be used for the sale, repair, or dismantling or servicing of any vehicles, equipment, materials or supplies.

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Sec. 130-68. – Commercial and noncommercial parking garages.

Main Use commercial and noncommercial parking garages shall be located on a separate lot, comply with the requirements of section 142-1107 of the City Code, and shall be subject to the following regulations:

Commercial and noncommercial parking garages as a main use, on a separate lot, shall be subject to the following regulations, in addition to section 142-1107, parking lots or garages on certain lots and the other regulations of this article:

* * *

10. Open air parking, open to the sky, shall have a “High Albedo Surface” in order to minimize the urban heat island effect. This requirement shall include all parking areas, and all drive lanes and ramps.

* * *

Sec. 130-69. – Commercial and noncommercial parking lots.

Main Use commercial and noncommercial parking lots shall be located on a separate lot, comply with the requirements of section 142-1107, and shall be subject to the following regulations:

~~Commercial and noncommercial parking lots as a main use on a separate lot shall be subject to the following regulations, in addition to section 142-1107, parking lots or garages on certain lots and the other regulations of this article:~~

(1) The required front and rear yards shall be those of the underlying district.

(2) The required side yards shall be as follows:

| Lot Width | Side Yard Setbacks |
|------------------------------------|----------------------|
| 55 feet wide or less | Two (2) feet |
| Between 56 and 100 feet, inclusive | Five <u>(5)</u> feet |
| Greater than 100 feet | Ten feet |

(3) Open air parking lots, open to the sky, shall have a “High Albedo Surface” in order to minimize the urban heat island effect or utilize “porous pavement.” This requirement shall include all parking areas, and all drive lanes and ramps.

SECTION 5. The City Code of the City of Miami Beach, Chapter 133, “Sustainability and Resiliency,” Article II, “Sea level rise and resiliency review criteria,” is hereby amended as follows:

**CHAPTER 133
SUSTAINABILITY AND RESILIENCY**

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ARTICLE II. – SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Sec. 133-50. – Criteria

The City’s Land Use Boards shall consider the following when making decisions within their jurisdiction, as applicable:

(a) Criteria for development orders:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
- (4) ~~Whether~~ Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) ~~will~~shall be provided, in accordance with Chapter 126 of the City Code.
- (5) ~~Whether~~The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study The , including a study of the land elevation of the subject property and the elevation of surrounding properties~~were considered.~~
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
- (7) In all new projects ~~Where feasible and appropriate,~~ all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
- (8) Existing buildings shall be, where reasonably feasible, and economically ~~—and~~ appropriate, elevated up to the base flood elevation, plus City of Miami Beach Freeboard.
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
- (10) ~~Where feasible and appropriate,~~ In all new projects, stormwater retention systems shall be provided.
- (11) Cool pavement materials or porous pavement materials shall be utilized.
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

SECTION 6. The City Code of the City of Miami Beach, Chapter 142, entitled “Zoning Districts and Regulations,” Article II, entitled “District Regulations,” Division 2, entitled “RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts,” at Section 142-105, entitled “Development regulations and area requirements,” is hereby amended as follows:

CHAPTER 142
ZONING DISTRICTS AND REGULATIONS

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ARTICLE II. DISTRICT REGULATIONS

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DIVISION 2.

RS-1, RS-2 RS-3 RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS

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Sec. 142-105. Development regulations and area requirements.

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

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(7) *Height exceptions.* The height regulation exceptions contained in section 142-1161 shall not apply to the RS-1, RS-2, RS-3 and RS-4 zoning districts. In general, height exceptions that have not been developed integral to the design intent of a structure shall be located in a manner to have a minimal visual impact on predominant neighborhood view corridors as viewed from public rights-of-way and waterways. The following height exceptions shall apply, and unless otherwise specified ~~in terms of height and location,~~ shall not exceed ten 10 feet above the roofline of the structure. ~~In general, height exceptions that have not been developed integral to the design intent of a structure shall be located in a manner to have a minimal visual impact on predominant neighborhood view corridors as viewed from public rights-of-way and waterways.~~

- a. Chimneys and air vents, not to exceed five (5) feet in height.
- b. Decorative structures used only for ornamental or aesthetic purposes such as spires, domes, belfries, and covered structures, which are open on all sides, and are not intended for habitation or to extend interior habitable space. Such structures shall not exceed a combined area of 20 percent of the enclosed floor area immediately one floor below, and shall be setback a minimum of ten feet from the perimeter of the enclosed floor below.
- c. Radio and television antennas.
- d. Parapet walls, only when associated with a habitable roof deck, not to exceed three and one-half feet (3.6') above the finished roof deck height, and set back a minimum of 10 ~~ten~~ feet from the perimeter of the enclosed floor below.
- e. Rooftop curbs, not to exceed ~~one foot~~ three (3) feet in height.
- f. Elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations.
- g. Skylights, not to exceed five (5) feet above the main roofline, and provided that the area of skylight(s) does not exceed 10 ~~ten~~ percent of the total roof area of the roof in which it is placed.
- h. Air conditioning and mechanical equipment not to exceed five (5) feet above the main roofline and shall be required to be screened in order to

ensure minimal visual impact as identified in the general section description above.

i. Rooftop wind turbines, not to exceed 10 ~~ten~~ feet above the main roofline.

j. Solar panels, not to exceed five (5) feet in height.

SECTION 7. The City Code of the City of Miami Beach, Chapter 142, entitled “Zoning Districts and Regulations,” Article IV, entitled “Supplementary District Regulations,” Division I, entitled “Generally,” at Section 142-875, entitled “Roof replacements and new roofs,” is hereby amended as follows:

CHAPTER 142
ZONING DISTRICTS AND REGULATIONS

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ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. GENERALLY

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

(a) Review and approval of of all roof replacements and all new roofs shall be 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 with each other.
- (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.

(b) In addition to complying with subsection (a), above, for new roof construction, including additions to existing structures, the following shall apply:

- (1) Roofs should consist of a sustainable roofing system, subject to the review and approval of the planning department; or
- (2) If a sustainable roofing system is not utilized, then, the property owner/applicant shall be be required to pay the “sustainable roof fee” in the amount identified in Appendix A of the City Code for the square footage of the enclosed floor area immediately one floor below the roof. The following types of roofs which do not meet the requirements of a sustainable roofing system shall be permitted, subject to the review and approval of the planning department:

- A. Pitched roofs which do not meet the requirements of a sustainable roofing system, and which may consist of flat tiles, barrel tiles, or glass roofs.
 - B. Flat or non-pitched roofs which do not meet the requirements of a sustainable roofing system.
- (3) Structures located within a locally designated historic district, site or structure shall also comply with the following:
 - A. The use of glass or sustainable roofing systems shall require the review and approval of the Historic Preservation Board, and chapter 118, article X of these land development regulations.
 - B. 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.
- (4) Asphalt shingles shall be prohibited.
- (5) No variances from any of these provisions shall be granted.
- (c) In addition to complying with subsection (a), above, a repair or replacement of an existing roof, the following shall apply:
 - (1) Repair or replacement of existing roofs for properties located outside of a locally designated historic district, site or structure may consist of sustainable roofing systems, flat tiles, barrel tiles, glass roofs, flat, or non-pitched roofs, subject to the review and approval of the planning department.
 - (2) In addition to the requirements in subsection (1). above, 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 such roofing system will not negatively impact the established architectural context of the immediate area.
 - (3) Notwithstanding the above, for those structures constructed and substantially maintained in the Mediterranean revival or mission style of architecture, the use of roof material other than concrete, clay or ceramic tile 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.

(4) For repair or replacement of existing roofs within any locally designated historic district, site or structure, the following shall apply:

A. Repair or replacement of existing roofs shall comply with the criteria of chapter 118, article X of the City Code.

B. For contributing buildings or historic sites or structures, the use of glass or sustainable roofing systems shall require the review and approval of the Historic Preservation Board.

C. For non-contributing buildings 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.

(5) Asphalt shingles shall be prohibited.

(6) Notwithstanding subsection (5) above, in the event a material other than those permitted for a pitched roof in any district was legally constructed, such roof may be replaced with the same material.

(7) Notwithstanding subsection (5) above, in the event that the building official determines that limitations exist regarding the load capacity of an existing roof, a roofing material other than those authorized in this section may be approved by the planning director, or designee, for any type of structure.

(8) No variances from any of these provisions shall be granted.

~~(a) In all districts, the new construction, repair or replacement of any pitched roof may consist of flat or barrel tile, which shall be composed of concrete or clay material. Asphalt shingles shall be prohibited in all districts.~~

~~(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.~~
- ~~(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 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.~~
- ~~(d) The appeal of any decision of the planning department under subsections (a), (b) or (c) above, shall be to the board of adjustment, in accordance with chapter 118, article VIII of these land development regulations. The review by the 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 (b)(1)–(4) above.~~
- ~~(e) Within any locally designated historic district, site or structure, 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 (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 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.~~
 - ~~(3) The appeal of any decision of the planning director, or designee under this subsection shall be the board of adjustment. The review by the 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 (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, the use of roof material other than concrete, clay or ceramic tile 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(b)(1) (4) above.~~

SECTION 7. The City Code of the City of Miami Beach, Chapter 142, entitled “Zoning Districts and Regulations,” Article IV, entitled “Supplementary District Regulations,” Division II, entitled “Accessory Uses”, at Section 142-902, entitled “Permitted Accessory Uses,”

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

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ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

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DIVISION II. ACCESSORY USES

Sec. 142-902. - Permitted accessory uses.

The following are permitted accessory uses:

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- (6) Solar panels are a permitted accessory use in all districts. Notwithstanding the foregoing, placement of solar panels shall comply with setback and other criteria within the land development regulations.

SECTION 8. The City Code of the City of Miami Beach, Chapter 142, entitled “Zoning Districts and Regulations,” Division 4, entitled “Supplementary Yard Regulations,” at Section 142-1132, entitled “Allowable encroachments within required yards,” is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

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ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

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DIVISION 4. SUPPLEMENTARY YARD REGULATIONS

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Sec. 142-1132. - Allowable encroachments within required yards.

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- (e) Carports and Solar Carports. Only one (1) carport or solar carport shall be erected within a required yard of a single-family home, subject to the following requirements, as may be applicable:

(1) Carports shall be subject to the following requirements:

A. Carports shall be constructed of canvas and pipe for the express purpose of shading automobiles.

B. Setbacks. Minimum setbacks for carports shall be as follows:

- i. Front yard – 18 inches from the property line, provided it is attached to or immediately adjacent to the main building.
- ii. Interior side yard – four (4) feet from the property line.
- iii. Side yard facing the street – 18 inches feet from the property line, provided it is attached to or immediately adjacent to the main building.

~~and shall have a minimum required interior side yard setback of four feet.~~

~~The carport shall be permitted to extend into any front yard of a single-family residence, provided such carport is at least 18 inches from the property line or sidewalk, and provided it is attached to the main building. When the main entrance to a house is located on a side of the house facing the street, the carport shall be permitted to extend into the side yard facing the street, provided such carport is at least 18 inches from the property line or sidewalk and provided it is attached to the main building. The side of the carport that faces the required rear yard may be permitted to align with the walls of the existing residence, provided the residence is located a minimum of five feet from the rear property line. When a carport is detached it shall not be located in the required front or side-facing-the-street yards.~~

- iv. The side of the carport that faces the required rear yard may be permitted to align with the walls of the existing residence, provided the residence is located a minimum of five (5) feet from the rear property line.
- v. When a carport is detached and located more than 12 inches from the main home it shall not be located in the required front or side-facing-the-street yards.

C. Carports shall not be permitted to exceed 20 feet in width, 20 feet in length, and an unobstructed view between the grade and the lower ceiling edge of the carport of

at least seven (7) feet shall be maintained. ~~Only one carport shall be erected within a required yard.~~

- D. Carports constructed prior to the adoption of this section shall be considered as legal nonconforming structures. Such nonconforming canopies may be repaired or replaced; however, the degree of their nonconformity shall not be increased thereby.

(2) Solar carports. Solar carports shall be subject to the following requirements:

A. Setbacks. Minimum setbacks for solar carports shall be as follows:

- i. Front yard – 15 feet from the property line, provided it is attached to or immediately adjacent to the main building.
 - ii. Interior side yard – four (4) feet from the property line.
 - iii. Side yard facing the street – five (5) feet from the property line, provided it is attached to or immediately adjacent to the main building.
 - iv. The sides of the solar carport that face the required rear yard may be permitted to align with the walls of the existing residence, provided the residence is located a minimum of five (5) feet from the rear property line.
 - v. When a solar carport is detached and located more than 12 inches from the main home it shall not be located in the required front or side-facing-the-street yards.
- B. Solar carports shall not be permitted to exceed 20 feet in width, 20 feet in length, and an unobstructed view between the grade and the lower ceiling edge of the carport of at least seven feet shall be maintained.

(g) Driveways. Driveways and parking spaces leading into a property located in single-family and townhome districts are subject to the following requirements:

- (1) Driveways shall have a minimum setback of four (4) feet from the side property lines.
- (2) Driveways and parking spaces parallel to the front property line shall have a minimum setback of five (5) feet from the front property line.
- (3) Driveways and parking spaces located within the side yard facing the street shall have a minimum setback of five (5) feet to the rear property line.
- (4) For lots with a home built after the adoption of this ordinance, driveways and parking areas that are open to the sky within any required yard shall be composed of porous pavement or shall have a High Albedo Surface, as defined in section 114-1 of the City Code.
- (5) Driveways and parking areas composed of asphalt that does not have a High Albedo Surface, as defined in section 114-1 of the City Code, shall be prohibited.

* * *

SECTION 9. The City Code of the City of Miami Beach, at Appendix A, entitled “Fee Schedule” is hereby amended as follows:

APPENDIX A
FEE SCHEDULE

| <i>Section this Code</i> | <i>Description</i> | <i>Amount</i> |
|------------------------------|--|---------------|
| | Subpart B. Land Development Regulations | |
| | * * * | |
| | Chapter 142. Zoning Districts and Regulations | |
| | * * * | |
| | <u><i>Article IV. Supplementary District Regulations</i></u> | |
| <u>Sec. 142-875</u> | <u>Sustainable roof fee, per square foot</u> | <u>3.00</u> |

SECTION 10. REPEALER.

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

SECTION 11. 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 12. SEVERABILITY.

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

SECTION 13. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2019.

Dan Gelber
Mayor

ATTEST:

Rafael E. Granado
City Clerk

First Reading: February 13, 2019
Second Reading: March 13, 2019

Verified By:

Thomas R. Mooney, AICP
Planning Director

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