

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 its 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

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

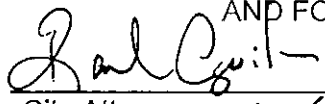

PASSED and ADOPTED this _____ day of _____ 2017.

Philip Levine, Mayor

ATTEST:

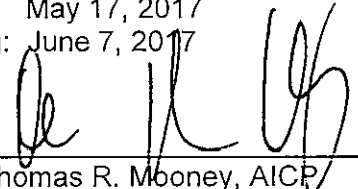
Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

 5-2-17
City Attorney Date


First Reading: May 17, 2017

Second Reading: June 7, 2017

Verified By: 

Thomas R. Mooney, AICP
Planning Director

Underline = new language

~~Strikethrough~~ = deleted language