



**TOWN OF SURFSIDE  
DESIGN REVIEW BOARD  
AND  
PLANNING AND ZONING BOARD**

**AGENDA  
FEBRUARY 23, 2017  
7:00 PM**

Town Hall Commission Chambers – 9293 Harding Ave., 2<sup>nd</sup> Floor  
Surfside, Florida 33154

*Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.*

*Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.*

**DESIGN REVIEW BOARD**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: **January 26, 2017**
4. DESIGN REVIEW BOARD APPLICATIONS:

**A. Request of the Owner of Property located at 9011 Collins Avenue (Surf Club).**

The property is located at 9011 Collins Avenue within the H120 zoning district. The site is currently under construction and being developed as the Surf Club. The applicant is requesting approval for their sign package which includes three monument signs and wall signage.

5. ADJOURNMENT.

# PLANNING AND ZONING BOARD

## **AGENDA** **February 23, 2017**

7:00 PM

1. CALL TO ORDER
2. ROLL CALL
3. COMMISSIONER DANIEL GIELCHINSKY- TOWN COMMISSION LIASION REPORT
4. PLANNING AND ZONING BOARD MEMBER – SUSTAINABILITY SUBCOMMITTEE LIASION REPORT
5. APPROVAL OF MINUTES: **January 26, 2017**
6. DISCUSSION ITEMS:
  - A. Pedestrian Circulation
  - B. Roof Pitch
  - C. Stepbacks of building in H120
  - D. Miami Beach Resiliency information
  - E. Future Agenda Items
7. ADJOURNMENT.

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863.

TWO OR MORE MEMBERS OF TOWN COMMISSION OR OTHER TOWN BOARDS MAY ATTEND AND PARTICIPATE AT THIS MEETING. THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



**TOWN OF SURFSIDE  
DESIGN REVIEW BOARD  
AND  
PLANNING AND ZONING BOARD**

**MINUTES  
January 26, 2017  
7:00 PM**

Town Hall Commission Chambers – 9293 Harding Ave., 2<sup>nd</sup> Floor  
Surfside, Florida 33154

**DESIGN REVIEW BOARD**

**1. CALL TO ORDER**

Chair Lindsay Lecour called the meeting to order at 7:06 p.m.

**2. ROLL CALL**

Recording Clerk Frantza Duval called the roll with the following members present: Chair Lindsay Lecour, Board Member Jorge Gutierrez, Board Member Brian Roller, Board Member Peter Glynn and Board Member Richard Iacobacci. Vice Chair Judith Frankel and Board Member Gregg Covin were absent.

Commissioner Daniel Gielchinsky attended as liaison and entered at 7:07 p.m.

**3. APPROVAL OF MINUTES: **DECEMBER, 2016****

Board Member Gutierrez made a motion to approve. The motion received a second from Board Member Roller and all voted in favor with Vice Chair Frankel and Board Member Covin absent.

Board Member Gregg Covin entered at 7:09 p.m.

**4. DESIGN REVIEW BOARD APPLICATIONS:**

**A. Request of the Owner of Property located at 9169 Dickens Avenue.**

The applicant is requesting to add a 292-square foot rear addition and trellis to the existing single family house.

Town Planner Sarah Sinatra presented the item. The architect Jose Maler-Ferrara gave a power point presentation and answered questions from the Board.

Board Member Iacobacci made a motion to approve. The motion received a second from Board Member Gutierrez and all voted in favor with Vice Chair Frankel absent.

**B. Request of the Owner of Property located at 9528 Bay Drive.**

The applicant is proposing the construction of an additional garage and a gate in the front of their single-family residence. The applicant plans also show a trellis in the front and rear and a new driveway. The applicant appeared before the Design Review Board on October 27, 2016. The Board requested additional clarification from the applicant on the design including the front trellis and the fence proposed at the front of the lot. The applicant is proposing landscaping to conceal the fence.

Town Planner Sarah Sinatra presented the item. The architect Ari Sklar answered questions from the Board.

Town Attorney Miller for the record stated that this is the second time they have come before the Board and the applicant will have the option to come back a third time or take this directly to the Commission.

The Board discussed the item and had some concerns and the following revisions were requested:

1. The driveway cannot go beyond the front plane of the home.
2. Confirm the pervious requirement for the rear yard as it appears to exceed 20%.
3. Remove the front gates and replace with pillars instead.
4. Provide a perspective of the front of the project so the improvements are clear.
5. Consider removing the wall along the side.
6. Provide consistency within the plans. The package included structural plans, which were not consistent with the site plan.
7. Remove the fencing/walls closer than 20 feet from the seawall.

With the architect's consent, Board Member Roller made a motion to defer. The motion received a second from Board Member Gutierrez and all voted in favor with Vice Chair Frankel absent.

**C. Request of the Owner of Property located at 924 88<sup>th</sup> Street.**

The property is located at 924 88<sup>th</sup> Street, within the H30A zoning district. The applicant is proposing the construction of a new two story single family residence.

Town Planner Sarah Sinatra presented the item. The architect Eduardo Vasquez gave a power point presentation. The Board discussed the item and the architect and Town Planner Sinatra answered questions from the Board. The applicant Loren Baum thanked the Board and spoke in support of the item.

Board Member Roller made a motion to approve with the following condition:

1. Revise setback or % of 2<sup>nd</sup> floor to first floor to meet requirements of 90-45.

The motion received a second from Board Member Iacobacci and all voted in favor with Vice Chair Frankel absent.

**D. Request of the Owner of Property located at 9011 Collins Avenue (Surf Club).**

The property is located at 9011 Collins Avenue within the H120 zoning district. The site is currently under construction and being developed as the Surf Club. The applicant is requesting approval for their sign package which includes three monument signs and wall signage. The applicant requested the item be deferred.

Board Member Gutierrez made a motion to defer. The motion received a second from Board Member Glynn and all voted in favor with Vice Chair Frankel absent.

**5. ADJOURNMENT.**

There being no further business to come before the Design Review Board the meeting adjourned at 8:06 p.m.

Accepted this \_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Chair Lindsay Lecour

Attest:

\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk

# PLANNING AND ZONING BOARD

## **MINUTES** **January 26, 2017**

**7:00 PM**

Town Hall Commission Chambers – 9293 Harding Ave., 2<sup>nd</sup> Floor  
Surfside, Florida 33154

**1. CALL TO ORDER**

Chair Lindsay Lecour called the meeting to order at 8:06 p.m.

**2. ROLL CALL**

Recording Clerk Frantza Duval called the roll with the following members present: Chair Lindsay Lecour, Board Member Brian Roller, Board Member Peter Glynn and Board Member Richard Iacobacci. Vice Chair Judith Frankel was absent.

**3. COMMISSIONER DANIEL GIELCHINSKY- TOWN COMMISSION LIASION REPORT**

Commissioner Gielchinsky gave an update on the Quasi-Judicial Meeting.

**4. PLANNING AND ZONING BOARD MEMBER – SUSTAINABILITY SUBCOMMITTEE LIASION REPORT**

There was no report as the Sustainability Meeting was cancelled.

**5. APPROVAL OF MINUTES: DECEMBER 15, 2016**

Board Member Roller made a motion to approve. Passing the gavel, the motion received a second from Chair Lecour and all voted in favor with Vice Chair Frankel absent.

**6. DISCUSSION ITEMS:**

**A. Active Design Miami Policies**

Town Planner gave an update on the item. Maggie Fernandez presented the item. Town Manager Olmedillo and Commissioner Gielchinsky spoke on the item. Chair Lecour asked about the status of undergrounding utilities. Manager Olmedillo said we are in a holding pattern for now. Commissioner Glynn suggested streetscape be moved forward and to pull it out of the policy and not grouped in with the other items. The Board discussed the item further.

Public speaker Deborah Cimadevilla spoke about sidewalks and traffic solutions and gave an update.

Public speaker Commissioner Tina Paul, speaking as a resident, agrees with Board Member Glynn about the streetscapes.

The Town Manager will come back with something tangible for discussion to try to implement immediate canopy coverage, some traffic calming and some options for pedestrian bicycling. Town Planner Sinatra asked for direction for a resolution and the Board agreed to go forward with their feedback.

**B. Architecturally Significant properties in H30C and H40**

Town Planner Sinatra gave an update. Manager Olmedillo gave further details on the item.

**C. Future agenda items**

Chair Lecour spoke of an ordinance recently adopted by the City of Miami Beach regarding single family homes and a five-foot elevation. She suggested we get a copy as it also deals with sea level rise.

Public Speaker George Kousoulas speaking as Chair of the Sustainability Committee gave an update. Town Planner Sinatra will follow up on the item.

**7. ADJOURNMENT.**

There being no further business to come before the Planning and Zoning Board the meeting adjourned at 8:59 p.m.

Accepted this \_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Chair Lindsay Lecour

Attest:

\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk



## MEMORANDUM

To: Design Review Board  
 Thru: Guillermo Olmedillo, Town Manager  
 From: Sarah Sinatra Gould, AICP, Town Planner  
 CC: Linda Miller, Town Attorney  
 Date: February 23, 2017  
 Re: 9011 Collins Avenue (Surf Club) – Signage

The property is located at 9011 Collins Avenue, within the H120 zoning district. The site is currently under construction and being developed as the Surf Club. The applicant is requesting approval for their sign package which includes four monument signs and wall signage.

Staff has reviewed the current application for consideration by the Design Review Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Applicable Design Guidelines standards, along with the results of the review
- Staff Recommendation

### STANDARDS / RESULTS

#### Town of Surfside Zoning Code, Applicable Requirements

##### *Sec. 90-73 (a) Individually-mounted letter sign*

Signs	Permitted	Proposed
Area	75 sf	2 wall signs proposed, 9.69 sf

##### *Sec. 90-73 (b) Monument Sign*

Signs	Permitted	Proposed
Area	25 sf	2 signs approximately 52 sf and 1 approximately 34 sf 1 approximately 40 sf
Approved word content	Signs may include the following: 1) Trade name of establishment 2) Nature of business, services rendered or products sold on premises.	"Surf Club", "Surf Club North", "Surf Club South" "Four Seasons"



<p><b>Location</b></p>	<p>Monument signs.  a. Monument signs shall be permitted in the H30C, H40, MU and H120 districts and are subject to the following restrictions:</p> <ol style="list-style-type: none"> <li>1. One sign per street frontage.</li> <li>2. Maximum sign area is 25 square feet.</li> <li>3. Maximum height is five feet.</li> <li>4. Signs shall maintain a five-foot setback from all property lines and no portion shall be permitted to project within this five-foot setback area.</li> </ol>	<ol style="list-style-type: none"> <li>1. Four signs</li> <li>2. Sign area is approximately 178sf.</li> <li>3. Three feet in height is proposed.</li> <li>4. Sign setbacks are not provided</li> </ol>
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**RECOMMENDATION**

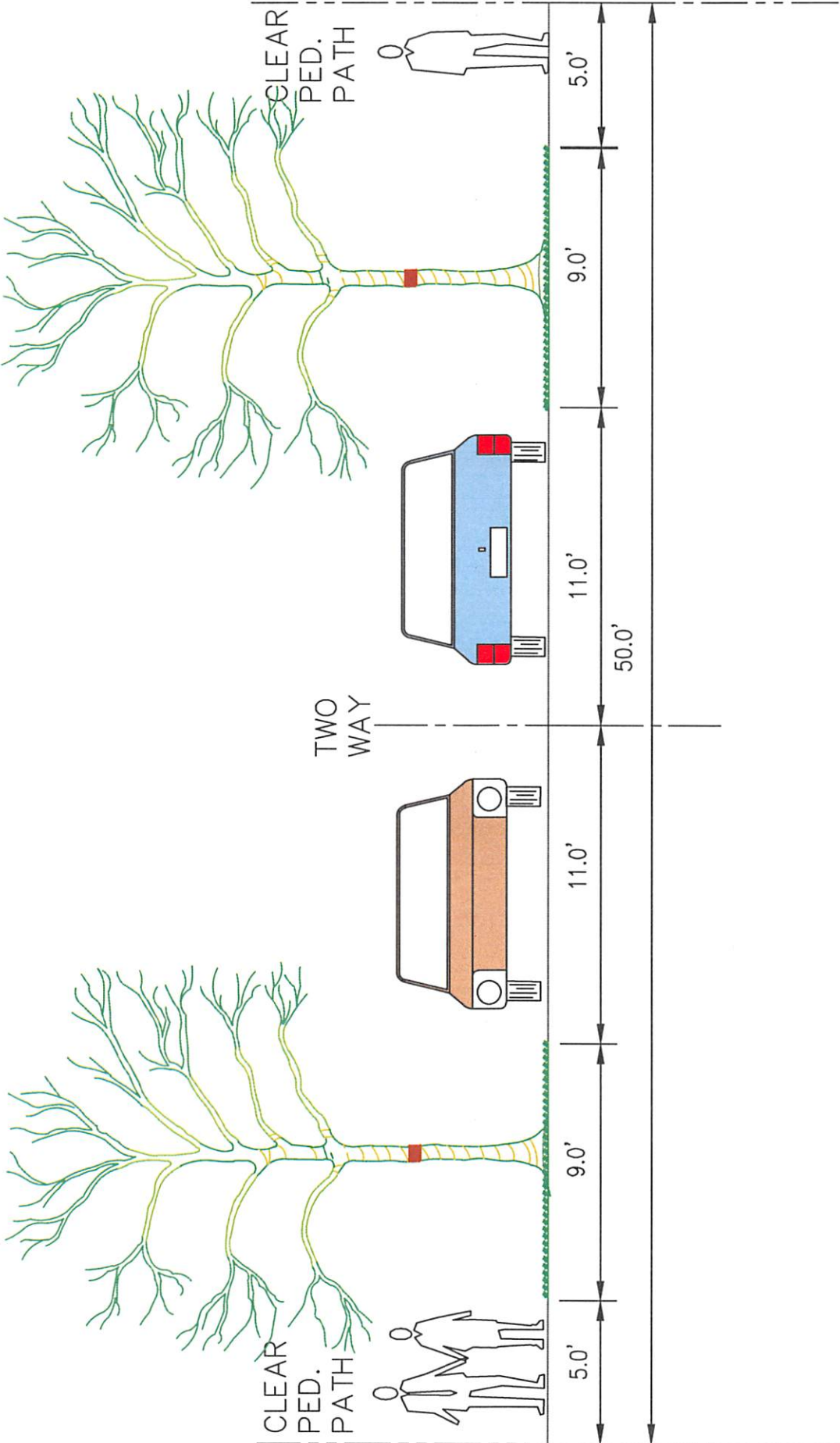
Staff recommends denial of the monument signs.

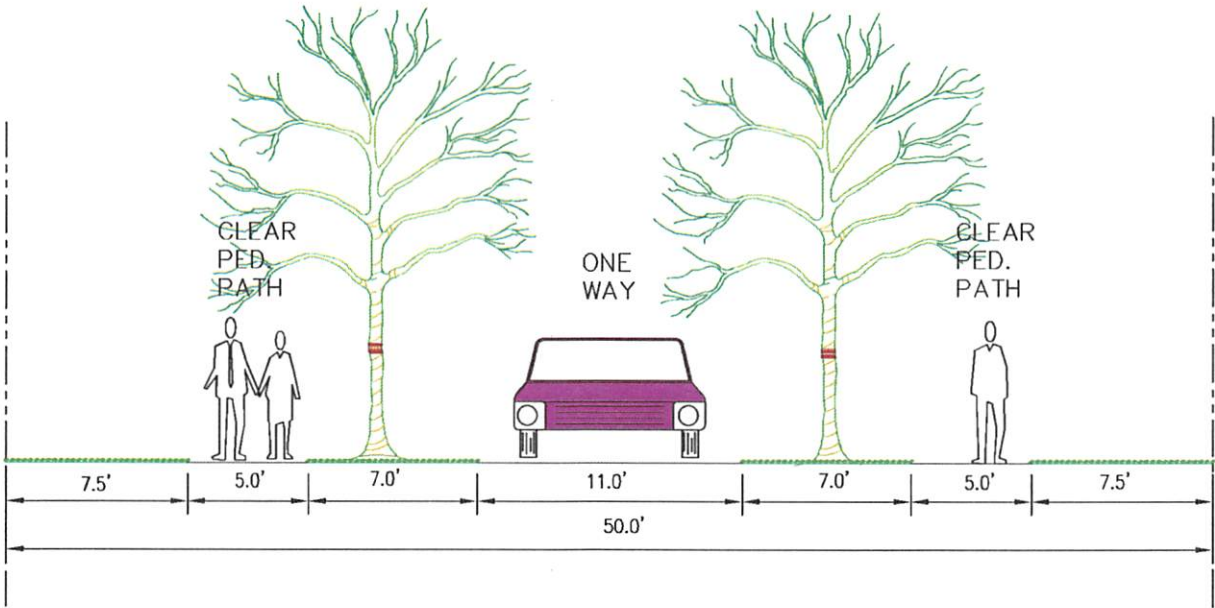
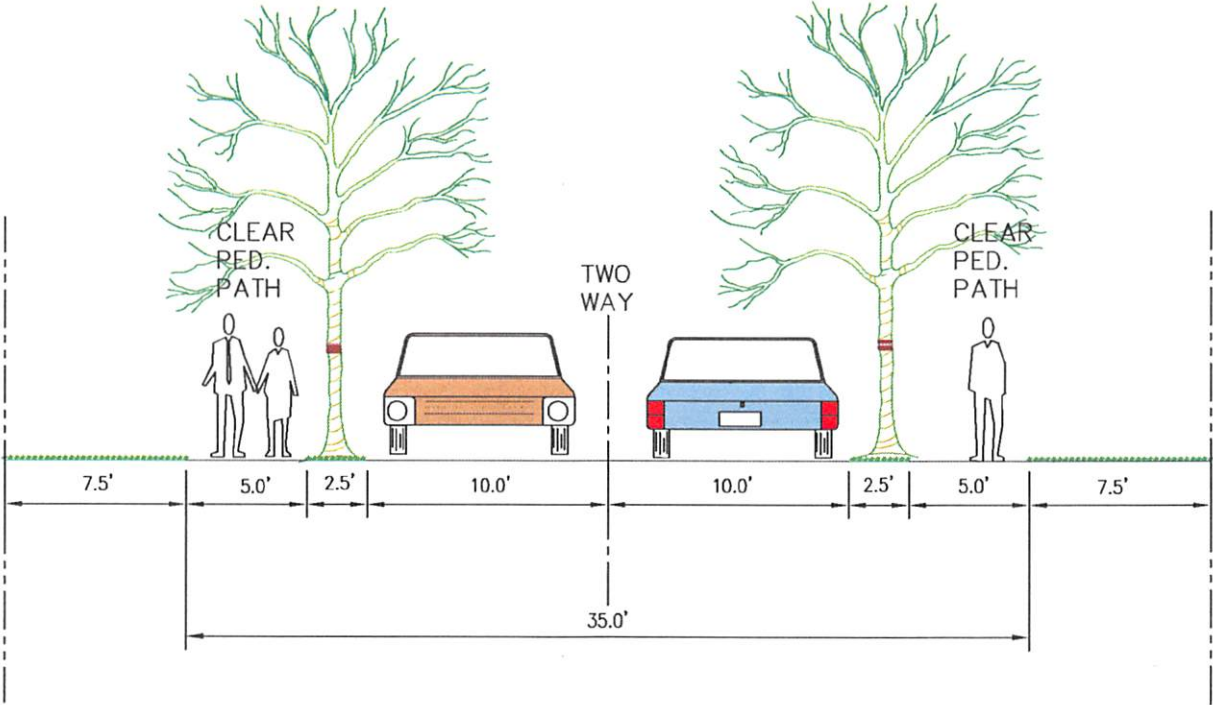


# PEDESTRIAN CIRCULATION PLAN

TOWN OF SURFSIDE









## Town of Surfside Planning and Zoning Board Communication

**Agenda Date:** February 23, 2017

**Subject:** Roof Pitch & Height Modifications

**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** The Planning and Zoning Board has encouraged applicants to provide designs with pitched roofs rather than flat roofs. The Board has indicated that this type of design is more in line with the character of Surfside. In an effort to further encourage this design, the Board has requested a code change that allows the roof pitch above the top of the roof beam to be included as an architectural feature and therefore permitted to exceed the maximum height by three feet.

The code allows an applicant to build to 30 feet and then add a three foot parapet. Pitched roof homes typically would not add a parapet wall. Here is an example of a parapet, which is typical on a flat roof home.

### **Proposed changes:**

Sec. 90-44. - Modifications of height regulations.

*90-44.1* Architectural elements including cupolas, chimneys, flagpoles, spires, steeples, stair accessways, antennas, ventilators, tanks, parapets, trellises, screens, roof pitches and similar not used for human habitation, may be erected to a reasonable and necessary height, consistent with and not to exceed the following limitations:

Designation	Maximum Height (Feet)	Maximum Percentage of Aggregate Roof Area
H30A	3 FT	1%

H30B	3 FT	1%
H30C	3 FT	10%
H40	12 FT	10%
H120	20 FT	30%
SD-B40	12 FT	10%

90.44.6 Parapets or similar screening on single family properties shall be setback a minimum of 10 feet from the building line.

**Staff Recommendation:** Town Commission reviewed the proposed ordinance and indicated they wished the home to be raised by three feet at the base. They requested for this ordinance to be discussed further by the Planning and Zoning Board.

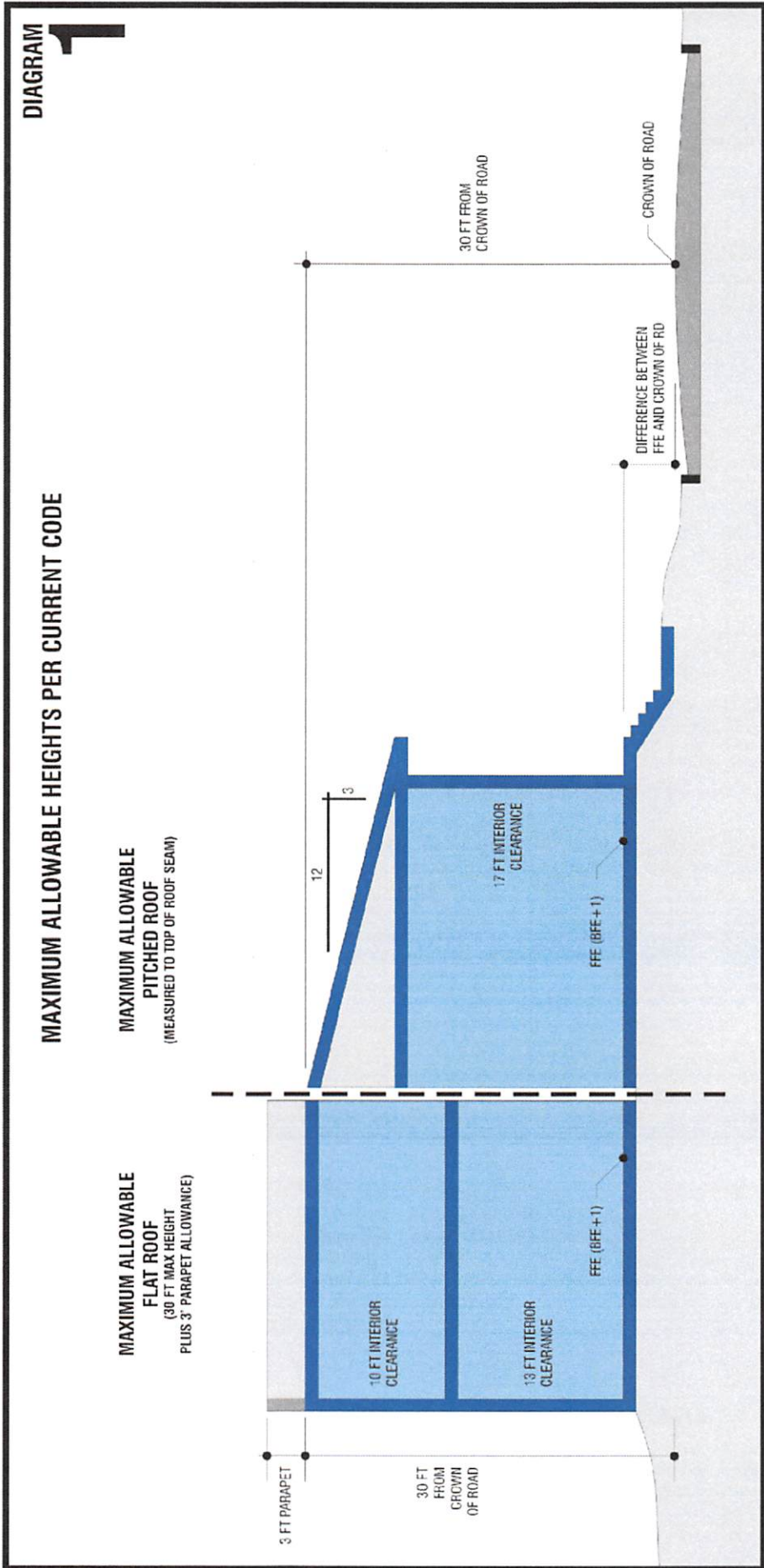
Attached is an additional graphic providing a side by side comparison of a pitched roof versus a flat roof with a parapet.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager





## Town of Surfside Planning and Zoning Board Communication

**Agenda Date:** February 23, 2017

**Subject:** Stepbacks

**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** The Town Commission and the Planning and Zoning Board have requested staff to review the code relating to the requirement to provide additional side setbacks for buildings in the H120 district when the building exceeds 30 feet in height. Attached are graphics indicating a 100 foot wide lot, a 150 foot wide lot and a 200 foot wide lot with 10% setbacks, no less than 20 feet in width.

The current code requires 10% setbacks, no less than 10 feet in width and when a building exceeds a height of 30 feet, the width of each side yard shall be increased by one foot for every three feet of building height above 30 feet, provided however, on a corner lot the minimum width of the side yard adjoining a street need not exceed 20 feet.



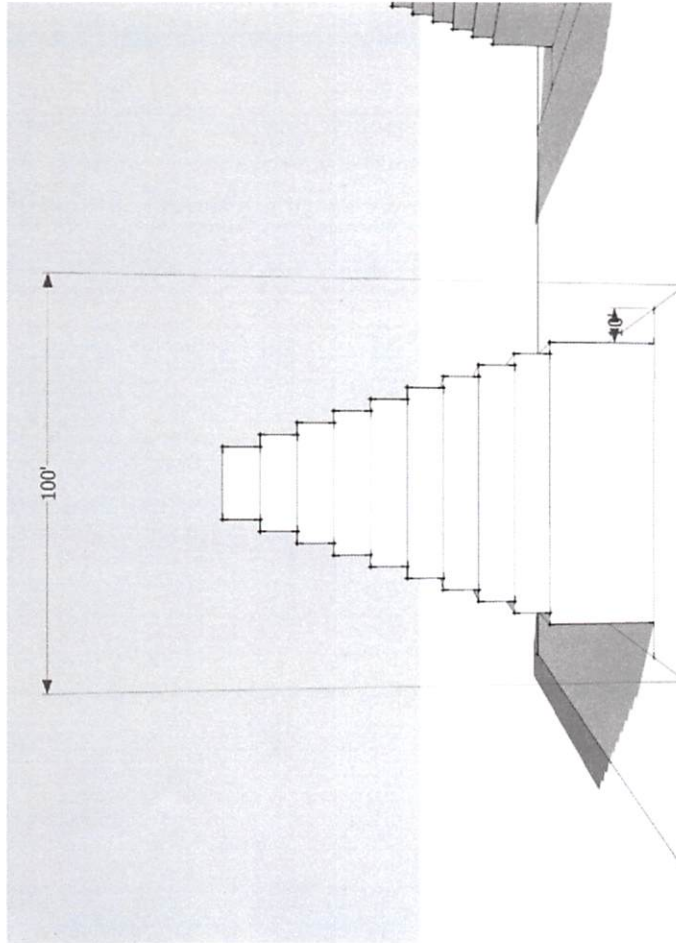
# H120 BUILDING MASSING STUDY

## 100-FOOT WIDE LOT FRONTAGE

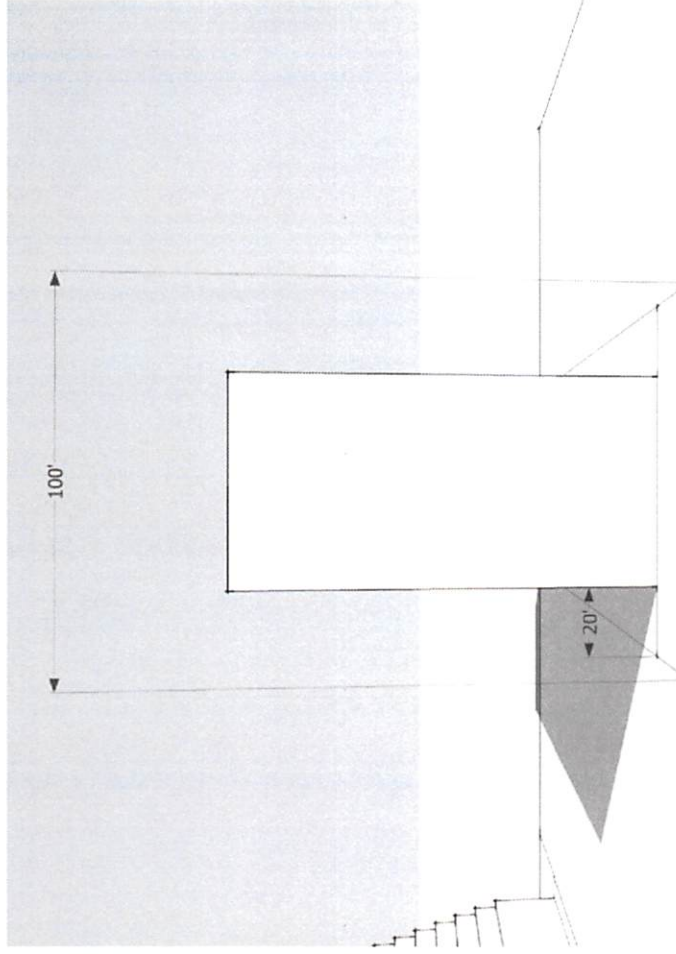
# 100b

Total buildable volume: 1,518,690 cubic feet

Total buildable volume: 1,656,000 cubic feet (9% increase)



Allowed  
10-foot side setback (10% of lot frontage)



Modified  
20-foot minimum side setback, no stepback

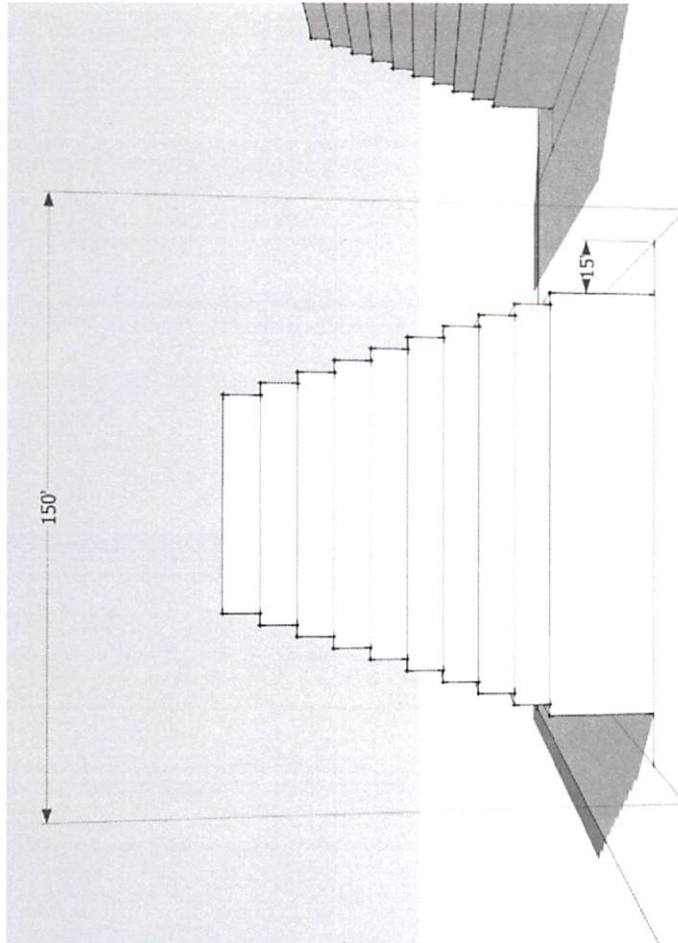
# H120 BUILDING MASSING STUDY

## 150-FOOT WIDE LOT FRONTAGE

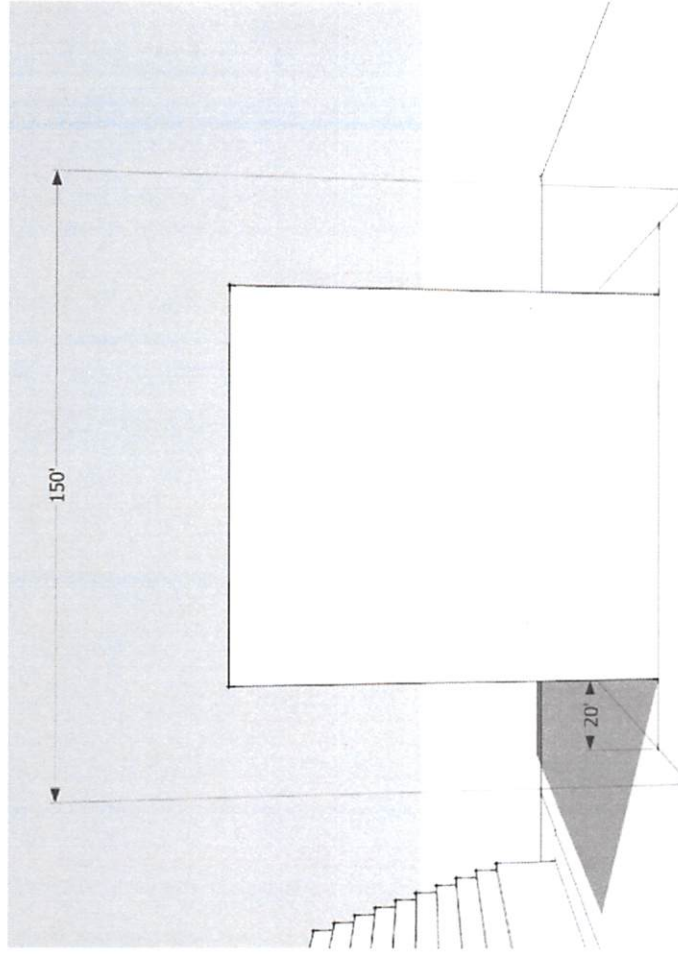
# 150b

Total buildable volume: 2,622,690 cubic feet

Total buildable volume: 3,036,000 cubic feet (15.8% increase)



Allowed  
15-foot side setback (10% of lot frontage)



Modified  
20-foot minimum side setback, no setback

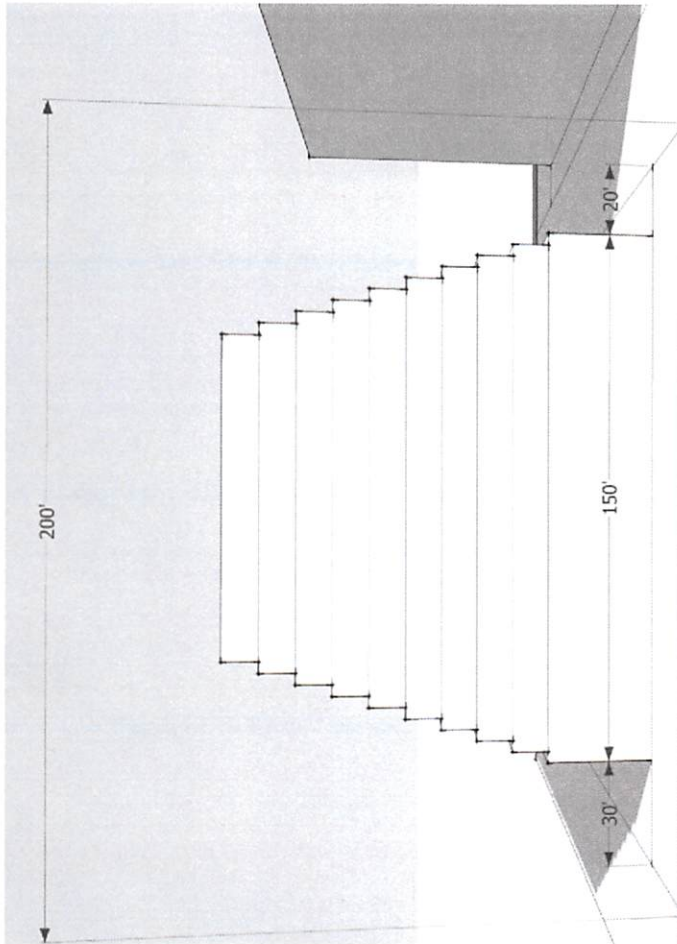
# H120 BUILDING MASSING STUDY

## 200-FOOT WIDE LOT FRONTAGE

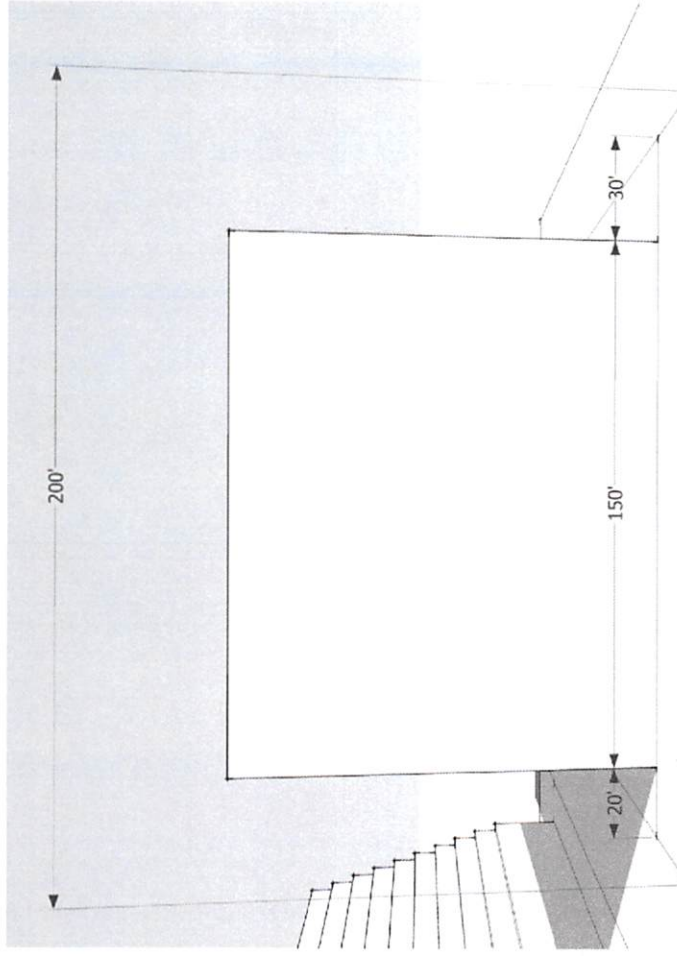
# 200

Total buildable volume: 3,450,690 cubic feet

Total buildable volume: 4,440,000 cubic feet (20% increase)



**Allowed**  
20-foot minimum side setback (10% of lot frontage)  
Maximum building frontage of 150 feet



**Modified**  
20-foot minimum side setback, no stepback  
Maximum building frontage of 150 feet



## MEMORANDUM

To: Planning & Zoning Board  
 Thru: Guillermo Olmedillo, Town Manager  
 From: Sarah Sinatra Gould, AICP, Town Planner  
 CC: Linda Miller, Town Attorney  
 Date: February 23, 2017  
 Re: Update on Miami Beach's Resiliency Criteria

Attached is Miami Beach's resiliency criteria discussion item. This is currently under discussions by the City's boards. The proposed modifications include a prohibition on below grade parking, flood proofing when mechanical features are below base flood on existing structures and elevating existing structures, where possible, to base flood. The proposed ordinance also requires new construction to be adaptable to the raising of public rights of way and adjacent lands.

The existing code already requires structures to be built at base flood plus freeboard in residential districts. Height is limited to 28 feet for flat roofed structures and 31 feet for pitched roof structures. Height is also measured as follows:

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

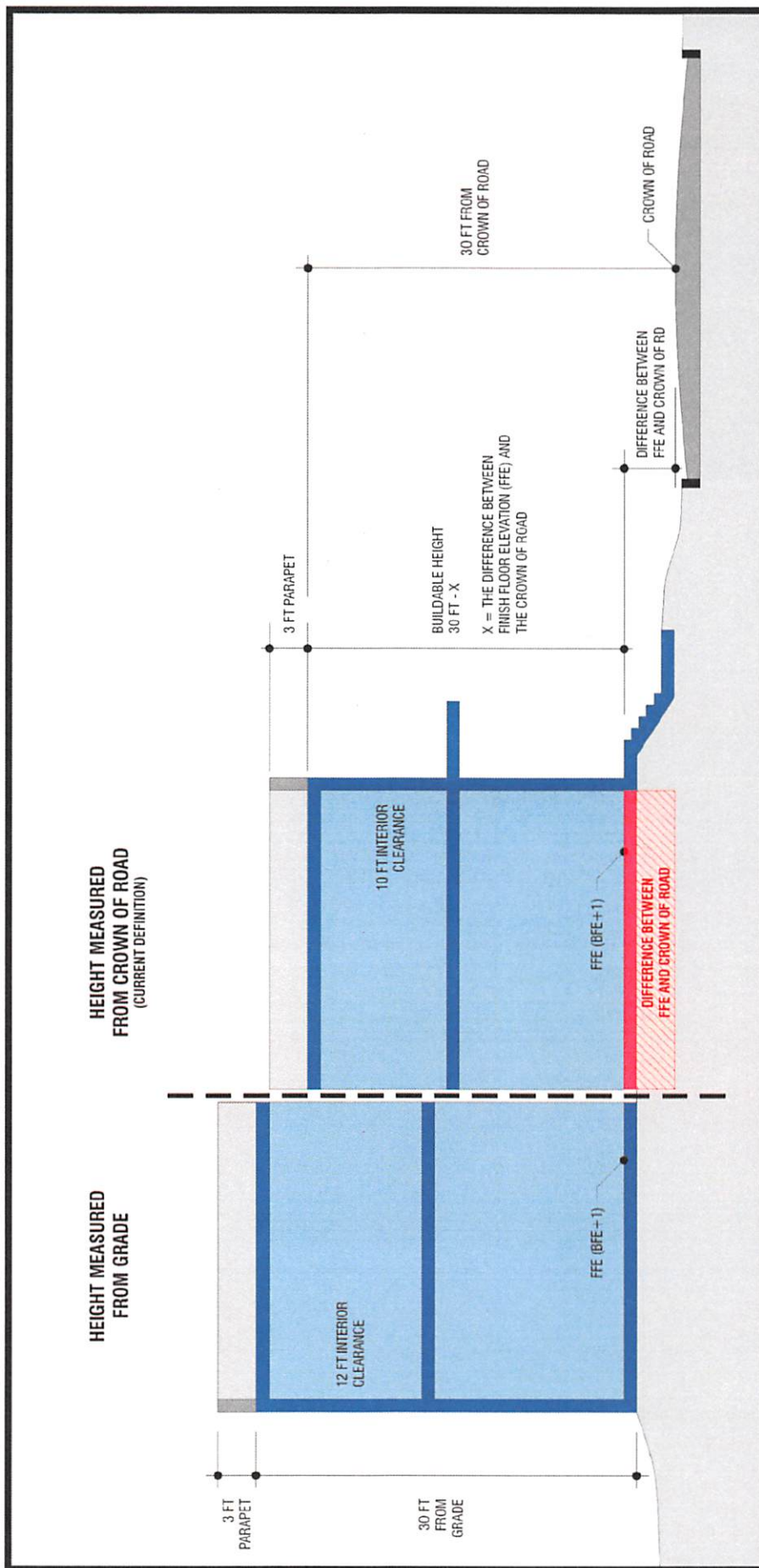
*(a) When the minimum finished floor elevation is located between grade and base flood elevation plus "City of Miami Beach Freeboard", height shall be measured from the minimum finished floor elevation to the highest point of the roof;*

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

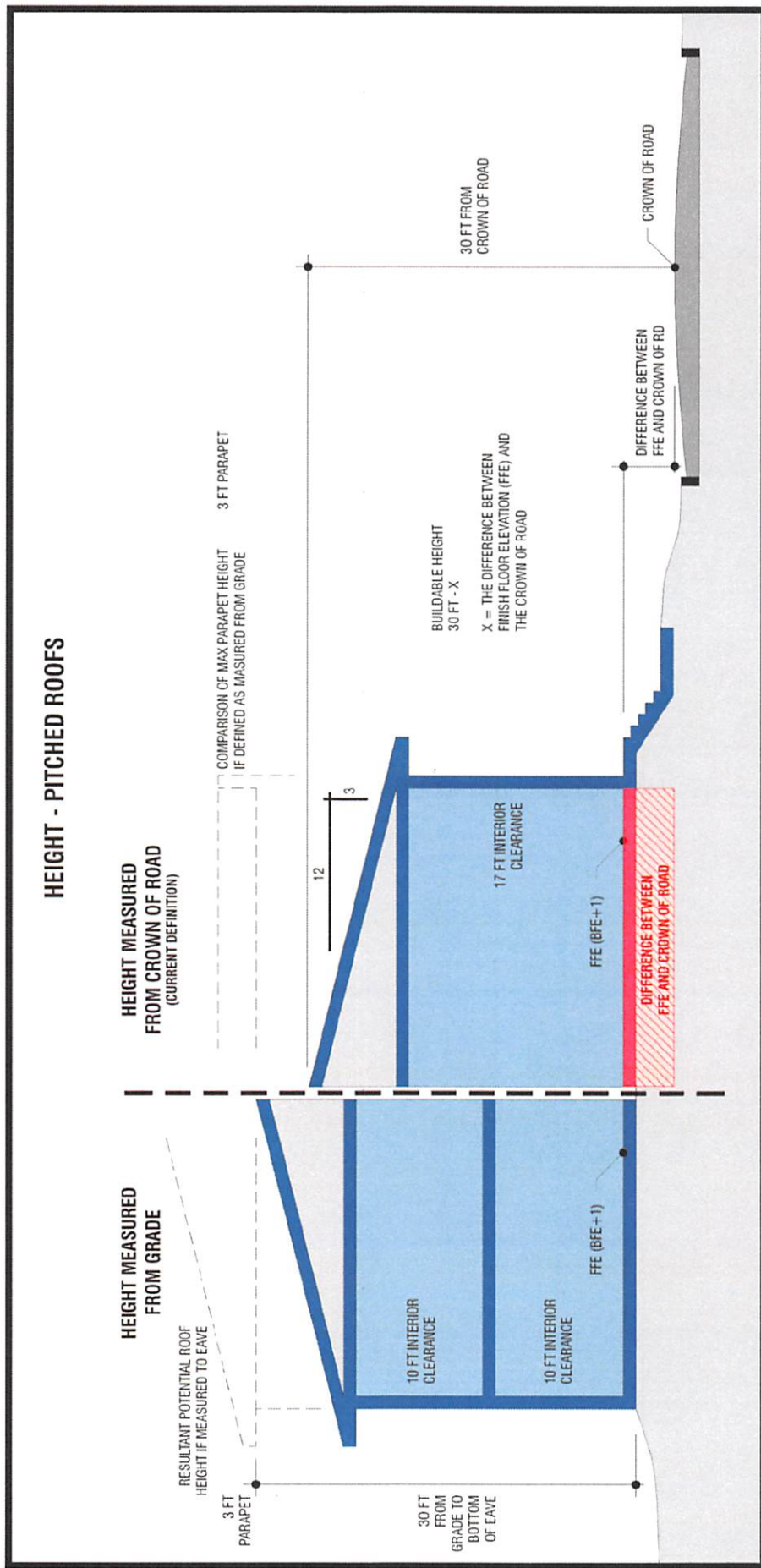
*The highest point of a roof is as follows:*

- 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.*

The Town of Surfside measures from height from crown of the road.



### HEIGHT - PITCHED ROOFS



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: January 18, 2017



SUBJECT: **DISCUSSION REGARDING RESILIENCY AND ADAPTATION CRITERIA FOR LAND USE BOARDS.**

### HISTORY

On December 14, 2016, the City Commission, at the request of Commissioner John Elizabeth Alemán, referred this item (R9F) to the Land Use and Development Committee (LUDC) and the Planning Board.

### BACKGROUND

On October 19, 2016, at the request of Commissioner John Elizabeth Alemán, the City Commission discussed holding a workshop to explore setting boundaries for the North Beach Local Historic District (Item R9AE). The City Commission requested that every Historic Preservation Board packet presentation include resiliency and sustainability information. However, the City Attorney clarified that this information would have to be part of the Land Use Board review criteria in order to be considered.

### ANALYSIS

The City has four Land Use Boards which are authorized to approve various types of development orders and make certain recommendations to the City Commission. These boards, with the assistance of City staff, utilize adopted criteria to make their decisions and recommendations. The general duties of the 4 Land Use Boards are as follows:

- Planning Board
  - Amendments to Comp Plan and Land Development Regulations
  - Conditional Use Permits
  - Division of Land/Lots Splits
- Design Review Board
  - Design Review Approval
- Board of Adjustment
  - Variances and Administrative Appeals
- Historic Preservation Board
  - Historic Designation Recommendations
  - Certificates of Appropriateness

As the City is facing an increase in flooding due to Sea Level Rise, it is important that Land Use Boards incorporate criteria to mitigate the effects of sea level rise and improve the City's Resiliency. Additionally, the recently adopted amendment to the City's

Comprehensive Plan related to "Peril of Flood," establish the City as an Adaption Action Area (AAA), which among other things, requires that the City incorporate strategies into the Land Development Regulations to improve the community's adaptability and resiliency capacities, with regards to the Sea Level Rise and Climate Change.

The attached draft ordinance amendment establishes Sea Level Rise and Resiliency Review Criteria within Chapter 133, entitled "Sustainability and Resiliency," of the Land Development Regulations. It also references these criteria within the individual review criteria for each board. The following is a summary of the draft criteria for the Land Use Boards when reviewing development applications:

- (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) If resilient landscaping (salt and drought tolerant, native plants species) will be provided.
- (5) Whether the most recent adopted Southeast Florida Climate Compact Unified sea level rise projections, including a study of land elevation and elevation of surrounding properties, where considered and applied.
- (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.
- (7) Where feasible and appropriate, all critical mechanical and electrical systems will be located above base flood elevation.
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet and dry flood proofing systems will be provided.
- (10) Where reasonably feasible and appropriate, water retention systems shall be provided.
- (11) New below grade parking shall be prohibited.

When considering ordinances, adopting resolutions, or making recommendations, the following criteria would apply:

- (1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.
- (2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.
- (3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

### **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



**SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," AT ARTICLE III, "AMENDMENT PROCEDURE," ARTICLE IV, "CONDITIONAL USE PROCEDURE," ARTICLE VI, "DESIGN REVIEW PROCEDURES," ARTICLE VII, "DIVISION OF LAND/LOT SPLIT," ARTICLE VIII, "PROCEDURE FOR VARIANCES AND ADMINISTRATIVE APPEALS," AND ARTICLE X, "HISTORIC PRESERVATION," TO PROVIDE REFERENCES TO SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA FOR CONSIDERATION BY LAND USE BOARDS WHEN DECIDING ISSUES WITHIN THEIR JURISDICTION; CHAPTER 133, "SUSTAINABILITY AND RESILIENCY," TO ESTABLISH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, Comprehensive Plan Future Land Use Element Policy 3.6 requires that the City "Maximize 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**, Comprehensive Plan Conservation/Coastal Zone Management Element Policy 2.12 provides that "Salt tolerant landscaping and highly water-absorbent, native or Florida friendly plants shall continue to be given preference over other planting materials in the plant materials list used in the administration of the landscape section of the Land Development Regulations and the design review process;" and

**WHEREAS**, Comprehensive Plan Conservation/Coastal Zone Management Element Objective 13 provides policies to "Increase the City's resiliency to the impacts of climate change and rising sea levels by developing and implementing adaptation strategies and measures in order to protect human life, natural systems and resources and adapt public infrastructure, services, and public and private property;" and

**WHEREAS**, the Miami Beach 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 surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure and adaptation planning; and

**WHEREAS**, Comprehensive Plan Conservation/Coastal Zone Management Element 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**, Comprehensive Plan Conservation/Coastal Zone Management Element Policy 13.8 states 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 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.** Chapter 118, "Administration and Review Procedures," Article III, "Amendment Procedure," Section 118-163, "Review by Planning Board," is amended as follows:

Before the city commission takes any action on a proposed amendment to the actual list of permitted, conditional or prohibited uses in zoning categories or to the actual zoning map designation of a parcel or parcels of land or to other regulations of these land development regulations or to the city's comprehensive plan, the planning board shall review the request and provide the city commission with a recommendation as to whether the proposed amendment should be approved or denied. In reviewing the application, the planning board may propose an alternative ordinance on the same subject for consideration by the city commission. The following procedures shall apply to the board's consideration of the request:

\* \* \*

- (1) In reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

\* \* \*

n. Whether the proposed change is consistent with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

**SECTION 2.** Chapter 118, "Administration and Review Procedures," Article IV, "Conditional Use Procedure," Section 118-192, "Review Guidelines," is amended as follows:

- (a) Conditional uses may be approved in accordance with the procedures and standards of this article provided that:

\* \* \*

(8) The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

**SECTION 3.** Chapter 118, "Administration and Review Procedures," Article VI, "Design Review Procedures," Section 118-251, "Design Review Criteria," is amended as follows:

- (a) Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and design guidelines adopted and amended periodically by the design review board and/or historic preservation board. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department. If the board determines that an application is not consistent with the criteria, it shall set forth in writing the reasons substantiating its finding. The criteria referenced above are as follows:

\* \* \*

(19) The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

**SECTION 4.** Chapter 118, "Administration and Review Procedures," Article VII, "Division of Land/Lot Split," Section 118-321, "Purpose, standards and procedure," is amended as follows:

- B. *Review criteria.* In reviewing an application for the division of lot and lot split, the planning board shall apply the following criteria:

\* \* \*

(7) The structures and sites will comply with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

**SECTION 5.** Chapter 118, "Administration and Review Procedures," Article VIII, "Procedure for Variances and Administrative Appeals," Section 118-353, "Variance Applications," is amended as follows:

- (d) In order to authorize any variance from the terms of these land development regulations and sections 6-4 and 6-41(a) and (b), the applicable board shall find that:

\* \* \*

(8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

**SECTION 6.** Chapter 118, "Administration and Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance of Certificate of Appropriateness/Certificate to

Dig/Certificate of Appropriateness for Demolition,” Section 118-564, “Decisions on certificates of appropriateness,” is amended as follows:

- (3) The examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The historic preservation board and planning department shall review plans based upon the below stated criteria and recommendations of the planning department may include, but not be limited to, comments from the building department. The criteria referenced above are as follows:

\* \* \*

- g. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

**SECTION 7.** Chapter 118, “Administration and Review Procedures,” Article X, “Historic Preservation,” Division 4, “Designation,” Section 118-592, “Criteria for Designation,” is amended as follows:

- (c) The historic preservation board shall consider if the historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites, or historic districts comply with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

**SECTION 8.** Chapter 133, “Sustainability and Resiliency,” is amended as follows:

**ARTICLE I. – GREEN BUILDINGS**

**ARTICLE-DIVISION I. – IN GENERAL**

\* \* \*

**ARTICLE-DIVISION II. – GREEN BUILDING REQUIREMENTS**

\* \* \*

**ARTICLE-DIVISION III. – SUSTAINABILITY FEE PROGRAM**

**Sec. 133-5. - Generally.**

A Sustainability Fee will be assessed for all eligible participants. The calculation of the fee, provisions for refunding all or portions of the fee, its purpose, and eligible uses are detailed within this ~~article~~ division.

\* \* \*

## ARTICLE II. – SEA LEVEL RISE AND RESILIENCY REVIEW 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 be provided.
- (5) Whether adopted sea level rise projections, including a study of land elevation and elevation of surrounding properties, where 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.
- (7) Where feasible and appropriate, all critical mechanical and electrical systems will be located above base flood elevation.
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet and dry flood proofing systems will be provided.
- (10) Where feasible and appropriate, water retention systems shall be provided.
- (11) New below grade parking shall be prohibited.

(b) Criteria for ordinances, resolutions, or recommendations:

- (1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.
- (2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.
- (3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

**SECTION 9. REPEALER.**

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

**SECTION 10. 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 11. SEVERABILITY.**

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

**SECTION 12. 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

First Reading: \_\_\_\_\_, 2017

Second Reading: \_\_\_\_\_, 2017

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

ITEM	OUTCOME	NEXT STEPS	IN CONTRACT OR WORK AUTHORIZATION	TENTATIVE SCHEDULE	COMPLETE
<b>FUTURE PZ DISCUSSION ITEMS</b>					
Driveway	Prepare code modification that limits a driveway so that it does not exceed the front plane of the home. Prepare graphics			March PZ	
Circulation pattern	Prepare graphics			February PZ	
Roof Pitch of Single Family	Modify ordinance to include roof pitch above top of the truss as an architectural feature	Provide side by side elevation in current code to the top of the flat roof to demonstrate it is 3 feet above the top of a pitched roof.		February PZ	
Give a foot, get a foot relating Sea Level Rise	Place on agenda for discussion on referendum	Prepare visuals, timeline and cross section.		Miami Beach example and proposed text for the February PZ meeting.	
- Flat Roof vs. Pitch roof					
Stepback discussion	Commission has requested the PZ board analyze this requirement	Prepare visual and calculation of volume, how much square footage does this equate to		Discussed at December PZ. Board requested graphic analysis. March PZ	
Setback for parapet above 30 feet on single family homes	Prepare ordinance to require additional setback	Draft code amendment		Future PZ	

Air Flow on Corridor					Future PZ	
Impact fee discussion					Future PZ	
Ways to increase pervious area of lots	Place on PZ agenda for discussion. Provide PZ with current standards				Future PZ	
Tree Canopy Initiative/ Single family district Streetscape master plan	\$8,000 budgeted in the FY 2014-2015 budget for the tree canopy	Town Manager analyzing. Would need inclusion in the budget for additional projects.				
Fences & Hedges in the front of single family residences	Modify ordinance	Discussion on hedge height in the front			Future PZ	
Average side setback /Massing	Modify ordinance for additional side setbacks on upper floors for single family homes	Preparing graphics on reductions in 2 <sup>nd</sup> floor				On hold until full discussion of height and sea level rise.
Requiring larger sidewalks on east side of Collins	Discussion item for PZ from the Town Commission to require setback of walls and fences on Collins to provide larger sidewalks				Future PZ	
Satellite dishes	Further review by staff	Research and prepare report for discussion and possible code amendment		In contract	Future PZ	
Residential or commercial wind turbine regulations	Prepare ordinance regulating wind turbines including hurricane precautions, noise regulations, insurance considerations	Draft code amendment		In contract	Future PZ	



Green walls	Require green walls adjacent to alleys and other buildings that abut public right of ways	Research and prepare report for discussion and possible code amendment	In contract	Future PZ
Final Zoning Inspections	Town Manager will analyze			
Request to Commission for a referendum on one-way streets in residential to support a streetscape plan	In budget to perform analysis for update of undergrounding	PZ discussion on pedestrian safety and walkability	Separate work authorization required	Presentation by the Town Manager at the November & December PZ meetings.
West Side of Collins	Discussion on amenities permitted	Discuss with PZ		Future PZ
<b>ON UPCOMING COMMISSION AGENDA</b>				
Requiring noticing for demolition of houses	Research option and place on agenda for discussion			February Commission
<b>ON FUTURE COMMISSION AGENDA</b>				
Commercial waste and recycling container screening	Screening for containers, green screen, vegetation, include pictures from Commissioner Kligman	Draft code amendment	In contract	Waiting placement on Commission Agenda
Driveway material regulations	Modify code to allow stamped concrete and concrete slabs with decorative rock or grass in between	Draft code amendment	In contract	Waiting Placement on Commission Agenda
Painting of commercial structures	Town Staff to prepare ordinance	Prepare ordinance for commission	Building to prepare ordinance	Upcoming Commission agenda.
<b>COMPLETED</b>				
<del>H40, H30 &amp; SDB40 Architecturally</del>	<del>Review with PZ options for architecturally significant ordinance</del>	<del>PZ discussion</del>	<del>Will discuss budget with the Town</del>	<del>Discussed at December PZ;</del> No Action

Significant ordinance	for other zoning districts:		Manager	Board requested table with zoning of H40- & H30- Scheduled for discussion for January PZ	
Sign-Definitions	Modify sign definitions for monument and sign area	Drafted code amendment			
Carpets	Require improved surface on frame	Addressed in Code		September PZ	Yes
Provide summary on construction hours and noise ordinance	Place update on PZ agenda.			September PZ	Yes
Workforce housing update				September PZ	Yes
Add requirement for licensed architect for DRB submittals	Reviewing entire section relating to DRB	Draft code amendment			May Commission Agenda
Corridor Analysis	Study corridor between Collins & Harding	Prepare code amendments	Work authorization to be approved in NOVEMBER	January Commission	Complete
Single Family Paint Colors	Discussion with the Planning & Zoning Board to determine if a color palette is appropriate for single family homes and what colors/criteria should be included	Place on future Planning and Zoning agenda for discussion	In contract	Will add to Joint Meeting with PZ/Commission.	Complete
Parking Trust Fund	Discussion with the Planning & Zoning Board to provide a cap for payment into the fund	Ordinance on July PZ agenda	In contract	July Commission for 1 <sup>st</sup> reading, July PZ August Commission for 2 <sup>nd</sup> reading	Complete
Turtle Lighting	Town Staff to prepare review	No ordinance necessary. Turtle	COMPLETE	Turtle Lighting	Town Staff to prepare

			lighting <del>already</del> required in code.				review
Downtown <del>Color</del> Palette	Discussion <del>with the Planning &amp; Zoning Board to determine if a color palette is appropriate and what colors/criteria should be included</del>		Place on future Planning and Zoning agenda for discussion	In contract		Replaced <del>with</del> repainting <del>of</del> structures.	Complete
Bay Drive <del>&amp; 96<sup>th</sup></del> Street	Open Bay Drive off 96 <sup>th</sup> Street		Staff will research	Police and Building to research		No <del>change</del> . Police <del>Chief</del> cited <del>safety</del> concerns	COMPLETE
Sign/awning code	Discussed at Joint Meeting		Staff <del>beginning to</del> work on draft	Work Authorization <del>approved</del>		July <del>Commission</del> August <del>Commission</del>	COMPLETE
As built reviews for residential projects	Discuss increasing canopy in town, street trees, what can be planted in ROW		Research and prepare report for discussion and possible code amendment	In contract		March PZ	COMPLETE Added a program modification to FY2015 budget
Interpretation of base flood elevation for the H120 district	No change		No further action needed			N/A	COMPLETE
Solar panel regulations	Prepare ordinance regulating solar panels		Draft code amendment	In contract		March PZ	COMPLETE
Car charging station regulations	Prepare ordinance regulating car charging stations requiring them in new multi-family, research what other communities are doing		Draft code amendment	In contract		December PZ	COMPLETE
Pyramiding effects of setbacks in the H120 district	No action necessary since Planning and Zoning Board currently reviewing setbacks as part of wall frontage modifications					N/A	
Garage door clarification	Modify code to remove requirement for two separate		Draft code amendment	In contract		November PZ	COMPLETE

	garage-doors						
10%-window-opening requirement-per-story	Discussion with the Planning & Zoning Board	Prepare ordinance for commission	In-contract		June-PZ	November Commission for first reading	
Landscaping in front of converted garage	Determine if landscaping planter is sufficient versus requiring landscaping.	Reviewed code and determined that planter is only permitted in cases where the driveway would be too short.	In-contract		No further modification necessary	Yes	
Sheds	Modify ordinance to increase square footage, but reduce height and add landscape requirements.	Draft code amendment	In-contract		Discussed at March meeting.	Commission 1st reading in May. PZ in May	