

CITY COMMISSION FACT SHEET

File ID: (ID # 3110)

Title: AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, MORE SPECIFICALLY BY AMENDING ARTICLE 3, SECTION 3.3, ENTITLED "LOTS AND FRONTAGES," ARTICLE 4, DIAGRAM 9, ENTITLED "RESIDENTIAL DENSITY INCREASE AREAS," AND ARTICLE 4, DIAGRAM 11, ENTITLED "TRANSIT ORIENTED DEVELOPMENT," TO PROVIDE OR TO ALLOW FOR THE TRANSFER OF RESIDENTIAL DENSITY FROM HISTORICALLY DESIGNATED SITES TO PROPERTIES WITHIN TRANSIT ORIENTED DEVELOPMENT ZONES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

APPLICANT(S): Emilio T. Gonzalez, Ph.D., City Manager, on behalf of the City of Miami

PURPOSE: To provide or to allow for the transfer of residential density from historically designated sites to properties within TOD zones.

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval on January 17, 2018, by a vote of 8-0.



City of Miami Legislation Ordinance

City Hall
3500 Pan American Drive
Miami, FL 33133
www.miamigov.com

File Number: 3110

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, MORE SPECIFICALLY BY AMENDING ARTICLE 3, SECTION 3.3, ENTITLED "LOTS AND FRONTAGES," ARTICLE 4, DIAGRAM 9, ENTITLED "RESIDENTIAL DENSITY INCREASE AREAS," AND ARTICLE 4, DIAGRAM 11, ENTITLED "TRANSIT ORIENTED DEVELOPMENT," TO PROVIDE OR TO ALLOW FOR THE TRANSFER OF RESIDENTIAL DENSITY FROM HISTORICALLY DESIGNATED SITES TO PROPERTIES WITHIN TRANSIT ORIENTED DEVELOPMENT ZONES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 22, 2009, the City Commission adopted Ordinance No. 13114 as the Zoning Ordinance of the City of Miami, Florida, as amended ("Miami 21 Code"); and

WHEREAS, the Miami 21 Code should be amended to allow for the transfer of residential density from historically designated sites to transit oriented development ("TOD") zones; and

WHEREAS, the Planning, Zoning and Appeals Board ("PZAB") at its meeting on January 17, 2018, following an advertised public hearing, adopted Resolution No. PZAB-R-18-003 by a vote of eight to zero (8-0), Item No. PZAB.4, recommending approval of the proposed text amendment as stated herein; and

WHEREAS, the City Commission conducted a public hearing on the proposed text amendment; and

WHEREAS, the City Commission considered whether the proposed text amendment will further the goals, objectives, and policies of the Miami Neighborhood Comprehensive Plan, the Miami 21 Code, and other City regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIAMI, FLORIDA, AS FOLLOWS:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are hereby adopted by reference hereto and incorporated herein as if fully set forth in this Section.

Section 2. Article 3, Section 3.3, entitled "Lots and Frontages," of the Miami 21 Code is further amended in the following particulars:¹

"ARTICLE 3. GENERAL TO ZONES

* * *

SECTION 3.3 LOTS AND FRONTAGES

¹ Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

3.3.1 Lots assembled into one (1) ownership within one (1) Transect Zone may be developed as a single Lot. Lots assembled into one (1) ownership that encompass more than one (1) Transect Zone shall be developed according to the corresponding Transect regulation for each Lot, except as described in Section 3.6.1(e). In such cases, there shall be no transfer of Density or Intensity of Development Capacity between Transect Zones, except if the Lots are assigned equal Densities, Density may be transferred across the Transect boundary. Lots under the same or different ownership that are participating in the Historic Preservation Transfer of Development Density program established in Chapter 23 of the City Code may transfer Density from historically designated properties to TOD areas, subject to compliance with all applicable regulations. Where Lots are assembled into one (1) ownership, the side or rear Setbacks sharing the Property Line may be eliminated. Lot assembly shall require a Unity-of-Title acceptable to the City Attorney. Contiguous Lots in one (1) ownership, as of the effective date of this Code, may be developed as one (1) Lot in excess of the maximum Lot size.

* * *

SECTION 3.14 PUBLIC BENEFITS PROGRAM

* * *

3.14.4 For the purposes of the public benefits program, the following criteria shall apply:

* * *

c. Historic Preservation. Up to the first half of a Development's requested Bonus Floor Area to the maximum bonus Height and FLR as described in 3.14.1 shall be allowed for additional square footage qualified under the city Transfer of Development Rights program established in Chapter 23, City Code.

* * *

Section 3. Article 4, Diagram 9 of the Miami 21 Code, entitled "Residential Density Increase Areas Refer to Miami Comprehensive Neighborhood Plan," is further amended in the following particulars:¹

"ARTICLE 4. STANDARDS & TABLES

* * *

DIAGRAM 9. RESIDENTIAL DENSITY INCREASE AREAS
REFER TO MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN AND ARTICLE 4. DIAGRAM 11.

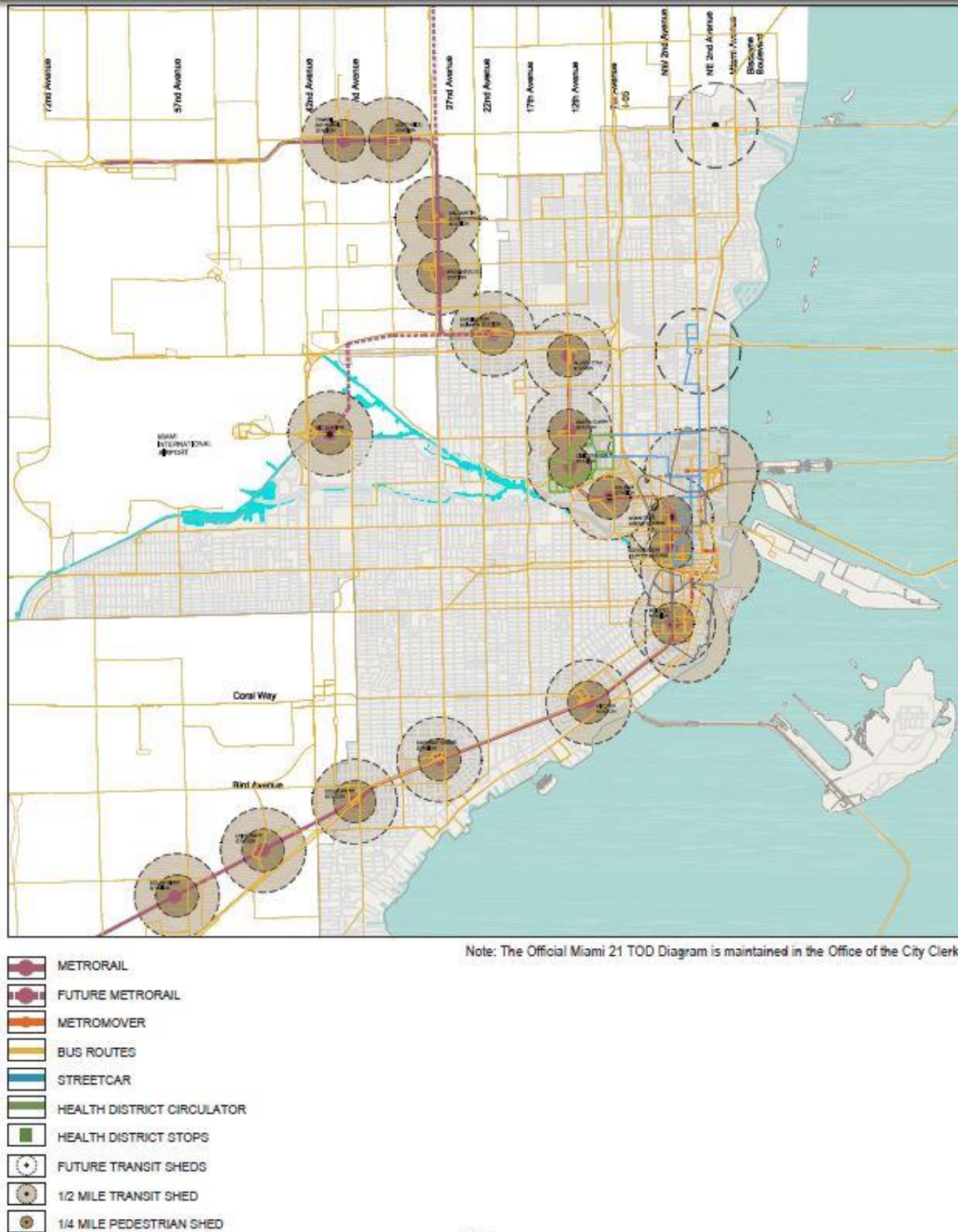
* * *

* TOD RESIDENTIAL DENSITY TRANSFER AREA – Up to a 50% increase above allowable Density in T4, T5, and T6 is permitted through the Historic Preservation Transfer of Development Density program established in Chapter 23 of the City Code.

* * *

Section 4. Article 4, Diagram 11 of the Miami 21 Code, entitled "Transit Oriented Development," is further amended in the following particulars:¹

“ARTICLE 4. DIAGRAM 11 TRANSIT ORIENTED DEVELOPMENT



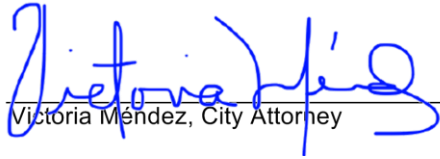
1/2 MILE TRANSIT SHED/TOD RESIDENTIAL DENSITY TRANSFER ZONE

* * *

Section 5. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance should not be affected.

Section 6. This Ordinance shall become effective immediately upon its adoption.²

APPROVED AS TO FORM AND CORRECTNESS:

A handwritten signature in blue ink, appearing to read "Victoria Méndez", is written over a horizontal line.

Victoria Méndez, City Attorney

3/2/2018

² This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.



City of Miami PZAB Resolution

City Hall
3500 Pan American Drive
Miami, FL 33133
www.miamigov.com

Enactment Number: PZAB-R-18-003

File ID: 3092

Final Action Date: 1/17/2018

**A RESOLUTION OF THE PLANNING, ZONING AND APPEALS BOARD
RECOMMENDING APPROVAL OF AN ORDINANCE OF THE MIAMI CITY
COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF
THE CITY OF MIAMI, FLORIDA, AS AMENDED, MORE SPECIFICALLY BY
AMENDING ARTICLE 3, SECTION 3.3, ENTITLED "LOTS AND FRONTAGES",
ARTICLE 3, SECTION 3.14, ENTITLED "PUBLIC BENEFIT PROGRAM", ARTICLE 4,
DIAGRAM 9, ENTITLED "RESIDENTIAL DENSITY INCREASE AREAS", AND
ARTICLE 4, DIAGRAM 11, ENTITLED "TRANSIT ORIENTED DEVELOPMENT", TO
ALLOW FOR THE TRANSFER OF RESIDENTIAL DENSITY FROM HISTORICALLY
DESIGNATED SITES TO PROPERTIES WITHIN TRANSIT ORIENTED
DEVELOPMENT ZONES; CONTAINING A SEVERABILITY CLAUSE; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on October 22, 2009, the City Commission adopted Ordinance No. 13114 as the City of Miami's ("City") Zoning Ordinance ("Miami 21"); and

WHEREAS, Miami 21 should be amended to allow for the transfer of residential density from historically designated sites to transit oriented development zones ("TODs"); and

WHEREAS, the Planning Director has provided a recommendation of approval and acknowledgement that the criteria of Miami 21 have been met; and

WHEREAS, the Planning, Zoning and Appeals Board ("PZAB") has given full consideration to the Planning Director's recommendations; and

WHEREAS, PZAB conducted a public hearing on the proposed text amendment; and

WHEREAS, PZAB considered whether the proposed amendment will further the goals, objectives, and policies of the Miami Comprehensive Plan, Miami 21, and other City regulations;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING, ZONING AND APPEALS BOARD OF THE CITY OF MIAMI, FLORIDA, AS FOLLOWS:

Section 1. The recitals and findings contained in the Preamble to this Resolution are hereby adopted by reference hereto and incorporated herein as if fully set forth in this Section.

Section 2. Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida, should be amended by amending Article 3, Section 3.3, entitled "Lots and Frontages" in the following particulars:¹

** * *

3.3 LOTS AND FRONTAGES

3.3.1 Lots assembled into one (1) ownership within one (1) Transect Zone may be developed as a single Lot. Lots assembled into one (1) ownership that encompass more than one (1) Transect Zone shall be developed according to the corresponding Transect regulation for each Lot, except as described in Section 3.6.1(e). In such cases, there shall be no transfer of Density or Intensity of Development Capacity between Transect Zones, except if the Lots are assigned equal Densities, Density may be transferred across the Transect boundary. Lots under the same or different ownership that are participating in the Historic Preservation Transfer of Development Density program, established in Chapter 23 of the City Code, may transfer Density from historically designated properties to TOD areas, subject to compliance with all applicable regulations. Where Lots are assembled into one (1) ownership, the side or rear Setbacks sharing the Property Line may be eliminated. Lot assembly shall require a Unity-of-Title acceptable to the City Attorney. Contiguous Lots in one (1) ownership, as of the effective date of this Code, may be developed as one (1) Lot in excess of the maximum Lot size.

* * *

Section 3. Article 3, Section 3.14 of Miami 21, entitled "Public Benefits Program", should be amended in the following particulars:¹

"SECTION 3.14 PUBLIC BENEFITS PROGRAM

* * *

3.14.4 For the purposes of the public benefits program, the following criteria shall apply:

* * *

c. Historic Preservation. Up to the first half of a development's requested Bonus Floor Area to the maximum bonus Height and FLR as described in 3.14.1 shall be allowed for additional square footage qualified under the city Transfer of Development Rights program established in Chapter 23, City Code.

* * *

Section 4. Article 4, Diagram 9 of Miami 21, entitled "Residential Density Increase Areas Refer to Miami Comprehensive Neighborhood Plan", should be amended in the following particulars:¹

"ARTICLE 4. DIAGRAM 9 RESIDENTIAL DENSITY INCREASE AREAS

¹ Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

REFER TO MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN AND ARTICLE 4. DIAGRAM 11

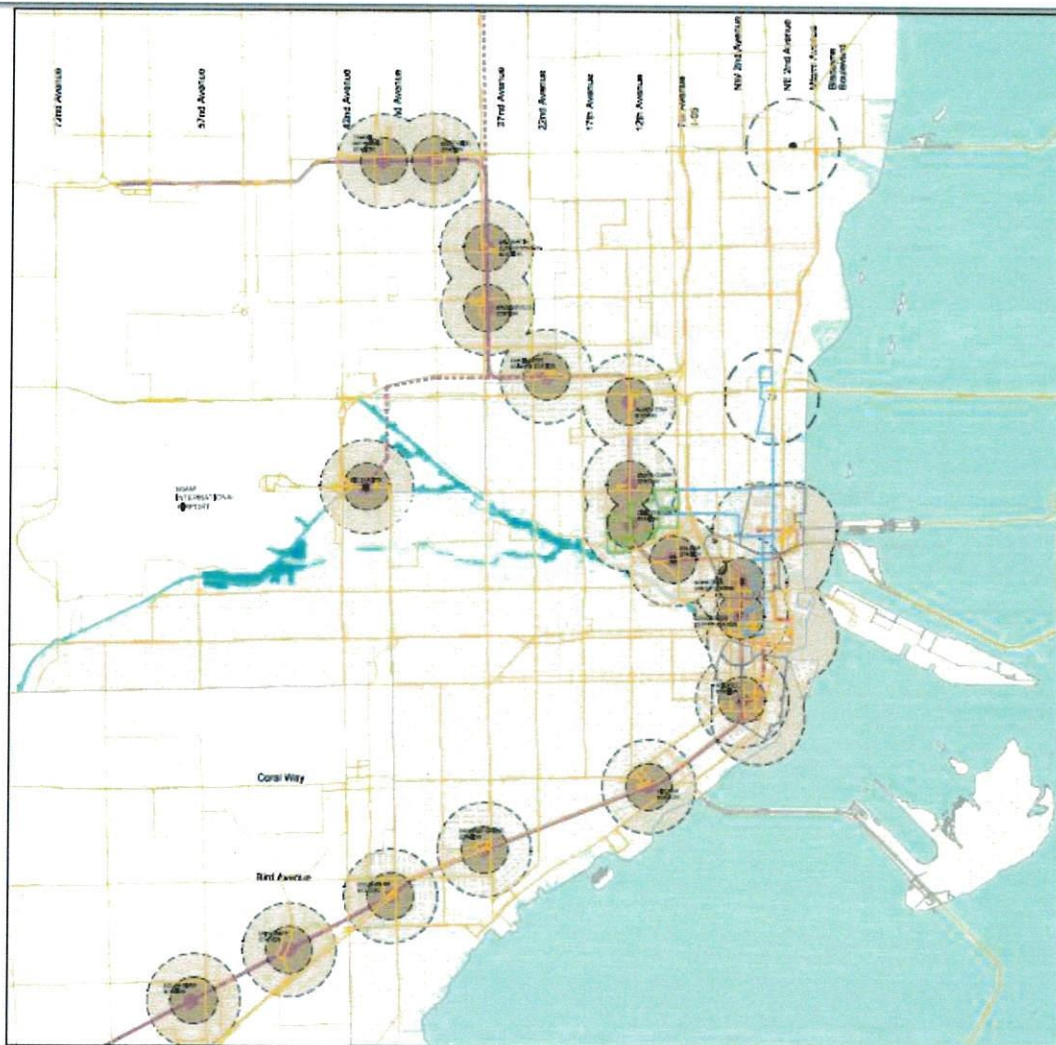
* * *

* TOD RESIDENTIAL DENSITY TRANSFER AREA – Up to a 50% increase above allowable Density in T4, T5, and T6 is permitted through the Historic Preservation Transfer of Development Density program established in Chapter 23 of the City Code.

* * * ”

Section 5. Article 4, Diagram 11 of Miami 21, entitled “Transit Oriented Development”, should be amended in the following particulars:¹

“ARTICLE 4. DIAGRAM 11 TRANSIT ORIENTED DEVELOPMENT



Note: The Official Miami 21 TOD Diagram is maintained in the Office of the City Clerk.

- METRORAIL
- FUTURE METRORAIL
- METROMOVER
- BUS ROUTES
- STREETCAR
- HEALTH DISTRICT CIRCULATOR
- HEALTH DISTRICT STOPS
- FUTURE TRANSIT SHEDS
- 1/2 MILE TRANSIT SHED
- 1/4 MILE PEDESTRIAN SHED

IV.33

1/2 MILE TRANSIT SHED/TOD RESIDENTIAL DENSITY TRANSFER ZONE

*

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*11

Section 6. If any section, part of a section, paragraph, clause, phrase, or word of this Resolution is declared invalid, the remaining provisions of this Resolution should not be affected.

Section 7. This Resolution shall become effective immediately upon its adoption.

for Francisco Garcia
Francisco Garcia, Director
Department of Planning

1/23/18
Execution Date

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Personally appeared before me, the undersigned authority, Christine Tippis, Clerk of the Planning, Zoning and Appeals Board of the City of Miami, Florida, and acknowledges that s/he executed the foregoing Resolution.

SWORN AND SUBSCRIBED BEFORE ME THIS 18 DAY OF Jan, 2018

Beatriz Alvarez
Print Notary Name

Beatriz Alvarez
Notary Public State of Florida

Personally know ✓ or Produced I.D. _____
Type and number of I.D. produced _____
Did take an oath _____ or Did not take an oath _____

My Commission Expires:

