



**City of Miami
Legislation
Ordinance
Enactment Number**

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

File Number: 12007

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 (" MIAMI 21 ZONING CODE"), MORE SPECIFICALLY BY AMENDING ARTICLE 3, TITLED "GENERAL TO ZONES," SECTION 3.5.2 AS IT RELATES TO GROUND FLOOR HEIGHT ALLOWANCES, IN ORDER TO CORRECT INCONSISTENCIES AND PERMIT ADDITIONAL FLEXIBILITY IN THE DESIGN OF BUILDINGS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

"INCOMPLETE (ITEM WAS ADOPTED WITH MODIFICATIONS). PENDING FINAL APPROVAL AS TO FORM AND CORRECTNESS BY CITY ATTORNEY."

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

WHEREAS, in certain Transect Zones the Miami 21 Code permits a ground Story of up to twenty-five (25) feet in Height where ground floor retail uses are provided, however, retail is not a permitted use in certain Transect Zones including T5-R and T6-R and the Height is limited to a maximum of fourteen (14) feet; and

WHEREAS, in those same Transect Zones, the Miami 21 Code requires that a Loading Berth of fifteen (15) feet in height is required, which cannot be achieved with a fourteen (14) foot height limitation; and

WHEREAS, this proposed text amendment to Article 3, Section 3.5.2 is necessary to remove the above inconsistencies in the Miami 21 Code; and

WHEREAS, in addition to eliminating the inconsistency in the Miami 21 Code, the proposed amendment allows additional design flexibility and architectural expression by permitting a ground floor story that incorporates any use allowed in Article 4, Table 3 to extend up to twenty-five (25) feet in Height; and

WHEREAS, the Planning, Zoning and Appeals Board ("PZAB"), at its meeting on June 1, 2022, following an advertised public hearing, adopted Resolution No. PZAB-R-22-012 by a vote of ten to zero (10-0), Item No. PZAB.6, recommending approval with modifications of the Zoning Text Change, that it be further amended to reflect that where buildings about a T3 zoned property the overall height shall not exceed 70-ft;

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

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

Section 2. Article 3 of the Miami 21 Code is hereby amended in the following particulars:¹

“ARTICLE 3. GENERAL TO ZONES”

* * *

3.5.2 A Story is a Habitable level within a Building ~~of~~ with a maximum Height of fourteen (14) feet ~~in Height~~ from finished floor to finished floor. Basements are not considered Stories for the purposes of determining Building Height. A ground level ~~retail~~ Story may exceed this limit up to a total height of twenty-five (25) feet; A ground level retail Story may exceed fourteen (14) feet or up to a total Height of thirty (30) feet when ~~a retail establishment is located in the Special Flood Hazard Area, given that the finished floor of the ground level meets the Average Sidewalk Elevation. A single floor level exceeding fourteen (14) feet or twenty-five (25) feet at ground level retail (or thirty (30) feet at ground level for retail within the Special Flood Hazard Area), shall be counted as two (2) Stories; except for T6-36, T6-48, T6-60, T6-80, and D1, where a single floor level exceeding fourteen (14) feet may count as one (1) story if the building height does not exceed the maximum height, including all applicable bonuses, allowed by the transect at fourteen (14) feet per floor. Where~~ The first two stories are retail, their total combined Height shall not exceed thirty-nine (39) feet or (forty-four (44) feet in the Special Flood Hazard Area). ~~and~~ The first floor shall be a minimum of fourteen (14) feet in Height or (nineteen (19) feet in the Special Flood Hazard Area). Mezzanines may not exceed thirty-three percent (33%) of the Habitable Space Floor Area, except ~~for~~ in the D1, where mezzanines may not exceed fifty percent (50%) of the Habitable Space Floor Area. Mezzanines extending beyond thirty-three percent (33%) of the Floor Area, or fifty percent (50%) of the Floor Area in D1, shall be counted as an additional floor. The Height of a Parking Structure concealed by a Liner may be equal to the Height of the Liner; this may result in a Liner Story concealing more than one level of Parking.

* * *

Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Miami 21 Code, which provisions may be renumbered or relettered and that the word “Ordinance” may be changed to “Section,” “Article,” or other appropriate word to accomplish such intention.

Section 5. This Ordinance shall become effective ten (10) days after final reading and adoption thereof.²

APPROVED AS TO FORM AND CORRECTNESS:

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.

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 COMMISSION FACT SHEET

File ID: (ID # 12006)

Title: AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ("MIAMI 21") BY AMENDING ARTICLE 1, TITLED "DEFINITIONS", AND ARTICLE 3, TITLED "GENERAL TO ZONES", TO ALLOW THE TRANSFER OF DENSITY TO WATERFRONT LOTS WHERE ADDITIONAL PUBLIC BENEFITS RELATED TO RESILIENCY AND SUSTAINABILITY ARE PROVIDED AND CERTAIN PARKING AND FRONTAGE CONDITIONS ARE MET; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

APPLICANT(S): Arthur V. Noriega, City Manager of behalf of the City of Miami

PURPOSE: To amend the Zoning Ordinance of the City of Miami to allow the transfer of density to eligible Waterfront Lots where additional public benefits related to resiliency and sustainability are provided and certain parking and frontage conditions are met.

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: On June 15, 2022, recommended denial, by a vote of 5-2.



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WHEREAS, waterfront properties may improve the Flood Insurance Rate Map for their property which may also benefit adjacent areas and positively impact the City of Miami's ("City") Community Rating System score via a Federal Emergency Management Agency ("FEMA") Letter of Map Revision process; and

WHEREAS, enhancements to the City's Waterfront Walkway will provide interconnectedness and mobility opportunities from surrounding recreational spaces and provide residents and visitors with enhanced access to waterfronts; and

WHEREAS, upon adoption of this Ordinance, the Planning Department will continue to guide enhancements to Waterfront design standards to be applied to properties along all waterfronts; and

WHEREAS, additional resiliency and sustainability public benefits will be derived from projects utilizing the proposed density transfer provisions beyond those currently required in the Code of the City of Miami, Florida ("City Code"); and

WHEREAS, the Miami 21 Task Force made recommendations to encourage climate and resiliency elements be incorporated into development projects; and

WHEREAS, consideration has been given to the need and justification for the proposed text amendment, including changed or changing conditions that make the passage of the proposed text amendment necessary; and

WHEREAS, consideration has been given to the relationship of the proposed text amendment to the goals, objectives, and policies of the Miami Neighborhood Comprehensive Plan, the Miami 21 Code, and other City regulations; and

WHEREAS, the Planning, Zoning and Appeals Board ("PZAB"), at its meeting on June 15, 2022, following an advertised public hearing, adopted Resolution No. PZAB-R-22-014 by a vote of five to two (5-2), Item No. PZAB. 1, recommending denial of the Zoning Text Change;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF