

CITY COMMISSION FACT SHEET

File ID: (ID # 14889)

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 CODE”), BY AMENDING ARTICLE 1, TITLED “DEFINITIONS,” TO UPDATE GREEN ROOF DEFINITIONS AND INTRODUCE INTERMEDIATE LEVEL DEFINITION; FURTHER AMENDING ARTICLE 3, TITLED “GENERAL TO ZONES,” AND APPENDIX J, TITLED “WYNWOOD NRD-1,” TO CLARIFY APPLICATION OF INTERMEDIATE LEVEL; AND AMENDING ARTICLE 5, TITLED “SPECIFIC TO ZONES,” APPENDIX J, TITLED “WYNWOOD NRD-1,” AND APPENDIX P, TITLED “WYNWOOD NORTE NRD-2,” TO UPDATE AND CLARIFY CONFIGURATION STANDARDS FOR ROOFTOP ELEMENTS AND TO INTRODUCE ADDITIONAL PROVISIONS FOR ROOFTOP HABITABLE SPACE AND GREEN ROOFS WITHIN THE T5, T6, D1, D2, AND D3 TRANSECT ZONES; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

PURPOSE: To provide opportunities for Habitable Space and Green Roofs on a roof that support outdoor activities and respond to the Heat Island Effect, habitat and biodiversity loss, stormwater management, and flood mitigation in T5, T6, D1, D2, and D3 Transect Zones and to replace ‘Mezzanine’ with a new ‘Intermediate Level’ definition and associated design standards.

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Deferred from November 1, 2023 to November 15, 2023.



**City of Miami
Legislation
Ordinance
Enactment Number**

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

File Number: 14889

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 CODE”), BY AMENDING ARTICLE 1, TITLED “DEFINITIONS,” TO UPDATE GREEN ROOF DEFINITIONS AND INTRODUCE INTERMEDIATE LEVEL DEFINITION; FURTHER AMENDING ARTICLE 3, TITLED “GENERAL TO ZONES,” AND APPENDIX J, TITLED “WYNWOOD NRD-1,” TO CLARIFY APPLICATION OF INTERMEDIATE LEVEL; AND AMENDING ARTICLE 5, TITLED “SPECIFIC TO ZONES,” APPENDIX J, TITLED “WYNWOOD NRD-1,” AND APPENDIX P, TITLED “WYNWOOD NORTE NRD-2,” TO UPDATE AND CLARIFY CONFIGURATION STANDARDS FOR ROOFTOP ELEMENTS AND TO INTRODUCE ADDITIONAL PROVISIONS FOR ROOFTOP HABITABLE SPACE AND GREEN ROOFS WITHIN THE T5, T6, D1, D2, AND D3 TRANSECT ZONES; MAKING FINDINGS; 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, which has been amended from time to time (“Miami 21 Code”); and

WHEREAS, on September 24, 2015, Ordinance No. 13561 amended the Miami 21 Code to include Appendix J: Wynwood Neighborhood Revitalization District (“NRD-1”), which has been amended under Ordinances Nos. 13642, 13805, 13960, and 14134 to support the continued evolution of the Wynwood neighborhood; and

WHEREAS, on March 25, 2021, Ordinance No. 13987 amended the Miami 21 Code to include Appendix P: Wynwood Norte Neighborhood Revitalization District (“NRD-2”); and

WHEREAS, on December 12, 2019, Resolution No. R-19-0523 directed the City Manager to work with the City Administration and the Miami 21 Report Ad Hoc Task Force (“Miami 21 Task Force”) to conduct a comprehensive review of the Miami 21 Code, which led to the issuance of the Miami 21 Code Report; and

WHEREAS, the Miami 21 Task Force, appointed by the City Commission, made recommendations to define and incentivize green roofs and simplify the review, permitting, and public hearing processes leading to increased consistency and predictability; and

WHEREAS, the guiding principles of the Miami 21 Code state that architecture and landscape design should grow from local climate, topography, history, and building practice, and those buildings should allow their inhabitants to experience the geography and climate through energy efficient design; and

WHEREAS, an amendment to the building configuration standards relating to roof elements is necessary to introduce design flexibility to meet current practical requirements, to ensure any negative visual appearance is mitigated, encourage roof outdoor activation, and remove the need for a Waiver in relation to the height and size of certain roof elements; and

WHEREAS, the proposed amendments to the roof elements standards include safeguards in relation to their placement, size, height, and design to ensure such elements harmonize with the overall architecture of the building, do not significantly impact on neighboring properties, and have their visual appearance mitigated; and

WHEREAS, roof elements are required to comply with the Florida Building Code, including but not limited to vegetated roof systems that are independent of the roof structure and use of Notice of Acceptance (NOA) products, as applicable; and

WHEREAS, allowing Habitable Space on the roof creates opportunities to activate the roof with enclosed amenities or commercial uses that support an associated outdoor programing; and

WHEREAS, the proposed amendment to allow Habitable Space on the roof does not extend to residential units, lodging units, or office space to prevent the roof being used as an additional story or cause negative impacts on neighboring properties; and

WHEREAS, climate change, population growth, and urbanization have exacerbated the impacts of flooding, habitat loss, and extended periods of high heat on people and infrastructure; and

WHEREAS, the Miami 21 Code, Section 3.13.2, titled "Heat Island Effect," has the intention to reduce the heat island effect in the City of Miami ("City") and to consequently reduce energy consumption and bills for buildings within the City; and

WHEREAS, Intensive Green Roofs are defined and included within the Miami 21 Code as viable solutions to assist in retaining stormwater runoff and mitigating Heat Island Effect and appropriately designed, placed, and sized roof elements such as trellises, shade structures, and green roofs create shade and cover on Buildings that improves energy efficiency and ensures outdoor spaces are inviting and useable; and

WHEREAS, the creation of resilience and sustainable aspects of the built environment within the private sector through incentivization may help reach community goals and the City should seek to capitalize on the economic, social, and environmental co-benefits of nature-based infrastructure; and

WHEREAS, the United States Environmental Protection Agency notes that "green roof temperatures can be thirty (30) to forty (40) degrees Fahrenheit lower than those of conventional roofs and can reduce city-wide ambient temperatures by up to five (5) degrees Fahrenheit"; and

WHEREAS, pursuant to Section 2-1271 of the Code of the City of Miami, Florida, as amended ("City Code"), the Climate Resilience Committee ("CRC") serves in an advisory capacity to the City Commission and recommends changes to the City Code and any City policy necessary to help the City, its residents, businesses, institutions, and natural systems adapt to, prepare for, and thrive in the various stresses related to climate change, including but not limited to greenhouse gases, increasing flood risks, increasing groundwater levels, more intense storms resulting in high tides and storm surges, increasing high heat days, salt water intrusion, drought, extreme weather events, and water and vector-borne illnesses; and

WHEREAS, the CRC recommended that the Miami 21 Code be amended for such purpose as stated herein in relation to green roofs; and

WHEREAS, an amendment to the Miami 21 Code is necessary to replace “Mezzanine” with new “Intermediate Level” definitions and design flexibility; and

WHEREAS, the Wynwood Business Improvement District recommended that the Miami 21 Code be amended for such purpose as stated herein in relation to the Wynwood NRD-1; and

WHEREAS, the Planning, Zoning and Appeals Board (“PZAB”) at its meeting on _____, _____, following an advertised public hearing, adopted Resolution No. PZAB-R-____-____ by a vote of ____ to _____, Item No. PZAB.____, recommending _____ of the proposed text amendment; and

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

WHEREAS, consideration has been given to the goals, objectives, and policies of the Miami Comprehensive Neighborhood Plan (“MCNP”), the Miami 21 Code, and all other City regulations; and

WHEREAS, after careful consideration of this matter, it is deemed advisable and in the best interest of the general welfare of the City and its inhabitants to amend the Miami 21 Code as hereinafter set forth;

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

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

Section 2. Article 1 of the Miami 21 Code, titled “Definitions,” is amended in the following particulars.¹

“ARTICLE 1. DEFINITIONS

* * *

1.2 DEFINITIONS OF TERMS

* * *

~~Extensive Green Roof, Extensive~~: An area atop a roof surface of a Building surfaced with soil and Florida Friendly Landscaping that are appropriate for South Florida green roof systems, including ground cover, grasses, herbs, and flowering herbaceous plants, which require little or no maintenance and no permanent irrigation system. This area ~~will serve to~~ retains stormwater runoff and ~~to~~ mitigates the Heat Island Effect. The depth of the growing medium shall be a minimum of two (2) inches and a maximum of six (6) inches. All green-roofing products located within a High-Velocity Hurricane Zone shall be approved under the Florida Product Approval or

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. The added and updated definitions shall be alphabetized.

Miami Dade Notice of Acceptance and shall comply with the structural requirements of the Florida Building Code.

* * *

Intensive Green Roof, Intensive: An area atop a roof surface of a Building surfaced with soil and building roofing system that is an assembly of interacting components designed to waterproof and insulate a building's top surface that includes, by design, a variety of Florida-Friendly plants Florida Friendly Landscaping that are appropriate for South Florida green roof systems—including herbaceous plants and shrubs, and small trees, which require professional maintenance and an advanced green roof irrigation system—and related landscape elements to form parks and gardens, including urban agriculture. This area will serve the purpose of retaining stormwater runoff and mitigating the Heat Island Effect. The depth of the growing medium shall be a minimum of ~~six (6)~~ eight (8) inches. Urban agriculture on roofs—Rooftop farms, urban roof farms or vegetable farms—on roofs are considered Intensive Green Roofs, requiring higher nutrient applications and focused maintenance. Rooftop farming areas of an Intensive Green Roof must shall be planted with appropriate plan material during non-farming periods. All green-roofing products located within a High-Velocity Hurricane Zone shall be approved under the Florida Product Approval or Miami Dade Notice of Acceptance and shall comply with the structural requirements of the Florida Building Code.

Green Roof, Semi-Intensive: A building roofing system consisting of some components of both Extensive and Intensive Green Roofs. This area is often used as a garden, retains stormwater runoff, and mitigates the Heat Island Effect. The depth of the growing medium shall be a minimum of six (6) inches. All green-roofing products located within a High-Velocity Hurricane Zone shall be approved under the Florida Product Approval or Miami Dade Notice of Acceptance and shall comply with the structural requirements of the Florida Building Code.

* * *

Intermediate Level: a level contained within the overall Height of a Story. The Floor Area of the Intermediate Level shall not exceed thirty-three percent (33%) of the Floor Area of the level below (or fifty percent [50%] in the D1 Transect Zone). Intermediate Levels above the first Story shall have direct access, in the form of stairs or elevators, from the Habitable Space below that is interior and independent of the building core or other common areas.

* * *

Mezzanine: an area within a single Story volume not to exceed thirty-three percent (33%) of the Floor Area below (or fifty percent [50%] in the D1 Transect Zone) which are open to, provide a view of, or is directly accessible from the Habitable Space below.

* * *

Section 3. Article 3 of the Miami 21 Code, titled “General to Zones,” is amended in the following particulars.¹

“ARTICLE 3. GENERAL TO ZONES

* * *

3.5 MEASUREMENT OF HEIGHT

* * *

3.5.2

A Story is a Habitable level within a Building with a maximum Height of fourteen (14) feet from finished floor to finished floor. Basements are not considered Stories for the purposes of determining Building Height. A ground_level Story may exceed this limit up to a total height of twenty-five (25) feet and a top_level Story in the T5, T6 Transect Zone may exceed this limit up to a total height of twenty-eight (28) feet and count as one (1) Story, if the Building Height does not exceed the maximum Building Height including all applicable bonuses allowed by the transect at fourteen (14) feet per floor and twenty-five (25) feet at the ground level. A ground_level Story may exceed fourteen (14) feet up to a total Height of thirty (30) feet when 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 (or thirty (30) feet at ground level 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. The first two stories total combined Height shall not exceed thirty-nine (39) feet or forty-four (44) feet in the Special Flood Hazard Area). The first floor shall be a minimum of fourteen (14) feet in Height or nineteen (19) feet in the Special Flood Hazard Area. Mezzanines, Intermediate Levels may not exceed thirty-three percent (33%) of the Habitable Space Floor Area, except in the D1, where mezzanines-Intermediate Levels may not exceed fifty percent (50%) of the Habitable Space Floor Area. Mezzanines, Intermediate Levels 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 4. Article 5 of the Miami 21 Code, titled "Specific to Zones," is amended in the following particulars.¹

"ARTICLE 5. SPECIFIC TO ZONES

* * *

5.5 URBAN CENTER TRANSECT ZONES (T5)

* * *

5.5.2 Building Configuration (T5)

* * *

h. Roof elements shall be permitted as follows:

1. Mechanical equipment on a roof shall be enclosed-~~visually concealed from ground-level and lateral views~~ by parapets or screens of the minimum Hheight necessary to conceal it, and a maximum Height of five (5) feet but said parapets and screens shall not exceed ten (10) feet.
2. Other eOrnamental Building features, decorative elements, or similar Structures on a roof may extend up to ten (10) twelve (12) feet in above the maximum Building Hheight.

3. Roof decks shall be permitted up to the maximum Height. Trellises and fabric shade structures on a roof may extend above the maximum Height up to eight (8) twelve (12) feet in height.
4. Extensions up to ten (10) feet above the maximum Height for sStair, and elevator enclosures, or mechanical enclosures shall be limited to twenty (20%) of the roof area, may extend up to eighteen (18) feet in height, unless approved by Waiver.
5. Cooling towers and other non-Habitable Rooms on a roof may extend up to eighteen (18) feet in height and shall have a minimum setback of ten (10) feet from the Building Facades.
6. Non-Habitable void space on a roof accommodating the depth of swimming pools; landscaping; decks; Extensive, Semi-Intensive, and Intensive Green Roof systems; transfer beams and other structural elements; and/or mechanical systems may extend up to six (6) feet in height. For the purposes of this subsection only, other permitted roof elements may extend above the vertical extent of the void space for the additional height specified. Non-Habitable void space may cover one hundred percent (100%) of the roof and shall not be counted as Public Benefit Floor Area.
7. Habitable Spaces above the top Story shall comply with the following requirements:
 - a. may extend up to fourteen (14) feet in height and shall have a minimum setback of ten (10) feet from Building Facades;
 - b. may be used as amenity or Commercial Uses identified within Article 4, Table 3 Building Function: Uses and shall provide associated outdoor roof programming;
 - c. shall not be used as Residential Units, Lodging Units, or Office space; and
 - d. shall be treated as Public Benefit Floor Area for the first twenty percent (20%) and 1.5 times Public Benefit Floor Area for the additional twenty percent (20%).
8. Habitable Spaces, cooling towers and other non-Habitable Rooms, mechanical equipment, and stair and elevator enclosures on a roof may:
 - a. cover up to twenty percent (20%) of the roof area; and
 - b. cover an additional 20% of the roof area, not to exceed a total of forty percent (40%), when an Intensive Green Roof of an equivalent size of the additional area is provided and maintained.
9. All roof elements shall be designed to:
 - a. harmonize with the overall architectural intent of the building;
 - b. mitigate any negative visual impacts of the additional height and massing on the roof, and
 - c. comply with Article 4, Table 12 Design Review Criteria.
10. All roof elements shall be designed and maintained to comply with Florida Building Code including, where possible, the use of Notice of Acceptance (NOA) products, and any vegetated roof system shall be independent of the roof structure, to be verified by the Building Department.

* * *

5.6 URBAN CORE TRANSECT ZONES (T6)

* * *

5.6.2 Building Configuration (T6)

* * *

h. Roof elements shall be permitted as follows:

1. Mechanical equipment on a roof shall be enclosed-~~visually concealed from ground-level and lateral views~~ by parapets or screens of the minimum H~~height necessary to conceal it, and a maximum Height of~~ but said parapets and screens shall not exceed ten (10) feet in height for T6-8.
2. ~~Other enclosures for housing stairs, elevators or mechanical equipment or for~~ Ornamental Building features, decorative elements, or similar Structures on a roof may extend up to ~~ten (10)~~ twelve (12) feet above maximum-in height for T6-8, ~~unless approved by Waiver.~~
3. Stair and elevator enclosures on a roof in T6-8 may extend up to eighteen (18) feet in height.
4. Cooling towers and other non-Habitable Rooms on a roof in T6-8 may extend up to eighteen (18) feet in height and shall have a minimum setback of ten (10) feet from the Building Facades.
5. There shall be no height limitation for ornamental elements, stair, ~~and~~ elevators enclosures, ~~or~~ mechanical equipment, ~~or~~ cooling towers extensions on a roof above maximum Height for T6-12, T6-24, T6-36, T6-48, T6-60 and T6-80. ~~Roof decks shall be permitted up to the maximum Height.~~
6. Trellises and fabric shade structures on a roof may extend ~~above the maximum Height~~ up to fourteen (14) feet in height.
7. Non-Habitable void space on a roof accommodating the depth of swimming pools; landscaping; decks; Extensive, Semi-Intensive, and Intensive Green Roof systems; transfer beams and other structural elements; and/or mechanical systems may extend up to six (6) feet in height. For the purposes of this subsection only, other permitted roof elements may extend above the vertical extent of the void space for the additional height specified. Non-Habitable void space may cover one hundred percent (100%) of the roof and shall not be counted as Public Benefit Floor Area.
8. Habitable Spaces above the top Story shall comply with the following requirements:
 - a. may extend up to fourteen (14) feet in height and shall have a minimum setback of ten (10) feet from Building Facades;
 - b. may be used as amenity or Commercial Uses identified within Article 4, Table 3 Building Function: Uses and shall provide associated outdoor roof programming;

- c. shall not be used as Residential Units, Lodging Units, or Office space; and
 - d. shall be treated as Public Benefit Floor Area for the first twenty percent (20%) and 1.5 times Public Benefit Floor Area for the additional twenty percent (20%).
9. Habitable Spaces, cooling towers and other non-Habitable Rooms, mechanical equipment, and stair and elevator enclosures on a roof may:
- a. cover up to twenty percent (20%) of the roof area; and
 - b. cover an additional 20% of the roof area, not to exceed a total of forty percent (40%), when an Intensive Green Roof of an equivalent size of the additional area is provided and maintained.
10. All roof elements shall be designed to:
- a. harmonize with the overall architectural intent of the building;
 - b. mitigate any negative visual impacts of the additional height and massing on the roof, and
 - c. comply with Article 4, Table 12 Design Review Criteria.
11. All roof elements shall be designed and maintained to comply with Florida Building Code including, where possible, the use of Notice of Acceptance (NOA) products and any vegetated roof system shall be independent of the roof structure, to be verified by the Building Department.

* * *

5.9 DISTRICT ZONES (D1 AND D2)

* * *

5.9.2 Building Configuration (D)

* * *

- g. Roof elements shall be permitted as follows:
1. Flat roofs shall be enclosed by parapets of a minimum Height required to conceal mechanical equipment on a roof shall be visually concealed from ground-level and lateral views by parapets or screens of the minimum height necessary, but said parapets and screens shall not exceed ten (10) feet.
 2. Solar Equipment shall be screened unless screening diminishes performance by greater than fifteen percent (15%) and the Solar Equipment cannot be feasibly relocated.
 3. Other Ornamental Building features, decorative elements, or similar Structures on a roof may extend up to three and a half (3.5) feet twelve (12) feet above the maximum Building in Height.
 4. Roof decks shall be permitted up to the maximum Height. Trellises and fabric shade structures on a roof may extend above the maximum Height up to eight (8) twelve (12) feet in height.

5. Extensions above the maximum Height for sStair, and elevator enclosures, and mechanical enclosures or ornamental purposes only may extend up to eighteen (18) feet in height shall be permitted by process of Waiver.
6. Cooling towers and other non-Habitable Rooms on a roof may extend up to eighteen (18) feet in height and shall have a minimum setback of ten (10) feet from the Building Facades.
7. Non-Habitable void space on a roof accommodating the depth of swimming pools; landscaping; decks; Extensive, Semi-Intensive, and Intensive Green Roof systems; transfer beams and other structural elements; and/or mechanical systems may extend up to six (6) feet in height. For the purposes of this subsection only, other permitted roof elements may extend above the vertical extent of the void space for the additional height specified. Non-Habitable void space may cover one hundred percent (100%) of the roof and shall not be counted as Public Benefit Floor Area.
8. Habitable Spaces above the top Story shall comply with the following requirements:
 - a. may extend up to fourteen (14) feet in height and shall have a minimum setback of ten (10) feet from Building Facades;
 - b. may be used as amenity or Commercial Uses identified within Article 4, Table 3 Building Function: Uses and shall provide associated outdoor roof programming;
 - c. shall not be used as Residential Units, Lodging Units, or Office space; and
 - d. shall be treated as Public Benefit Floor Area for the first twenty percent (20%) and 1.5 times Public Benefit Floor Area for the additional twenty percent (20%).
9. Habitable Spaces, cooling towers and other non-Habitable Rooms, mechanical equipment, and stair and elevator enclosures on a roof may:
 - a. cover up to twenty percent (20%) of the roof area; and
 - b. cover an additional 20% of the roof area, not to exceed a total of forty percent (40%), when an Intensive Green Roof of an equivalent size of the additional area is provided and maintained.
10. All roof elements shall be designed to:
 - a. harmonize with the overall architectural intent of the building;
 - b. mitigate any negative visual impacts of the additional height and massing on the roof, and
 - c. comply with Article 4, Table 12 Design Review Criteria.
11. All roof elements shall be designed and maintained to comply with Florida Building Code including, where possible, the use of Notice of Acceptance (NOA) products and any vegetated roof system shall be independent of the roof structure, to be verified by the Building Department.

* * *

5.10 WATERFRONT INDUSTRIAL DISTRICT ZONES (D3)

* * *

5.10.2 Building Configuration (D3)

* * *

- g. Roof elements shall be permitted as follows:
1. Mechanical equipment on a roof shall be ~~enclosed~~ visually concealed from ground-level and lateral views by parapets or screens of a minimum Height required necessary to visually conceal it, mechanical equipment but said parapets and screens shall not exceed ten (10) feet.
 2. Solar Equipment shall be screened unless screening diminishes performance by greater than fifteen percent (15%) and the Solar Equipment cannot be feasibly relocated.
 3. Other ornamental Building features, decorative elements, or similar Structures on a roof may extend above the maximum Building Height up to twelve (12) feet in height.
 4. Roof decks shall be permitted up to the maximum Height. Trellises and fabric shade structures on a roof may extend above the maximum Height up to eight (8) twelve (12) feet in Height.
 5. Extensions above the maximum Height for sStair; and elevator enclosures, and mechanical enclosures or ornamental purposes only may extend up to eighteen (18) feet in height shall be permitted by process of Waiver.
 6. Cooling towers and other non-Habitable Rooms on a roof may extend up to eighteen (18) feet in height and shall have a minimum setback of ten (10) feet from the Building Facades.
 7. Non-Habitable void space on a roof accommodating the depth of swimming pools; landscaping; decks; Extensive, Semi-Intensive, and Intensive Green Roof systems; transfer beams and other structural elements; and/or mechanical systems may extend up to six (6) feet in height. For the purposes of this subsection only, other permitted roof elements may extend above the vertical extent of the void space for the additional height specified. Non-Habitable void space may cover one hundred percent (100%) of the roof and shall not be counted as Public Benefit Floor Area.
 8. Habitable Spaces above the top Story shall comply with the following requirements:
 - a. may extend up to fourteen (14) feet in Height and shall have a minimum setback of ten (10) feet from Building Facades;
 - b. may be used as amenity or Commercial Uses identified within Article 4, Table 3 Building Function: Uses and shall provide associated outdoor roof programming;
 - c. shall not be used as Residential Units, Lodging Units, or Office space; and

d. shall be treated as Public Benefit Floor Area for the first twenty percent (20%) and 1.5 times Public Benefit Floor Area for the additional twenty percent (20%).

9. Habitable Spaces, cooling towers and other non-Habitable Rooms, mechanical equipment, and stair and elevator enclosures on a roof may:

- a. cover up to twenty percent (20%) of the roof area; and
- b. cover an additional 20% of the roof area, not to exceed a total of forty percent (40%), when an Intensive Green Roof of an equivalent size of the additional area is provided and maintained.

10. All roof elements shall be designed to:

- a. harmonize with the overall architectural intent of the building;
- b. mitigate any negative visual impacts of the additional height and massing on the roof, and
- c. comply with Article 4, Table 12 Design Review Criteria.

11. All roof elements shall be designed and maintained to comply with Florida Building Code including, where possible, the use of Notice of Acceptance (NOA) products and any vegetated roof system shall be independent of the roof structure, to be verified by the Building Department.

* * *

Section 5. Appendix J of the Miami 21 Code, titled "Wynwood NRD-1," is amended in the following particulars.¹

"APPENDIX J – Wynwood NRD-1

* * *

SECTION 5 – SPECIFIC TO ZONES

5.1 URBAN CENTER TRANSECT ZONE (T5)

* * *

b. Building Configuration

* * *

3. Roof elements shall be permitted as follows:

- a. Mechanical equipment on a roof shall be enclosed visually concealed from ground-level and lateral views by parapets or screens of the minimum Hheight necessary to conceal it, and a maximum Height of five (5) feet but said parapets and screens shall not exceed ten (10 feet).
- b. Other oOrnamental Building features, decorative elements, or similar Structures on a roof may extend up to ten (10) twelve (12) feet above the maximum Building in Hheight.

- c. Roof decks shall be permitted up to the maximum Height. Trellises and fabric shade structures on a roof may extend above the maximum Height up to eight (8) twelve (12) feet in height.
- d. Stair, and elevator, mechanical enclosures, Habitable Space or non-Habitable Rooms may extend up to eighteen (18) feet above the maximum Height, and shall be limited to twenty (20%) percent of the roof area unless approved by Waiver.
- e. Cooling towers and other non-Habitable Rooms on a roof may extend up to eighteen (18) feet in height and shall have a minimum setback of ten (10) feet from the Building Facades.
- f. Non-Habitable void space on a roof accommodating the depth of swimming pools; landscaping; decks; Extensive, Semi-Intensive, and Intensive Green Roof systems; transfer beams and other structural elements; and/or mechanical systems may extend up to six (6) feet in height. For the purposes of this subsection only, other permitted roof elements may extend above the vertical extent of the void space for the additional height specified. Non-Habitable void space may cover one hundred percent (100%) of the roof and shall not be counted as Public Benefit Floor Area.
- g. Habitable Spaces on the roof top shall comply with the following requirements:
 - 1. may extend up to fourteen (14) feet in height and shall have a minimum setback of ten (10) feet from Building Facades;
 - 2. may be used as amenity or Commercial Uses identified within Section 4, Table 1 Building Function: Uses serving roof deck programming, but and shall provide associated outdoor roof programming;
 - 3. shall not be used as Residential Units, Lodging Units, or Office space. Habitable Space; and
 - 4. shall be treated as Public Benefit Floor Area for the first twenty percent (20%) and 1.5 times Public Benefit Floor Area for the additional twenty percent (20%).
- h. Habitable Spaces, cooling towers and other non-Habitable Rooms, mechanical equipment, and stair and elevator enclosures on a roof may:
 - 1. cover up to twenty percent (20%) of the roof area; and
 - 2. cover an additional 20% of the roof area, not to exceed a total of forty percent (40%), subject to providing and maintaining at least one (1) of the following:
 - a. An Intensive Green Roof of an equivalent size of the additional area is provided and maintained; and/or
 - b. Art treatment exceeding the minimum standards in Section 5.1.e is provided and maintained, subject to compliance with the following requirements:
 - i. a tangible creation of an Artist; and
 - ii. compatible with Wynwood's neighborhood character; and
 - iii. located above the ground floor and visible from public thoroughfares; and
 - iv. approved by the Planning Director with the recommendation of the Wynwood Design Review Committee (WDRC).
- i. All roof elements shall be designed to:
 - 1. harmonize with the overall architectural intent of the building;

- 2. mitigate any negative visual impacts of the additional height and massing on the roof, and
 - 3. comply with Article 4, Table 12 Design Review Criteria.
- h. All roof elements shall be designed and maintained to comply with Florida Building Code including, where possible, the use of Notice of Acceptance (NOA) products and any vegetated roof system shall be independent of the roof structure, to be verified by the Building Department.

* * *

5.2 URBAN CORE TRANSECT ZONES (T6)

* * *

b. Building Configuration

* * *

3. Roof elements shall be permitted as follows:
- a. Mechanical equipment on a roof shall be enclosed visually concealed from ground-level and lateral views by parapets or screens of the minimum Hheight necessary to conceal it, and a maximum Height of five (5) feet but said parapets and screens shall not exceed ten (10 feet) in height for T6-8.
 - b. Other Ornamental Building features, decorative elements, or similar Structures on a roof may extend up to ten (10) twelve (12) feet above the maximum Building in Hheight for T6-8. Roof decks shall be permitted up to the maximum Height.
 - c. Trellises and fabric shade structures on a roof may extend above the maximum Height up to eight (8) fourteen (14) feet in height.
 - d. Stair and elevator, mechanical enclosures, Habitable Space, or non-Habitable Rooms on a roof for T6-8 may extend up to eighteen (18) feet above the maximum in Hheight, and shall be limited to twenty percent (20%) of the roof area, unless approved by Waiver.
 - e. Cooling towers and other non-Habitable Rooms on a roof may extend up to eighteen (18) feet and shall have a minimum setback of ten (10) feet from the Building Facades.
 - f. There shall be no height limitation for ornamental elements, stair and elevator enclosures, mechanical equipment, or cooling towers on a roof for a T6-12 Transect Zone or above.
 - g. Non-Habitable void space on a roof accommodating the depth of swimming pools; landscaping; decks; Extensive, Semi-Intensive, and Intensive Green Roof systems; transfer beams and other structural elements; and/or mechanical systems may extend up to six (6) feet in height. For the purposes of this subsection only, other permitted roof elements may extend above the vertical

extent of the void space for the additional height specified. Non-Habitable void space may cover one hundred percent (100%) of the roof and shall not be counted as Public Benefit Floor Area.

- h. Habitable Spaces above the top Story shall comply with the following requirements:

 - 1. may extend up to fourteen (14) feet in height and shall have a minimum setback of ten (10) feet from Building Facades;
 - 2. may be used as amenity or Commercial Uses identified within Section 4, Table 1 Building Function: Uses and shall provide associated outdoor roof programming;
 - 3. shall not be used as Residential Units, Lodging Units, or Office space; and
 - 4. shall be treated as Public Benefit Floor Area for the first twenty percent (20%) and 1.5 times Public Benefit Floor Area for the additional twenty percent (20%).

- i. Habitable Spaces, cooling towers and other non-Habitable Rooms, mechanical equipment, and stair and elevator enclosures on a roof may:

 - 1. cover up to twenty percent (20%) of the roof area; and
 - 2. cover an additional 20% of the roof area, not to exceed a total of forty percent (40%), subject to providing and maintaining at least one (1) of the following:
 - a. An Intensive Green Roof of an equivalent size of the additional area is provided and maintained; and/or
 - b. Art treatment exceeding the minimum standards in Section 5.1.e is provided and maintained, subject to compliance with the following requirements:
 - v. a tangible creation of an Artist;
 - vi. compatible with Wynwood’s neighborhood character;
 - vii. located above the ground floor and visible from public thoroughfares;
and
 - viii. approved by the Planning Director with the recommendation of the Wynwood Design Review Committee (WDRC).

- j. All roof elements shall be designed to:

 - 1. harmonize with the overall architectural intent of the building;
 - 2. mitigate any negative visual impacts of the additional height and massing on the roof, and
 - 3. comply with Article 4, Table 12 Design Review Criteria.

- k. All roof elements shall be designed and maintained to comply with Florida Building Code including, where possible, the use of Notice of Acceptance (NOA) products and any vegetated roof system shall be independent of the roof structure, to be verified by the Building Department.

* * *

Section 6. Appendix P of the Miami 21 Code, titled “Wynwood Norte NRD-2,” is amended in the following particulars.¹

* * *

“APPENDIX P – Wynwood Norte NRD-2

SECTION 5 – SPECIFIC TO ZONES

* * *

5.2 URBAN CENTER TRANSECT ZONE (T5)

* * *

5.2.2 Building Configuration

* * *

c. Roof elements shall be permitted as follows:

1. Mechanical equipment on a roof shall be enclosed visually concealed from ground-level and lateral views by parapets or screens of the minimum Height necessary to conceal it, and a maximum Height of five (5) feet but said parapets and screens shall not exceed ten (10 feet).

~~Other~~ Ornamental Building features, decorative elements, or similar Structures on a roof may extend up to ten (10) twelve (12) feet above the maximum Building Height.

2. Roof decks shall be permitted up to the maximum Height. Trellises and fabric shade structures on a roof may extend above the maximum Height up to eight (8) twelve (12) feet in height.
3. Extensions up to fifteen (15) feet above the maximum Height for sStair, and elevator, mechanical-enclosures, Habitable Space, or non-Habitable Rooms shall be limited to twenty (20%) of the roof area, unless approved by Waiver may extend up to eighteen (18) feet in height.
4. Cooling towers and other non-Habitable Rooms on a roof may extend up to eighteen (18) feet in height and shall have a minimum setback of ten (10) feet from the Building Facades.
5. Non-Habitable void space on a roof accommodating the depth of swimming pools; landscaping; decks; Extensive, Semi-Intensive, and Intensive Green Roof systems; transfer beams and other structural elements; and/or mechanical systems may extend up to six (6) feet in height. For the purposes of this subsection only, other permitted roof elements may extend above the vertical extent of the void space for the additional height specified. Non-Habitable void space may cover one hundred percent (100%) of the roof and shall not be counted as Public Benefit Floor Area.
6. Habitable Spaces above the top Story shall comply with the following requirements:
 - a. may extend up to fourteen (14) feet in height and shall have a minimum setback of ten (10) feet from Building Facades;
 - b. may be used as amenity or Commercial Uses identified within Section 4, Table 1 Building Function: Uses and shall provide associated outdoor roof programming;
 - c. shall not be used as Residential Units, Lodging Units, or Office space; and

d. shall be treated as Public Benefit Floor Area for the first twenty percent (20%) and 1.5 times Public Benefit Floor Area for the additional twenty percent (20%).

7. Habitable Spaces, cooling towers and other non-Habitable Rooms, mechanical equipment, and stair and elevator enclosures on a roof may:

a. cover up to twenty percent (20%) of the roof area; and

b. cover an additional 20% of the roof area, not to exceed a total of forty percent (40%), when an Intensive Green Roof of an equivalent size of the additional area is provided and maintained.

8. All roof elements shall be designed to:

a. harmonize with the overall architectural intent of the building;

b. mitigate any negative visual impacts of the additional height and massing on the roof, and

c. comply with Article 4, Table 12 Design Review Criteria.

9. All roof elements shall be designed and maintained to comply with Florida Building Code including, where possible, the use of Notice of Acceptance (NOA) products and any vegetated roof system shall be independent of the roof structure, to be verified by the Building Department.

* * *

5.3 URBAN CENTER TRANSECT ZONE (T6)

* * *

5.3.2 Building Configuration

* * *

b. Building Heights shall be measured in Stories and shall comply with Article 4, Table 2 of this Code and be as shown in Illustration 5.2, except as to bonus Height where applicable according to Sections 3.3 and 3.4 contained herein.

c. Roof elements shall be permitted as follows:

1. Mechanical equipment on a roof shall be visually concealed from ground-level and lateral views by parapets or screens of the minimum height necessary but said parapets and screens shall not exceed ten (10) feet in height.

2. Ornamental Building features, decorative elements, or similar Structures on a roof may extend up to twelve (12) feet in height.

3. Stair and elevator enclosures may extend up to eighteen (18) feet in height.

4. Cooling towers and other non-Habitable Rooms on a roof may extend up to eighteen (18) feet in height and shall have a minimum setback of ten (10) feet from the Building Facades.

5. Trellises and fabric shade structures on a roof may extend up to fourteen (14) feet in height.

6. Non-Habitable void space on a roof accommodating the depth of swimming pools; landscaping; decks; Extensive, Semi-Intensive, and Intensive Green Roof systems; transfer beams and other structural elements; and/or mechanical systems may extend up to six (6) feet in height. For the purposes of this subsection only, other permitted roof elements may extend above the vertical extent of the void space for the additional height specified. Non-Habitable void space may cover one hundred percent (100%) of the roof and shall not be counted as Public Benefit Floor Area.

7. Habitable Spaces above the top Story shall comply with the following requirements:
 - a. may extend up to fourteen (14) feet in height and shall have a minimum setback of ten (10) feet from Building Facades;
 - b. may be used as amenity or Commercial Uses identified within Section 4, Table 1 Building Function: Uses and shall provide associated outdoor roof programming
 - c. shall not be used as Residential Units, Lodging Units, or Office space; and
 - d. shall be treated as Public Benefit Floor Area for the first twenty percent (20%) and 1.5 times Public Benefit Floor Area for the additional twenty percent (20%).

8. Habitable Spaces, cooling towers and other non-Habitable Rooms, mechanical equipment, and stair and elevator enclosures on a roof may:
 - a. cover up to twenty percent (20%) of the roof area; and
 - b. cover an additional 20% of the roof area, not to exceed a total of forty percent (40%), when an Intensive Green Roof of an equivalent size of the additional area is provided and maintained.

9. All roof elements shall be designed to:
 - a. harmonize with the overall architectural intent of the building;
 - b. mitigate any negative visual impacts of the additional height and massing on the roof, and
 - c. comply with Article 4, Table 12 Design Review Criteria.

10. All roof elements shall be designed and maintained to comply with Florida Building Code including, where possible, the use of Notice of Acceptance (NOA) products and any vegetated roof system shall be independent of the roof structure, to be verified by the Building Department.

e.d. A Residential level above ground floor commercial space may not count as a story as long as it is directly accessible from a public ROW, occupies the building's full Second Layer at a minimum, and the Residential level and Commercial level combined do not exceed 25' in height.

* * *

Section 7. 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 8. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Zoning Ordinance of the City of Miami, Florida, 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. In addition, authorization is hereby given to alphabetize the added and updated definitions.

Section 9. This Ordinance shall become effective upon ten (10) adoption after thereof.²

APPROVED AS TO FORM AND CORRECTNESS:

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 # 14890)

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 CODE”) AMENDING APPENDIX J, SECTION 3, TITLED “WYNWOOD NRD-1, GENERAL TO ZONES,” TO CLARIFY STANDARDS IN RELATION TO LOADING BERTHS AND TO CLARIFY APPLICATION OF THE WYNWOOD NRD-1 TRANSFER OF DEVELOPMENT DENSITY PROGRAM; FURTHER AMENDING APPENDIX J, SECTION 4, TITLED “WYNWOOD NRD-1, STANDARDS AND TABLES,” TO PERMIT HOTEL USES WITHIN D1 TRANSECT ZONES AND TO CLARIFY STANDARDS IN RELATION TO PARKING SUBSTITUTIONS; AND FURTHER AMENDING APPENDIX J, SECTION 5, TITLED “WYNWOOD NRD-1, SPECIFIC TO ZONES,” TO AMEND ART REQUIREMENTS ON BUILDING FACADES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

PURPOSE: Amend and clarify Wynwood NRD-1 in relation to loading berths and parking substitutions, hotel uses within D1 Transect Zones, art and glass requirements on Building Facades, and the Wynwood NRD-1 Transfer of Development Density Program.

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Deferred to November 15, 2023.