

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, ENTITLED "DEFINITIONS" AND ARTICLE 3, ENTITLED "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 Noriega, V, City Manager of behalf of the City of Miami

**PURPOSE:** To amend the Ordinance No. 13114 ("Miami 21 Code"), the Zoning Ordinance of the City of Miami, Florida, 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 Zoning and Appeals Board (PZAB): Recommended denial.

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

WHEREAS, the Miami 21 Task Force made recommendations to encourage that 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

Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida, be amended by making modifications to Article 1 in the following particulars 1:

“ARTICLE 1. DEFINITIONS

\* \* \*

1.2 DEFINITIONS OF TERMS

This section provides definitions for terms in this Code that are technical in nature or that might not otherwise reflect a common usage of the word. If a term is not defined in this Article, then the Zoning Administrator shall determine the correct definition of the term.

\* \* \*

Paseo: An access way limited to pedestrian use connecting streets, plazas, alleys, garages and other existing and future public spaces abutting a property. A Paseo shall have a clear path of a minimum of ten (10) feet in width that is restricted to pedestrian use and lined with active uses having frequent doors and windows. A Paseo may be roofed above the first floor for (100%) of its length, but any roof portion of Paseo shall not be counted as Open Space.

Passive Flood Barrier: a non-operable barrier such as a wall or raised area which blocks water intrusion or a movable barrier.

\* \* \*”

that Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida, be amended by making modifications to Article 3 in the following particulars: 1:

“ARTICLE 3. GENERAL TO ZONES

\* \* \*

3.18 RESILIENCE PUBLIC BENEFITS

3.18.1 Waterfront Resilience Benefits

Waterfront Lots are required to meet certain obligations with regards to seawalls, public access, and Right-of-Way improvements, per Article 3, Section 3.11 Waterfront Standards and Chapters 29 and 54 of the City Code. The following Waterfront Resilience Benefits are available to Waterfront Lots when additional conditions relating to parking, frontages, resiliency and sustainability are met.

a. Eligibility

1. Waterfront Lots and eligible Inland Lots.

2. Eligible Waterfront Lots receiving Density must have at least one Waterfront Frontage and are required to have improvements associated with Section 3.11 Waterfront Standards and Appendix B – Waterfront Design Guidelines.

3. Eligible Inland Lots sending Density shall be located within 1,000 feet along the route of ordinary pedestrian traffic of the subject Waterfront Lot and shall be designed to minimize the impact of parking on the neighborhood.

b. Density Transfer

1 Up to fifty percent (50%) of the Inland Lot’s Density may be transferred to the Waterfront Lot. For the purposes of this provision, the Density of the Inland Lot shall be established through the Miami 21 Code Transect Zone with no increases.

2. A minimum of fifty percent (50%) of the Inland Lot’s Density

shall not be transferred and must remain on the Inland Lot.

3. Waterfront Lots shall only be eligible to increase its Density through the transfer of Density from the Inland Lot, by being consistent with the interpretation of the Future Land Use Map of the Miami Comprehensive Neighborhood Plan (MCNP) and if conditions specified in Section 3.18.1.c. through Section 3.18.1.d. are complied with.

#### c. Parking and Frontage Conditions

For Waterfront Lots to utilize the Density Transfer provisions described in Section 3.18.1, the Project shall comply with the following parking and frontage conditions:

1. Off-street parking for Waterfront Lots and Inland Lots shall abide by the requirements in Article 3, Section 3.6, OFFSTREET PARKING AND LOADING STANDARDS and requirements particular to the Transect per applicable section of Article 4, Table 4, DENSITY, INTENSITY, AND PARKING and Article 5 SPECIFIC TO ZONES.

2. 100% of non-ADA required off-street parking shall be located on the Inland Lot.

3. Parking Structures shall be masked with a Liner on the second and third Stories in the Second Layer and conform with Article 4, Table 12.

4. Entrances to Off-street parking spaces shall be protected from water intrusion by Passive Flood Barriers up to the base flood elevation.

5. Waivers shall not be allowed for reduction of required Frontage at front setback line or for reduction of glazed and habitable space requirements per Article 5.

#### d. Resilience and Sustainability Conditions

For Waterfront Lots to utilize the Density Transfer provisions described in Section 3.18.1, the Project shall comply with the following resilience and sustainability conditions:

1. Construct a seawall as per Sections 29-81 through 29-95 of the City Code. Any existing seawall must be upgraded to the standards and elevations required by Sections 29-81 through 29-95 of the City Code.

2. Modify the flood zone designation and/or the base flood elevation on Flood Insurance Rate Map for the Waterfront Lot through the Letter of Map Revision process with the Federal Emergency Management Agency, when available.

3. Provide and maintain Play Streets per the requirements in Section 35-5 of the City Code.

4. Provide improvements consistent with all applicable adopted masterplans including, but not limited to, the Miami River Greenway Plan, Streetscape Masterplans, and the Stormwater Masterplan.

5. Provide improved soil volume and water storage as set forth in Appendix B, Section 6.2 for trees within the public Right-of-Way.
6. Provide Right-of-Way improvements to the entirety of the Right-of-Way between the Inland and Waterfront Lots consistent with the requirements in Chapters 29, 54, and 55 of the City Code.
7. Maintain all non-standard improvements within the Right-of-Way.
8. Notwithstanding any requirements allowing or requiring ground floor areas to be raised above the sidewalk, baywalk, or riverwalk public area, provide public amenities at the Sidewalk, baywalk, or riverwalk level with easy and inviting pedestrian access. Subject to approval, public pedestrian level improvements may include drinking fountains, bicycle/motorized scooter, exercise equipment, shaded sitting areas, water-taxi access, or water-access for non-motorized craft, as available in Appendix B – Waterfront Design Guidelines, Section 5.2.
9. Improve stormwater retention on-site by providing an improvement of, at minimum, a fifty percent (50%) reduction in the “time concentration” per rainfall intensity standards found in Section 20-3 of the City Code for both the inland and waterfront sites.
10. Provide a minimum of fifteen percent (15%) of the required parking spaces with 40 Amp, 208 or 240-Volt (Level 2) charging equipment and provide an additional fifteen percent (15%) of the required parking spaces as Electric Vehicle Capable, as set forth in Article 3, Section 3.6.1.
11. Meet United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Gold standards, at minimum, or equivalent standards adopted or approved by the City.
12. Avoid connection and use of natural gas on-site as an energy source by powering the building exclusively by electricity except for emergency situations.

e. Process Requirements

1. Waterfront Lots, Inland Lots, and required Right-of-Way improvements adjacent to and between the properties shall be reviewed and a recommendation provided by the Urban Development Review Board. Recommendations on the Right-of-Way improvements shall not constitute an approval by the Department of Resilience and Public Works.
2. Projects incorporating additional resilience and sustainability measures are encouraged to be presented to the Climate Resilience Committee.
3. Upon the City’s issuance of a building permit for construction of a project qualifying under this section, the City’s Zoning Administrator, or designee, shall issue a letter

Certificate of Eligibility confirming that the Owner is entitled to transfer density from the Inland Lot to an eligible receiving Waterfront Lot. The City's Zoning Administrator shall be notified of each transfer of density and the Zoning Administrator shall issue a letter Certificate of Transfer confirming the transfer of the units and the balance of units eligible to be transferred after each transfer transaction, to be recorded in the public records of Miami-Dade County.

4. An applicant requesting off-street Parking relating to the Waterfront Lot and provided within a Structure located on the Inland Lot shall provide a Parking covenant, in a form acceptable to the City Attorney, to be recorded against the Inland Lot prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for the Waterfront Lot, as applicable. The covenant shall, at a minimum, memorialize the Property location and number of spaces of the Waterfront Lot for which the Structure on the Inland Lot provides such parking availability. The applicant may request the removal or modification of a Parking covenant upon such time that the City Parking requirements are reduced or the required parking being provided off-site is otherwise satisfied on-site, off-site, or through payment of fees in lieu, if applicable."