

CITY COMMISSION FACT SHEET

File ID: (ID # 14192)

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"), SPECIFICALLY BY AMENDING ARTICLE 1, TITLED "DEFINITIONS," TO ADD NEW DEFINITIONS, ARTICLE 3, TITLED "GENERAL TO ZONES," AMENDING ARTICLE 5, TITLED "SPECIFIC TO ZONES," TO CLARIFY AND AMEND THE WAIVER PROCESSES RELATING TO SETBACKS FOR IRREGULAR LOTS, DOMINANT SETBACKS, SHARED ACCESS FOR ADJOINING LOTS, PRESERVATION OF NATURAL FEATURES, EXTENSIONS ABOVE MAXIMUM HEIGHTS, ENCROACHMENT OF MECHANICAL EQUIPMENT, ADJUSTMENTS TO BUILDING SPACING AND TO SETBACKS ABOVE THE EIGHTH FLOOR, ADJUSTMENTS TO BUILDING DISPOSITION IN CIVIC INSTITUTIONAL ("CI") TRANSECT ZONES, AND INDUSTRIAL USES REQUIRING ADDITIONAL HEIGHT, AND AMENDING ARTICLE 7, TITLED "PROCEDURES AND NONCONFORMITIES," TO UPDATE THE WAIVERS SUMMARY LIST; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

LOCATION: City Wide

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

PURPOSE: This provides updates to waivers.

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARDS: On June 14, 2023, recommended approval by a vote of 9-0.



**City of Miami
Legislation
Ordinance
Enactment Number**

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

File Number: 14192

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"), SPECIFICALLY BY AMENDING ARTICLE 1, TITLED "DEFINITIONS," TO ADD NEW DEFINITIONS, ARTICLE 3, TITLED "GENERAL TO ZONES," AMENDING ARTICLE 5, TITLED "SPECIFIC TO ZONES," TO CLARIFY AND AMEND THE WAIVER PROCESSES RELATING TO SETBACKS FOR IRREGULAR LOTS, DOMINANT SETBACKS, SHARED ACCESS FOR ADJOINING LOTS, PRESERVATION OF NATURAL FEATURES, EXTENSIONS ABOVE MAXIMUM HEIGHTS, ENCROACHMENT OF MECHANICAL EQUIPMENT, ADJUSTMENTS TO BUILDING SPACING AND TO SETBACKS ABOVE THE EIGHTH FLOOR, ADJUSTMENTS TO BUILDING DISPOSITION IN CIVIC INSTITUTIONAL ("CI") TRANSECT ZONES, AND INDUSTRIAL USES REQUIRING ADDITIONAL HEIGHT, AND AMENDING ARTICLE 7, TITLED "PROCEDURES AND NONCONFORMITIES," TO UPDATE THE WAIVERS SUMMARY LIST; 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, Waivers permit minor deviations from the Miami 21 Code in certain specified circumstances as provided in the various Articles of the Miami 21 Code and as consistent with the Guiding Principles in Article 2 of the Miami 21 Code; and

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

WHEREAS, this Ordinance proposes to amend the Miami 21 Code to provide applicants and City of Miami ("City") staff with increased clarity and a more streamlined process as summarized below:

- **Waiver 2.** Setbacks for irregular Lots (Article 3, Section 3.3.3.c). This amendment updates the process and criteria through which side and rear setbacks for irregular lots are established, excluding front and waterfront setbacks.
- **Waiver 3.** Setbacks for the property to be developed to match the dominant Setback in the Block and its Context. (Article 3, Section 3.3.5; Article 5, Sections 5.3.1.e, 5.4.1.e, 5.5.1.g, 5.6.1.g, 5.8.1.g, 5.9.1.e, and 5.10.1.e). This amendment clarifies which Transect

Zones the dominant setback Waiver may be applied to. In addition, the updated text restricts the Waiver to buildings up to specified heights by clarifying how the dominant setback may be identified using existing and corresponding physical elements.

- **Waiver 4.** Shared Access for adjoining Lots (Article 3, Section 3.6.3.k). This amendment removes the Waiver and allows shared access By Right while maintaining the Covenant requirement. This amendment provides a more streamlined Building Permit process for adjoining Lots that share access, driveways, and parking and supports an objective within the Design Review Criteria (Article 4, Table 12) to minimize the width and frequency of curb cuts.
- **Waiver 7.** The relaxation of Setbacks or required Off-street Parking for preservation of Natural Features of land (Article 3, Section 3.13.1). This amendment expands and more clearly defines which existing site elements may be adjusted by process of Waiver.
- **Waiver 12.** Extensions above maximum Heights for church spires, steeples, belfries, monuments, water towers, flagpoles, vents, ornamental Building features, decorative elements, or similar Structures (Article 3, Section 3.5.3, Article 5, Sections 5.3.2.f; 5.4.2.g; 5.5.2.h; 5.6.2.h, 5.9.2.g and 5.10.2.g). This amendment provides a new Waiver to allow for additional flexibility for rooftop elements within the T4 Transect Zone. For T3 rooftop stairs and elevator enclosures, the Waiver process is eliminated and criteria for a By-Right process is introduced.
- **Waiver 13.** Encroachment of mechanical equipment, such as air conditioning units, pumps, exhaust fans or other similar noise producing equipment for existing Buildings (Article 5, Sections 5.3.2.d and 5.4.2.d). This amendment to the existing Waivers allows for mechanical equipment to follow the less restrictive outbuilding setbacks within the T3 and T4 Transect Zones and mitigates any ambient impacts on neighboring properties.
- **Waiver 16.** Adjustments to Building spacing and to Setbacks above the eighth floor for Lots having one dimension one hundred (100) feet or less (Article 5, Section 5.6.1.g, 5.6.1.h). This amendment clarifies that reduced setbacks can only be utilized on portions of the Lot with a depth less than one hundred (100) feet thereby only permitting Setback reductions in justifiable situations.
- **Waiver 17.** Adjustments to Building Disposition in Civic Institutional (“CI”) (Article 5, Section 5.7.2.4.d). Revised text expands the development standards that may be modified by Waiver allowing greater flexibility for positive design outcomes for Civic Developments while still responding to the site and neighborhood context.
- **Waiver 18.** Industrial Uses requiring additional Height in D2 and D3 Zones (Article 5, Section 5.9.2.f and 5.10.2.f). This proposed amendment replaces the Waiver process by Warrant process, allowing for the existing Public Benefits Height provisions to be evaluated against the needs of the proposed Industrial Uses and site’s context. The revised text also updates the Public Benefits Program text to capture existing D1 Zone bonus height.
- **Waiver 27.** Modification of the landscaping of nonconforming signs (Article 7, Section 7.2.9.5). This amendment removes the Waiver as this section of the Miami 21 Code does not exist.

WHEREAS, the Planning, Zoning and Appeals Board (“PZAB”), at its meeting on June 14, 2023, following an advertised public hearing, adopted Resolution No. PZAB-R-23-066 by a

vote of nine to zero (9 - 0), Item No. PZAB. 6, recommending approval of the zoning text amendment; and

WHEREAS, the City Commission has considered whether the proposed text amendment as stated herein will further the goals, objectives, and policies of the Miami Comprehensive Neighborhood Plan ("MCNP"), the Miami 21 Code, and other City regulations; and

WHEREAS, the City Commission has considered the need and justification for the proposed text amendment, including changed or changing circumstances; and

WHEREAS, the City Commission finds that it is in the best interest of the City and its residents to amend the Miami 21 Code as stated herein;

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 as if fully set forth in this Section.

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

"ARTICLE 1. DEFINITIONS

* * *

1.2 DEFINITIONS OF TERMS

* * *

Building Function: The Uses accommodated by a Building and its Lot. Functions are categorized as Restricted, Limited, or Open, according to the Intensity of the Use.

~~**Building Height:** The vertical extent of a Building measured in Stories.~~

* * *

Height: See Building Height.

Height, Building: The vertical extent of a Building measured in Stories.

Height, Structure: The vertical extent of a Structure measured in feet.

* * *

Liner: A Building or part of a Building with Habitable Space specifically designed to enfront a thoroughfare or public space, masking a function without capacity to monitor public space, such as a parking lot, Parking Garage, or storage facility. A Liner shall have a minimum depth of fifteen feet (15 ft).

* * *

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.

Pedestrian Entrance/Entry: The route by which a pedestrian accesses the second or third layer of a Lot or a Building. Emergency exits, utility doors, and doors to non-habitable spaces shall not be considered a Pedestrian Entrance.

* * *

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

“ARTICLE 3. GENERAL TO ZONES

* * *

3.3 Lots and Frontages

3.3.3

Lots facing Thoroughfares on more than one (1) side shall have designated Principal Frontage(s) and may have Secondary Frontage(s). Unless otherwise designated by a Special Area Plan, a Principal Frontage shall be that facing the Thoroughfare of higher pedestrian importance or intensity (i.e., traffic volume, number of lanes, etc.), as determined by the ~~Planning Department~~ Planning Director upon request by the Zoning Administrator.

- a. If two Thoroughfares are of equal importance each Frontage shall be considered a Principal Frontage. Lots with two or more Frontages may consider other non-fronting Property Lines as sides.
- b. Lots shall have at least one (1) Principal Frontage, except ~~W~~waterfront Lots shall have at least two (2) Principal Frontages, one of which shall be the ~~W~~waterfront and shall conform to Waterfront Setback Standards. However, Lots which do not require a ~~W~~waterfront walkway pursuant to Section 3.11 shall not consider the Waterfront as a Principal Frontage. For Waterfront Setbacks, see Section 3.11 and Appendix B - Waterfront Design Guidelines.
- c. Where an existing Lot of record is located adjacent to a Thoroughfare in a manner that creates an irregular Frontage such that the side or rear yards cannot be determined as with a regular Lot, the Zoning Administrator shall determine, by Waiver, the yard side and rear yards and Setbacks for the Lot ~~as fits the circumstances of the case~~ with due regard to the orientation of Structures and buildable areas on the Lot and relationship to adjoining properties. Prior to submitting an application for a Waiver under this Code, the prospective applicant shall meet with the Zoning Administrator in a preapplication meeting to review guidelines for determining existing site conditions and allow the evaluation to adjust minimum dimensions for Setbacks of the Lot due to site constraints or hardships. ~~In addition to general Waiver requirements, the Zoning Administrator shall consider the minimum dimensions and methods of measurement as generally required for either a side or rear yard in the transect, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot, with due regard to the orientation of structures and buildable areas on each lot.~~

* * *

3.3.5

~~Where the property to be developed abuts a Structure other than a Sign, a Waiver may be granted so that the proposed Structure matches the ground level~~ Adjustments to Setbacks to

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match the dominant Setback of the block and its Context for Structures and Buildings shall be pursuant to Article 5, titled "Specific to Zones."

* * *

3.6.3 Additional Off-street Parking Regulations

General performance standards for Off-street Parking facilities:

- a. Parking shall be implemented so as to provide safe and convenient access to and from public Thoroughfares which include movement lanes and Public Frontages.
- b. Vehicular access through Residential properties for nonresidential Uses shall be prohibited.
- c. Off-street Parking spaces shall be located with sufficient room for safe and convenient parking without infringing on any public Thoroughfare or sidewalk.
- d. Off-street Parking spaces whose locations require that cars back into movement lanes shall only be permissible in T3 and T4 zones. Backing into Alleys shall be permissible in all Transect Zones.
- e. Off-street Parking or loading area shall not be used for the sale, repair, or dismantling of any vehicle or equipment, or for storage of materials or supplies.
- f. Parking or storage of commercial trucks, buses, vans, sign trailers; trailers or semi-trailers for freight, cargo; non-recreational watercraft; or the like shall not be permitted in any T3, T4, T5-R or T6-R Zone.
- g. Inoperable vehicles and other inoperable Recreational Watercraft or equipment shall be stored only in storage facilities or other approved places where they are completely concealed from public view.
- h. Except in connection with permitted active continuing construction on the premises, construction equipment such as earth moving machines, excavators, cranes, and the like shall only be allowed in D1, D2 and D3, as allowed by this Code.
- i. All Off-street Parking shall comply with applicable regulations related to lighting, paving, and drainage including the Miami-Dade County Code and the Florida Building Code.
- j. Specific areas may be set aside for Tandem Parking. Tandem Parking in all Transect Zones, except T3 and T4, shall be used only by a valet parking operator.
- k. Parking facilities on adjoining Lots may share access points, driveways and parking subject to a recorded covenant running with the property on which the facilities are located, ~~by process of Waiver.~~

* * *

3.13 SUSTAINABILITY

3.13.1 General

- a. Landscape requirements are as required in Article 9 of this Code and the City of Miami Tree Protection regulations of Chapter 17 of the City Code, except that where this Code is more restrictive than the Tree Protection regulations, this Code shall apply.
- b. All new Buildings of more than 50,000 square feet of Habitable Rooms or Habitable Space in the T5, T6, CI and CS zones shall be at a minimum certified as Silver by the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) standards or equivalent standards adopted or approved by the City.
 1. At the time of Building Permit application, the owner shall submit:
 - (a) Proof of registration with the Green Building Certification Institute, or equivalent agency;
 - (b) A signed and sealed affidavit from a LEED Accredited Professional, or applicable designation, stating that the proposed Building is designed to achieve the required certification; and

- (c) A LEED Scorecard, or equivalent document, identifying anticipated credits to be achieved.
2. At the time of Certificate of Occupancy application, the owner shall submit:
- (a) Proof of certification by the Green Building Certification Institute, or equivalent agency;
 - (b) A bond posted in a form acceptable to the City, in the amount indicated below;
 - (i) Two percent (2%) of the total cost of construction for a 50,000 - 100,000 square feet Building;
 - (ii) Three percent (3%) of the total cost of construction for a 100,001 - 200,000 square feet Building;
 - (iii) Four percent (4%) of the total cost of construction for any Building greater than 200,000 square feet; or
 - (c) Proof of partial compliance from the Green Building Certification Institute, or applicable agency, which demonstrates the credits presently achieved. In addition, a prorated portion of the full bond amount, as indicated in subsection 2(b) above, shall be posted based on the number of remaining credits needed to meet minimum certification requirements. The bond amount to be posted shall be calculated as follows:
 (credits remaining for certification / credits required for certification) x full bond amount = prorated bond amount

3. Forfeiture of Bond

A bond under this Section 3.13.1 shall be forfeited to the City in the event that the Building does not meet the for LEED Silver certification or applicable certification. The City will draw down on the bond funds upon failure of the owner to submit proof of LEED Silver certification in a form acceptable to the City within one (1) year of the City's issuance of the Certificate of Occupancy for the Building. If required certification is not achieved but a majority of the credits have been verified, the owner shall forfeit a portion of the bond based on any outstanding credits which shall be calculated as follows:
 (credits remaining for certification / credits required for certification) x full bond amount = bond amount forfeited

If the amount to be forfeited is greater than fifty percent (50%) of the full bond amount, the bond shall be forfeited in its entirety. Funds that become available to the City from the forfeiture of the bond shall be placed in the Miami 21 Public Benefits Trust Fund established by this Code.

- c. Affordable Housing Developments that qualify under Section 3.15, may elect to comply with the sustainability requirements promulgated by the Florida Housing Finance Corporation, or its successor agency, in lieu of the requirements set forth in Section 3.13.1.b above.
- d. The preservation of Natural Features of land such as trees, vegetation, geological, and other land characteristics and the preservation of archaeological features of ~~archaeological~~ significance are ~~declared to be~~ in the public interest. Said preservation may justify the relaxation of Setbacks, ~~or required~~ placement and number of Off-street Parking ~~by spaces, and driveway separation requirements by process of~~ Waiver. ~~The Zoning Administrator shall determine that the trees, vegetation, geological and other natural characteristic, or archaeological features are in the Buildable Area of the Site and not in Setback areas required for the development of the site. The Zoning Administrator shall determine that the trees, vegetation, geological, and other natural characteristics or archaeological features are either in the Buildable Area of the Site, proposed location of the driveway or Parking, in the First Layer, or in the Public Right-of-Way immediately adjacent to the Lot. The Environmental Resources Division shall clarify that the species, size, health, and other characteristics of the Natural Features merit preservation. The Preservation Officer shall clarify that the archeological features merit preservation.~~

Section 4. Article 5 of the Miami 21 Code is hereby amended in the following particulars.³

“ARTICLE 5. SPECIFIC TO ZONES

* * *

5.3 SUB-URBAN TRANSECT ZONES (T3)

5.3.1 Building Disposition (T3)

- a. Newly platted Lots shall be dimensioned according to Illustration 5.3.
- b. Lot Coverage by Building shall not exceed that shown in Illustration 5.3.
- c. A Building shall be disposed in relation to the boundaries of its Lot according to Illustration 5.3.
- d. In Zone T3-R, one Principal Building consisting of one Dwelling Unit at the Frontage may be built on each Lot as shown in Article 4, Table 8. In Zone T3-L one Principal Building consisting of one Dwelling Unit at the Frontage and one Outbuilding may be built on each Lot. The Outbuilding shall be separated from the Principal Building by a minimum of ten (10) feet. A Backbuilding may connect the Principal Building and the Outbuilding. In Zone T3-O, one Principal Building consisting of two Dwelling Units at the Frontage may be built on each Lot as shown in Illustration 5.3.
- e. Setbacks for Principal Buildings shall be as shown in Illustration 5.3. Setbacks may otherwise be adjusted by Waiver by no more than ten percent (10%) except for Waivers to preserve Natural Features pursuant to Section 3.13.1(d), for irregular lots pursuant to Section 3.3.3(c), for alterations and additions to existing nonconforming Single Family Residences and Two-Family Housing pursuant to Section 7.2.3(a)(3). Where a Lot to be developed Abuts a Lot containing an existing legal Structure other than a Sign, a Waiver may be granted so the proposed Structure matches the ground level dominant Setback of the Block Face and its Context. Where a Lot to be developed proposes a one (1) or two (2) Story Building and Abuts a Lot containing an existing legal Building, an Exception may be granted so that the proposed Building matches the ground level dominant Setback of the Block Face and its Context.

* * *

5.3.2 Building Configuration (T3)

- a. Development within Private Frontages shall comply with Article 4, Tables 2 and 6 and Illustration 5.3. For T3-R and T3-L, second story lot coverage shall not exceed thirty percent (30%).
- b. Encroachments shall be allowed as follows: At the First Layer, stairs may encroach up to eight (8) feet of the depth of the Setback. In the event an existing Building is raised in order to bring the finished floor elevation above the Base Flood Elevation plus Freeboard, stairs and ramps required for vertical circulation may encroach one hundred percent (100%) of the Setback by process of Waiver. Open Porches shall be at a minimum seven (7) feet deep and may encroach up to eight (8) feet of the depth of the Setback. At the First Layer, cantilevered portions of Awnings, balconies, bay windows and roofs shall be a maximum three (3) feet deep and may encroach up to three (3) feet of the depth of the Setback. Other cantilevered portions of the Building shall maintain the required Setback. At the Second and Third Layers, Awnings, balconies, bay windows, chimneys, roofs and stairs may encroach up to fifty percent (50%) of the depth of the

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- Side Setback or three (3) feet, whichever is less. At the Third Layer, Awnings and canopies may encroach up to fifty percent (50%) of the depth of the Rear Setback.
- c. Unroofed screen enclosures shall be located within the Second or Third Layer only and shall have a five (5) foot minimum side and rear Setback.
 - d. All outdoor storage, electrical, plumbing, mechanical, and communications equipment and appurtenant enclosures, shall be located within the Second or Third Layer, shall follow the Side and Rear Setbacks for Outbuildings as shown in Illustration 5.3, and shall be concealed from view from any Frontage. These shall not be allowed as Encroachments, on any required setback, except for Buildings existing as of the effective date of this Code, where mechanical equipment, such as air conditioning units, pumps, exhaust fans or other similar noise producing equipment cannot be located completely within the Buildable Area or on the roof, may be allowed as Encroachments by Waiver.
 - e. Building Heights shall be measured in Stories and shall conform to Article 4, Tables 2 and be as shown in Illustration 5.3. The first-floor elevation of a Principal Building shall be a maximum of two and a half (2.5) feet above grade, or Base Flood Elevation with a minimum of one (1) foot to a maximum of five (5) feet of Freeboard, whichever is higher. A flat roof shall be a maximum of two Stories and twenty-five (25) feet. A pitched roof shall be a maximum of twenty-five (25) feet to the eave and shall not exceed ten (10) feet overall Height above the second Story.
 - f. Mechanical equipment on a roof shall be enclosed by parapets of the minimum Height necessary to conceal it, and a maximum Height of three and a half (3.5) feet. At the roof, other ornamental Building features may extend up to three and a half (3.5) feet above the maximum Building Height, or up to ten (10) feet by process of Waiver. Roof decks shall be permitted at the maximum Height. Trellises may extend above the maximum Height up to eight (8) feet. Extensions above the maximum Height up to four hundred (400) square feet for either a stair or elevator enclosures or ornamental purpose may contain up to a total of two hundred (200) square feet of Floor Area per unit and shall be set back ten (10) feet from all facades and elevations. ~~shall be permitted by process of Waiver.~~ All extensions including attics shall not exceed ten (10) feet above the second Story.
 - g. Fences and walls may be located up to and including the Frontage Line to the following maximum Height. Height of fences and walls shall not exceed four (4) feet within the First Layer, except aluminum or iron picket and post Fences with or without masonry posts shall not exceed six (6) feet. Within the Second and Third Layers, Fences and walls shall not exceed eight (8) feet.

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5.4 GENERAL URBAN TRANSECT ZONES (T4)

5.4.1 Building Disposition (T4)

- a. Newly platted Lots shall be dimensioned according to Illustration 5.4.
- b. Lot Coverage by any Building shall not exceed that shown in Illustration 5.4.
- c. A Building shall be disposed in relation to the boundaries of its Lot according to Illustration 5.4.
- d. One Principal Building at the Frontage, and one Outbuilding to the rear of the Principal Building, may be built on each Lot as shown in Article 4, Table 8. The Outbuilding shall be separated from the Principal Building by a minimum of ten (10) feet.
- e. Setbacks for Principal Buildings shall be as shown in Illustration 5.4. Setbacks may otherwise be adjusted by Waiver by no more than ten percent (10%) except for Waivers to preserve Natural Features pursuant to Section 3.13.1(d), for irregular lots pursuant to Section 3.3.3(c), and for alterations and additions to existing non-conforming Single-Family Residences and Two-Family Residence pursuant to Section 7.2.3(a)(3). Where a Lot to be developed Abuts a Lot containing an existing legal Structure other than a Sign, a Waiver may be granted so the proposed Structure matches the ground level dominant Setback of the Block Face and its Context. Where a Lot to be developed

proposes a one (1) or two (2) Story Building and Abuts a Lot containing an existing legal Building, an Exception may be granted so that the proposed Building matches the ground level dominant Setback of the Block Face and its Context.

* * *

5.4.2 Building Configuration (T4)

- a. Development within Private Frontages shall comply with Article 4, Tables 2 and 6 and Illustration 5.4.
- b. Encroachments shall be allowed as follows: At the First Layer, stairs may encroach up to fifty percent (50%) of the depth of the Setback. In the event an existing Building is raised in order to bring the finished floor elevation above the Base Flood Elevation plus Freeboard, stairs and ramps required for vertical circulation may encroach one hundred percent (100%) of the Setback by process of Waiver. Open Porches shall be at a minimum seven (7) feet deep and may encroach up to fifty percent (50%) of the depth of the Setback. At the First Layer, Cantilevered portions of Awnings, balconies, bay windows and roofs shall be at a maximum three (3) feet deep and may encroach up to thirty percent (30%) of the depth of the Setback. Other cantilevered portions of the Building shall maintain the required Setbacks. At the Second and Third Layers, Awnings, balconies, bay windows, chimneys, roofs, and stairs may encroach up to fifty percent (50%) of the depth of the Setback or three (3) feet, whichever is less. At the Third Layer, Awnings and canopies may encroach up to fifty percent (50%) of the depth of the Setback.
- c. Unroofed screen enclosures shall be located within the Second or Third Layer only and shall have a five (5) feet minimum side and rear Setback.
- d. All outdoor storage, electrical, plumbing, mechanical, and communications equipment and appurtenant enclosures, shall be located within the Second or Third Layer, shall follow the Side and Rear Setbacks for Outbuildings as shown in Illustration 5.4, and shall be concealed from view from any Frontage. These shall not be allowed as Encroachments, on any required setback, except for Buildings existing as of the effective date of this Code, where mechanical equipment, such as air conditioning units, pumps, exhaust fans or other similar noise producing equipment cannot be located completely within the Buildable Area or on the roof, may be allowed as Encroachments by Waiver.
- e. Loading and service entries shall be at the Third Layer and shall be accessed from Alleys when available. When a Lot has only Principal Frontages, vehicular entries, Loading Docks and service areas shall be at the Third Layer and shall be permitted on Principal Frontages only by process of Waiver.
- f. Building Heights shall be measured in Stories and shall conform to Article 4, Table 2 and be as shown in Illustration 5.4. The first-floor Elevation of a Principal Building shall be at average Sidewalk grade; a first-floor Residential or Lodging Function should be at a minimum Height of two (2) feet and a maximum Height of three and a half (3.5) feet for privacy reasons or Base Flood Elevation with a minimum of one (1) foot to a maximum of five (5) feet of Freeboard, whichever is higher. The height of the building shall be up to three (3) Stories, and a maximum of forty (40) feet to the top of the roof slab.
- g. Mechanical equipment on a roof shall be enclosed by parapets of the minimum Height necessary to conceal it, and a maximum Height of five (5) feet. Other ornamental Building features may extend up to five (5) feet above the maximum Building Height. Roof decks shall be permitted up to the maximum Height. Trellises may extend above the maximum Height up to eight (8) feet. Extensions up to ten (10) feet above the maximum Height for a stair, elevator or mechanical enclosure shall be limited to twenty (20%) of the roof area, unless approved by process of Waiver.

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5.5 URBAN CENTER TRANSECT ZONES (T5)

5.5.1 Building Disposition (T5)

- a. Newly platted Lots shall be dimensioned according to Illustration 5.5.
- b. Lot coverage by any Building shall not exceed that shown in Illustration 5.5.
- c. Buildings shall be disposed in relation to the boundaries of their Lots according to Illustration 5.5.
- d. Buildings shall have their principal pedestrian entrances on a Frontage Line or from a Courtyard at the Second Layer.
- e. For the minimum Height, Facades shall be built parallel to the Principal Frontage Line along a minimum of seventy percent (70%) of its length on the Setback Line as shown in Illustration 5.5 or as modified pursuant to Appendix B – Waterfront Design Guidelines, Section 2.3(a) for Frontages along a Waterfront. In the absence of a Building along the remainder of the Frontage Line, a Streetscreen shall be built co-planar with the Façade to conceal parking and service areas.
- f. At the first Story, Façades along a Frontage Line shall have frequent doors and windows; pedestrian entrances shall occur at a maximum spacing of seventy-five (75) feet and vehicular entries shall occur at a minimum spacing of sixty (60) feet, unless approved by Waiver.
- g. Setbacks for Buildings shall be as shown in Illustration 5.5. Where the property a Lot to be developed abuts a Lot containing an existing legal Structure other than a Sign, a Waiver may be granted so the proposed Structure matches the ground level dominant setback of the Block Face and its Context. Where a Lot to be developed abuts a Lot containing an existing legal Building, a Waiver may be granted so that the proposed Building matches the ground level dominant Setback of the Block Face and its Context, as follows:
 - i. For Rights-of-Way with an adjacent Sidewalk less than six and half (6 ½) feet a two (2) Story building or less may be permitted by process of Waiver.
 - ii. For Rights-of-Way with an adjacent Sidewalk greater than six and half (6 ½) feet, but less than twelve (12) feet, a four (4) Story building or less may be permitted by process of Waiver.
 - iii. For Rights-of-Way with an adjacent Sidewalk greater than twelve (12) feet may be permitted for the number of Stories allowed by the Transect Zone by process of Waiver.
- h. For sites with three hundred and forty (340) feet Frontage length or more, a cross-block passage shall be provided as follows: If the Frontage Line of a site is at any point more than three hundred and forty (340) feet from a Thoroughfare intersection, the Building shall provide a cross Block Pedestrian Passage. If the Frontage Line of a site is at any point six hundred and fifty (650) feet from a Thoroughfare intersection, a vehicular cross Block passage shall be provided.
- i. Maximum Lot size as shown in Illustration 5.5 may be increased by Exception for Uses that serve the Neighborhood.

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5.6 URBAN CORE TRANSECT ZONES (T6)

5.6.1 Building Disposition (T6)

- a. Newly platted Lots shall be dimensioned according to Illustration 5.6.
- b. Lot coverage by any Building shall not exceed that shown in Illustration 5.6.
- c. Buildings shall be disposed in relation to the boundaries of their Lots according to Illustration 5.6.
- d. Buildings shall have their principal pedestrian entrances on a Frontage Line or from a courtyard at the Second Layer.
- e. For the minimum Height, Facades shall be built parallel to the Principal Frontage Line along a minimum of seventy percent (70%) of its length on the Setback Line as shown in Illustration 5.6. In the absence of Building along the remainder of the Frontage Line, a

Streetscreen shall be built co-planar with the Façade to shield parking and service areas. In the case of two (2) or three (3) Principal Frontages meeting at Thoroughfare intersections, the Building corner may recede from the designated Setback up to twenty percent (20%) of the Lot length.

- f. At the first Story, Facades along a Frontage Line shall have frequent doors and windows; ~~p~~Pedestrian ~~e~~Entrances shall occur at a maximum spacing of seventy five (75) feet and vehicular entries shall occur at a minimum spacing of sixty (60) feet unless approved by Waiver.
- g. Setbacks for Buildings shall be as shown in Illustration 5.6. ~~Where the property to be developed abuts a Structure other than a Sign, a Waiver may be granted so the proposed Structure matches the ground level dominant setback of the block and its context.~~ Frontage Front Setbacks above the eighth floor for Lots having one (1) dimension measuring one hundred (100) feet or less a minimum of zero (0) feet a depth of one hundred (100) feet or less may be reduced to match the front Setback of the podium for that portion of the Lot where the depth is one hundred (100) feet or less, by process of Waiver. For T6-24, T6-36, T6-48, T6-60 and T6-80, the Frontage Setbacks above the eighth floor shall not be required for a Frontage facing a Civic Space or a Right-of-Way seventy (70) feet or greater in width. At property lines Abutting a lower Transect Zone the Setbacks shall reflect the transition as shown in Illustration 5.6. Where a Lot to be developed Abuts an existing legal Structure other than a Sign, a Waiver may be granted so the proposed Structure matches the ground level dominant Setback of the Block Face and its Context. Where a Lot to be developed Abuts a Lot containing an existing legal Building, a Waiver may be granted so that the proposed Building matches the ground level dominant Setback of the Block Face and its Context, as follows:
 - i. For Rights-of-Way with an adjacent Sidewalk less than six and half (6 ½) feet a two (2) Story building or less may be permitted by process of Waiver.
 - ii. For Rights-of-Way with an adjacent Sidewalk greater than six and half (6 ½) feet, but less than twelve (12) feet, a four (4) Story building or less may be permitted by process of Waiver.
 - iii. For Rights-of-Way with an adjacent Sidewalk greater than twelve (12) feet may be permitted for the number of Stories allowed by the Transect Zone by process of Waiver.
- h. Above the eighth floor, minimum building spacing is sixty (60) feet, except that where the Building abuts T5, the sixty (60) feet required spacing shall be above the fifth floor. For T6-24, T6-36, T6-48, T6-60 and T6-80 Lots having one dimension one hundred (100) feet or less, side and rear Setbacks above the eighth floor may be reduced to a minimum of twenty (20) feet, for that portion of the Lot where the depth or width is one hundred (100) feet or less, by process of Waiver. For T6-36, T6-48, T6-60 and T6-80 above the eighth floor in the Second Layer, at a setback of ten (10) feet, an additional two stories of habitable space may extend a maximum sixty percent (60%) of the length of the street Frontages. For T6-24, T6-36, T6-48, T6-60 and T6-80 above the eighth floor an additional six feet of non-habitable space may be allowed without additional setback to accommodate depth of swimming pools, landscaping, transfer beams, and other structural and mechanical systems.
- i. For sites with three hundred and forty (340) feet Frontage length or more, a cross-Block passage shall be provided as follows: If the Frontage Line of a site is at any point more than three hundred and forty (340) feet from a Thoroughfare intersection, the Building shall provide a cross-Block Pedestrian Passage. If the Frontage Line of a site is at any point six hundred and fifty (650) feet from a Thoroughfare intersection, a vehicular cross-Block passage shall be provided. Such a cross-Block Passage may be covered above the first floor by a maximum of twenty-five percent (25%) of its length with Structures connecting Buildings, such as a terrace, pedestrian bridge or vehicular bridge. In T6-36, T6-48, T6-60 and T6-80 a Pedestrian Passage may be roofed and shall be lined with frequent doors and windows.

- j. Maximum Lot size as shown in Illustration 5.6 may be increased by Exception for Uses that serve the Neighborhood.

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5.7.2 Civic Institution Zones (CI)

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5.7.2.4

Civic Institution Development shall be permitted by process of Exception and shall conform to the following regulations:

- a. Any property located within a CI Zone may be developed according to the regulations of the most restrictive Abutting Transect Zone with all Frontage Setbacks considered a minimum.
- b. Development in a CI Zone shall follow the regulations of the Abutting Transect Zone, except that Height restrictions shall be as follows:
 - 1. A CI Zone entirely Abutting T3 shall be developed to no more than the maximum Height allowed by T4.
 - 2. A CI Zone predominantly Abutting T3 or T4, shall be developed to no more than the maximum Height allowed by T5.
 - 3. A CI Zone predominantly Abutting T5, T6-8, D1, D2 or D3, shall be developed to no more than the maximum Height of T6-8.
 - 4. A CI Zone entirely Abutting T6-8 or higher, may conform to the maximum Height of any higher Abutting Transect Zone.
- c. A CI Zone may seek higher than Abutting successional Transect Zoning through the process of Special Area Plan.
- d. Adjustments to Building Disposition Requirements the applicable Transect regulations, with the exception of Setbacks other than Density, Intensity and Height limitations, shall be allowed by process of Waiver. Adjustments to Setbacks shall be pursuant to those adjustments permitted by the most restrictive Abutting Transect Zone.

* * *

5.8 CIVIC INSTITUTION ZONES – HEALTH DISTRICT (CI-HD)

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5.8.1 Building Disposition (CI-HD)

- a. Newly platted Lots shall be dimensioned according to Illustration 5.8.
- b. Lot coverage by any Building shall not exceed that shown in Illustration 5.8.
- c. Buildings shall be disposed in relation to the boundaries of their Lots according to Illustration 5.8. A CI-HD lot may have more than one building.
- d. Principal pedestrian entrances shall generally be along Principal Frontages and vehicular entrances on streets of less intensity.
- e. It is recommended that Facades be built parallel to the Principal Frontage Line.
- f. It is recommended at the first Story, Facades along a Frontage Line have frequent doors and windows.
- g. Setbacks for Buildings shall be as shown in Illustration 5.8. Frontage Setbacks may be adjusted to conform to the ground level dominant Setback of the existing neighborhood or existing thoroughfare Frontage Setbacks by Waiver. Where a Lot to be developed Abuts an existing legal Structure other than a Sign, a Waiver may be granted so the proposed Structure matches the ground level dominant Setback of the Block Face and its Context. Where a Lot to be developed Abuts a Lot containing an existing

legal Building, a Waiver may be granted so that the proposed Building matches the ground level dominant Setback of the Block Face and its Context, as follows:

- i. For Rights-of-Way with an adjacent Sidewalk less than six and half (6 ½) feet a two (2) Story building or less may be permitted by process of Waiver.
- ii. For Rights-of-Way with an adjacent Sidewalk greater than six and half (6 ½) feet, but less than twelve (12) feet, a four (4) Story building or less may be permitted by process of Waiver.
- iii. For Rights-of-Way with an adjacent Sidewalk greater than twelve (12) feet may be permitted for the number of Stories allowed by the Transect Zone by process of Waiver.

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5.9 DISTRICT ZONES (D1 and D2)

5.9.1 Building Disposition (D)

- a. Newly platted Lots shall be dimensioned according to Illustration 5.9.
- b. Lot coverage by Buildings shall not exceed that shown in Illustration 5.9.
- c. A Building shall be disposed in relation to the boundaries of its Lot according to Illustration 5.9.
- d. One or more Buildings may be built on each Lot as shown in Illustration 5.9.
- e. Setbacks for Buildings shall be as shown in Article 4, Table 2 and Illustration 5.9. Where a Lot to be developed Abuts an existing legal Structure other than a Sign, a Waiver may be granted so the proposed Structure matches the ground level dominant Setback of the Block Face and its Context. Where a Lot to be developed Abuts a Lot containing an existing legal Building, a Waiver may be granted so that the proposed Building matches the ground level dominant Setback of the Block Face and its Context, as follows:
 - i. For Rights-of-Way with an adjacent Sidewalk less than six and half (6 ½) feet a two (2) Story building or less may be permitted by process of Waiver.
 - ii. For Rights-of-Way with an adjacent Sidewalk greater than six and half (6 ½) feet, but less than twelve (12) feet, a four (4) Story building or less may be permitted by process of Waiver.
 - iii. For Rights-of-Way with an adjacent Sidewalk greater than twelve (12) feet may be permitted for the number of Stories allowed by the Transect Zone by process of Waiver.

5.9.2 Building Configuration (D)

- a. Development within Private Frontages shall comply with Article 4, Tables 2 and 6 and Illustration 5.9.
- b. Encroachments shall be as follows: At the First Layer, cantilevered Awnings and entry canopies may encroach up to one hundred percent (100%) of the depth of the Setback, except as may be further allowed by Chapter 54 of the City Code; cantilevered portions of balconies, bay windows, and roofs shall be a maximum three (3) feet deep and may encroach up to a three (3) feet depth of the Setback. Other cantilevered portions of the Building shall maintain the required Setback. At the Second Layer no Encroachments are permitted except that Façade components promoting energy efficiency such as shading and screening devices that are non-accessible may encroach a maximum of three (3) feet.
- c. Galleries and Arcades shall be a minimum fifteen (15) feet deep and may encroach up to one hundred percent (100%) of the depth of the Setback and may be required as a part of a Special Area Plan.
- d. All storage, utility and infrastructure elements including service areas, Loading space, transformers, telephone boxes, garbage cans, dumpsters, condensers, meters, backflow preventers, siamese connections and the like shall be located within the Second or Third

Layer and concealed from view from any Frontage or sidewalk by Streetscreens, and opaque gates. Loading and service entries shall be accessed from Alleys when available.

- e. Vehicular entries, Loading space and service areas shall be permitted on Principal Frontages.
- f. Building Heights shall be measured in Stories and shall conform to Article 4, Table 2 and be allocated as required in Illustration 5.9. Industrial uses requiring additional Height in D1 and D2 may be permitted by ~~Waiver~~ process of Warrant, subject to the Planning Director agreement that the applicant has demonstrated that the use specifically requires the proposed Height.

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5.10 WATERFRONT INDUSTRIAL DISTRICT ZONES (D3)

5.10.1 Building Disposition (D3)

- a. Newly platted Lots shall be dimensioned according to Illustration 5.10.
- b. Lot coverage by Building shall not exceed that shown in Illustration 5.10.
- c. A Building shall be disposed in relation to the boundaries of its Lot according to Illustration 5.10.
- d. One or more Buildings may be built on each Lot as shown in Illustration 5.10.
- e. Setbacks for Buildings shall be as shown in Article 4, Table 2 and Illustration 5.10. Where a Lot to be developed Abuts an existing legal Structure other than a Sign, a Waiver may be granted so the proposed Structure matches the ground level dominant Setback of the Block Face and its Context. Where a Lot to be developed Abuts a Lot containing an existing legal Building, a Waiver may be granted so that the proposed Building matches the ground level dominant Setback of the Block Face and its Context, as follows:
 - i. For Rights-of-Way with an adjacent Sidewalk less than six and half (6 ½) feet a two (2) Story building or less may be permitted by process of Waiver.
 - ii. For Rights-of-Way with an adjacent Sidewalk greater than six and half (6 ½) feet, but less than twelve (12) feet, a four (4) Story building or less may be permitted by process of Waiver.
 - iii. For Rights-of-Way with an adjacent Sidewalk greater than twelve (12) feet may be permitted for the number of Stories allowed by the Transect Zone by process of Waiver.

5.10.2 Building Configuration (D3)

- a. Development within Private Frontages shall comply with Tables 2 and 6 and Illustration 5.10.
- b. Encroachments shall be as follows: At the First Layer, cantilevered Awnings and entry canopies may encroach up to one hundred percent (100%) of the depth of the Setback, except as may be further allowed by Chapter 54 of the City Code; cantilevered balconies, bay windows, and roofs may encroach up to a three (3) feet depth of the Setback. Other cantilevered portions of the Building shall maintain the required Setback. At the Second Layer no encroachments are permitted except that Facade components promoting energy efficiency such as shading and screening devices that are non-accessible may Encroach a maximum of three (3) feet.
- c. Galleries and Arcades shall be a minimum fifteen (15) feet deep and may encroach up to one hundred percent (100%) of the depth of the Setback and may be required as a part of a Special Area Plan.
- d. Except for the Waterfront Frontage, all storage, utility and infrastructure elements including service areas, Loading space, transformers, telephone boxes, garbage cans, dumpsters, condensers, meters, backflow preventers, siamese connections and the like

shall be located within the Second or Third Layer and concealed from view from any Frontage or Sidewalk by Streetscreens, and opaque gates. Loading and service entries shall be accessed from Alleys when available.

- e. Vehicular entries, Loading space and service areas shall be permitted on Principal Frontages.
- f. Building Heights shall be measured in Stories and shall conform to Article 4, Table 2 and be allocated as required in Illustration 5.10. Industrial uses requiring additional Height in D3 may be permitted by ~~Waiver process of Warrant~~, subject to the Planning Director agreement that the applicant has demonstrated that the use specifically requires the proposed Height.

* * *

Section 5. Article 7 of the Miami 21 Code is hereby amended in the following particulars.⁴

“ARTICLE 7. PROCEDURES AND NONCONFORMITIES

* * *

7.1.2.5 Waiver

The Waiver permits ~~specified~~ minor deviations from the Miami 21 Code in certain specified circumstances as provided in the various articles of this Code and as consistent with the Guiding Principles in Article 2 of this Code. ~~Waivers are intended to relieve practical difficulties in complying with the strict requirements of this Code.~~ Waivers are not intended to relieve specific cases of financial hardship, nor to allow circumventing of the intent of this Code. A Waiver may not be granted if it conflicts with the City Code or the Florida Building Code.

- a. Specific Waivers are described in the various articles of this Code, and are referenced here only for convenience. The specific parameters of each Waiver are further described in the articles in which each Waiver appears in this Code.
 - 1. Parking reductions for Elderly Housing or for Adaptive Reuses in Community Redevelopment Areas (Article 3, Section 3.6.1 and 3.6.7).
 - 2. Setbacks for irregular Lots (Article 3, Section 3.3.3.c)
 - 3. Setbacks for ~~the property~~ Structures and Buildings to be developed to match the dominant Setback in the Block and its Context. (Article 3, Section 3.3.5; Article 5, Sections 5.5.1.g, 5.6.1.g, and 5.8.1.g, 5.9.1.e, and 5.10.1.e)
 - 4. ~~Shared Access for adjoining Lots (Article 3, Section 3.6.3.k).~~ Reserved.
 - 5. Barbed wire fences in D1, D2 and D3 (Article 3, Section 3.7.2).
 - 6. Review of Development within Neighborhood Conservation Districts for compliance with NCD regulations (Appendix A).
 - 7. The relaxation of Setbacks or ~~required~~ Off-street Parking requirements for the preservation of natural features of land (Article 3, Section 3.13.1.d).
 - 8. Decrease of required parking by thirty percent (30%) within the half-mile radius of a TOD (Article 4, Table 4).
 - 9. Reduction of setbacks for one-story, non-habitable accessory structures in T3. (Article 5, Section 5.3.1.h)
 - 10. Substitution of loading berths (Article 4, Table 5).

⁴ 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.

11. Required parking within one thousand (1,000) feet of the site that it serves (Article 4, Table 4)
12. Extensions above maximum Building Heights for church spires, steeples, belfries, monuments, water towers, flagpoles, vents, ornamental Building features, decorative elements, or similar Structures. (Article 3, Section 3.5.3, Article 5, Sections 5.3.2.f; 5.4.2.g; 5.5.2.h; 5.6.2.h, 5.9.2.g and 5.10.2.g).
13. Encroachment of mechanical equipment, such as air conditioning units, pumps, exhaust fans or other similar noise producing equipment for existing Buildings (Article 5, Sections 5.3.2.d and 5.4.2.d).
14. Service and Parking access from Principal Frontage (Article 5, Sections 5.4.2.e, 5.5.2.e and 5.6.2.f).
15. Pedestrian and vehicular entry spacing. (Article 5, Section 5.5.1.f, 5.5.4.e, 5.6.1.f and 5.6.4.g).
16. Adjustments to Building spacing and to Setbacks above the eighth floor for Lots having one dimension one hundred (100) feet or less (Article 5, Section 5.6.1.g, and Article 5, Section 5.6.1.h).
17. Adjustments to ~~Building Disposition~~ applicable Transect regulations in CI. (Article 5, Section 5.7.2.4.d).
18. ~~Industrial Uses requiring additional Height in D2 and D3 (Article 5, Section 5.9.2.f and 5.10.2.f).~~ Reserved.
19. Primary and Secondary Frontage Parking placement (Article 5, Sections 5.5.4.d, 5.5.4.e, 5.6.4.d and 5.6.4.e).
20. Reduction of reservoir parking space (Article 6).
21. Gas Station Building Frontage requirement (Article 6).
22. Modifications in Setbacks up to fifty percent (50%) when Liner Uses are provided along parking Structures in Major Sports Facility. (Article 6, Table 13).
23. Replacement or reconstruction of a nonconforming Structure (other than Single-Family, duplex or multi-family) destroyed by natural disaster, explosion, fire, act of God, or the public enemy. (Article 7, Section 7.2.2.b).
24. Alterations to nonconforming Single Family or duplex Structures to enlarge a nonconformity affecting the exterior of the Building or premises. (Article 7, Section 7.2.3).
25. Development of Single Family or duplex Structures on certain nonconforming Lots in T-3 zones. (Article 7, Section 7.2.7).
26. Modification to nonconforming Off-street Parking facilities involving restoration or rehabilitation of an existing Building or an adaptive Use. (Article 7, Section 7.2.8).
27. ~~Modification of the landscaping of nonconforming signs. (Article 7, Section 7.2.9.5).~~ Reserved.
28. Encroachment of stairs and ramps into the setback for existing buildings being raised above the Base Flood Elevation plus Freeboard. (Article 5, Sections 5.3.2.b, 5.4.2.b, 5.5.2.b, and 5.6.2.c)
29. As appropriate to the nature of the Waiver involved and the particular circumstances of the case, Waivers up to ten percent (10%) of any particular standard of this Code except Density, Intensity and Height, may be granted when doing so promotes the intent of the particular Transect Zone where the proposal is located; is consistent with the guiding principles of this Code; and there is practical difficulty in otherwise meeting the standards of the Transect Zone, or when doing so promotes energy conservation and Building sustainability. The inability to achieve maximum Density, Height, or floor plate for the Transect shall not be considered grounds for the granting of a Waiver. This Waiver cannot be combined with any other specified Waiver of the same standard.
30. Reductions in Parking and Setback requirements for Affordable and Workforce Housing (Article 3, Section 3.15.4.d, 3.15.4.i, 3.15.5.b., and 3.16.4.b.)

31. Off-street Loading Requirements in Downtown Flagler Parking and Loading Improvement District (Article 3, Section 3.6.9.b., Article 4, Table 4)
32. Adjustments to Waterfront Walkway Design Standards (Article 3, Section 3.11.a.2.2 and 3.11.b.6.)
33. Adjustments to Height of Fences and Walls for Major Facilities in CI-HD (Article 5, Section 5.8.2.h)

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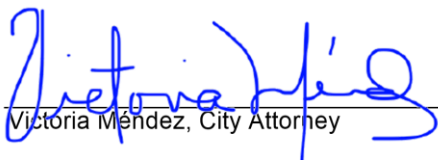
Section 6. New Developments under review by the City that have completed prescreen review within ePlan prior to the effective date of this Ordinance may utilize the previous provisions of the Miami 21 Code that existed prior to, and were modified by, this Ordinance. Changes to such projects after prescreen review will continue to be afforded this vesting so long as the project is substantially similar to the initial submittal that completed prescreen review prior to the effective date of this Ordinance. No artifice or sham plans used solely as a placeholder to vest a substantially different project will be permitted to vest under the previous Miami 21 Code provisions that existed prior to, and were modified by, this Ordinance.

Section 7. 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.

Section 8. 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 9. This Ordinance shall become effective ten (10) days after final reading and adoption thereof.⁵

APPROVED AS TO FORM AND CORRECTNESS:



Victoria Méndez, City Attorney

8/10/2023

⁵ 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.