



**City of Miami
Legislation
Ordinance
Enactment Number**

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

File Number: 14113

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, BY AMENDING ARTICLE 3, TITLED "GENERAL TO ZONES," SECTION 3.4, TITLED "DENSITY AND INTENSITY CALCULATIONS," TO CLARIFY DENSITY STANDARDS IN CERTAIN TRANSIT LOCATIONS, AND BY AMENDING ARTICLE 3, TITLED "GENERAL TO ZONES," SECTION 3.14, TITLED "PUBLIC BENEFITS PROGRAM," AND ARTICLE 5, TITLED "SPECIFIC TO ZONES," ILLUSTRATION 5.5, TITLED "GENERAL URBAN TRANSECT ZONES," TO ALLOW BONUS BUILDING HEIGHT AND MODIFICATIONS TO THE DEVELOPMENT STANDARDS IN SPECIFIED AREAS WITHIN THE "T5," URBAN CENTER TRANSECT ZONE IN EXCHANGE FOR PUBLIC BENEFITS AND/OR OTHER SPECIFIED ENHANCEMENTS AND TO CLARIFY EXISTING D1 BONUS HEIGHT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 22, 2009, the City Commission adopted Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida, which has been amended from time to time ("Miami 21 Code"); and

WHEREAS, development projects within certain transit locations within the City of Miami ("City") contribute to the creation of compact, walkable, pedestrian-oriented, mixed-use communities centered around transit systems that provide enhanced mobility; and

WHEREAS, the Public Benefits Program allows bonus Building Height in exchange for a developer contribution to specified programs that provide benefits to the public and the neighborhood; and

WHEREAS, an amendment is necessary to allow bonus building height in specified areas within "T5," Urban Center Transect Zones, to maintain future growth capacity of the City without the need to rezone to a higher transect zone; and

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-23-074 by a vote of seven to two (7 - 2), Item No. PZAB. 18, recommending approval of the zoning text amendment; and

WHEREAS, consideration has been given to the relationship of this proposed amendment to the goals, objectives and policies of the Miami Comprehensive Neighborhood Plan ("MCNP"), with appropriate consideration as to whether the proposed change will further the goals, objectives and policies of the MCNP; the Miami 21 Code; and other City regulations; and

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

WHEREAS, after careful consideration of this matter, the City Commission deems it 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 COMMISSION OF THE CITY OF MIAMI, FLORIDA:

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

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

“ARTICLE 3. GENERAL TO ZONES

* * *

3.4 DENSITY AND INTENSITY CALCULATIONS

* * *

3.4.4

The allowable Transect Zone Density may be increased as provided by the Future Land Use Element of the Miami Comprehensive Plan (Residential Density Increase Areas), as illustrated in Article 4, Diagram 9.

For properties within one-half (1/2) mile of a Metrorail, Brightline, or Tri-Rail station with an underlying Comprehensive Plan designation that provides for a greater Density than the zoning, the applicable Density shall be as permitted by the underlying Comprehensive Plan designation.

* * *

3.14 PUBLIC BENEFITS PROGRAM

The intent of the Public Benefits Program established in this section is to allow bonus Building Height ~~and in T5 and T6 Zones, bonus~~ FLR in T6 Zones, and bonus Building Height in D1 Zones, subject to certain conditions, in exchange for the developer’s contribution to specified programs that provide benefits to the public.

3.14.1

The bonus Height and FLR shall be permitted if the proposed Development contributes toward the specified public benefits and neighborhood enhancements, above that which is otherwise required by this Code, in the amount and in the manner as set forth herein.

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.

T5 bonus Height

1. The bonus Height shall only be available to properties in a T5 Transect Zone that are not located within a Neighborhood Conservation District (NCD) and satisfy one or more of the following circumstances:
 - a. T5-O site within a TOD not Abutting a T3 Transect Zone; or
 - b. T5-O site within a TOD Abutting a T3 Transect Zone shall be by process of Exception with City Commission approval; or
 - c. T5-O lots assembled and platted prior to Miami 21 that are more than 200,000 square feet shall be by process of Exception with City Commission approval; or
 - d. T5 site that Abuts a D1 Transect Zone except when Abutting a T3 Transect Zone.

2. The bonus Height shall be as follows:

T5-O: five (5) Story maximum, bonus to eight (8) Stories; bonus Development Height shall only be permitted through Public Benefits pursuant to Section 3.14 and/or neighborhood enhancements as described below in an amount equivalent to the floor area of the proposed bonus floors, as follows:

 - a. Landscape Enhancements: Development provides for native specimen street trees within the verge with a DBH of twenty-five percent (25%) above the typical standards required by Article 9 and City Code Chapter 17 and are specified within an adopted Street Tree Master Plan. For each tree provided on-site above twenty-five percent (25%) of the standard DBH required, a development shall be allowed an equivalent amount of Floor Area of anticipated mature canopy area provided up to the bonus Height described in Section 3.14.1.
 - b. Park Improvements: As identified under Section 3.14.4.b improvements shall be coordinated with the City's Capital Improvement Program within the associated Commission District. Nothing herein shall prohibit or limit an applicant under this section from making an additional voluntary contribution of amounts in excess of its obligation under this section to be used for Capital Improvements within the associated Commission District.
 - c. Pedestrian and Mobility Connections: Creating or improving pedestrian and mobility connections between the development site and a transit stop and/or other community-serving destinations such as parks, government buildings, and commercial corridors. Such connections may include, but are not limited to, City Right-of-Way crosswalks, sidewalk improvements, street trees, street furnishings, and, traffic calming improvements that are coordinated with the City's Capital Improvements Program of the associated Commission District.
 - i. The value of contributing pedestrian and mobility connection improvements shall be calculated and for said value, the development project shall be allowed additional bonus Height as described in Section 3.14.1. For all applicable purposes, such contributions shall be treated as a Trust Fund contribution pursuant to Section 3.14.4.b.(3).
 - d. On-site Mobility Amenities: For development sites within a TOD area and five hundred (500) feet of the Underline, enhanced on-site mobility amenities may be provided over and above the required bicycle facilities identified within Section 3.6.10. Such mobility amenities include air-conditioned space, lockers, showers, bicycle repair stations, drinking fountains within the mobility amenity space, and increased bicycle storage providing at least twenty percent (20%) more bicycle spaces than required. If at least two of the preceding enhancements are provided, the Development shall be allowed bonus Height of an equivalent amount of Floor Area as described in Section 3.14.1. If at least three (3) of the

preceding enhancements are provided, the Development shall be allowed bonus Height of two (2) times the amount of Floor Area as described in Section 3.14.1. If at least four (4) of the preceding enhancements are provided, the Development shall be allowed bonus Height of three (3) times the amount of Floor Area as described in Section 3.14.1.

- i. The value of contributing on-site mobility amenities shall be calculated and for said value, the development project shall be allowed additional bonus Height as described in Section 3.14.1. For all applicable purposes, such contributions shall be treated as a Trust Fund contribution pursuant to Section 3.14.4.b.(3).

T6 bonus Height

The bonus shall not be available to properties in a T6 Zone if the property abuts a T3 Zone or in a T6-8 Zone if the property shares a property line with a CS Zone.

1. T6-8: eight Story maximum, bonus to twelve (12) Stories, FLR 5; bonus of twenty-five percent (25%)
2. T6-12: twelve (12) Story maximum, bonus to twenty (20) Stories, FLR 8, bonus of thirty percent (30%)
3. T6-24a: twenty-four (24) Story maximum, bonus to forty-eight (48) Stories, FLR 7, bonus of thirty percent (30%)
4. T6-24b: twenty-four (24) Story maximum, bonus to forty-eight (48) Stories, FLR 16, bonus of forty percent (40%)
5. T6-36a: thirty-six (36) Story maximum, bonus to sixty (60) Stories, FLR 12, bonus of forty percent (40%)
6. T6-36b: thirty-six (36) Story maximum, bonus up to sixty (60) Stories, FLR 22, bonus of forty percent (40%)
7. T6-48a: forty-eight (48) Story maximum, bonus up to eighty (80) Stories, FLR 11, bonus of fifty percent (50%)
8. T6-48b: forty-eight (48) Story maximum, bonus up to eighty (80) Stories, FLR 18, bonus of fifty percent (50%)
9. T6-60a: sixty (60) Story maximum, bonus up to unlimited Stories, FLR 11, bonus of fifty percent (50%)
10. T6-60b: sixty (60) Story maximum, bonus up to unlimited Stories, FLR 18, bonus of fifty percent (50%)
11. T6-80: eighty (80) Story maximum, bonus to unlimited Stories, FLR 24; bonus of fifty percent (50%).
 - o Transect Zone Heights are fully described in Article 5.
 - o In addition, certain other bonuses may be provided as follows:
- ~~12. An additional Story in a T5 zone that Abuts a D1 zone, for an equivalent square footage of Affordable/ Workforce Housing as described in Section 3.14.4. This shall not be applicable to properties Abutting T3 zones. Reserved.~~
13. In T6 zones, additional Height and FLR for LEED certified Silver, Gold or Platinum Buildings as described in Section 3.14.4.
14. An additional Story in any zone for development of a Brownfield as described in Section 3.14.4.

15. In T6 zones additional Height and FLR for development that donates a Civic Space Type or Civil Support Use area to the City of Miami as described in Section 3.14.4.
16. In T6-24b zones, bonus Height and FLR shall be fully satisfied through the following requirements:
 - i. For rental Residential Development, a minimum of fourteen percent (14%) of the units shall be provided as Workforce Housing or a minimum of seven percent (7%) of the units shall be provided as Affordable Housing.
 - ii. For ownership Residential Development, a minimum of ten percent (10%) of the units shall be provided as Workforce Housing or a minimum of five percent (5%) of the units shall be provided as Affordable Housing.
 - iii. For all other development excluding ground floor Commercial and Office Uses, fourteen percent (14%) of the non-residential FLR shall be provided as a Trust Fund contribution as described in Section 3.14.4.a.(3).
17. In T6-8-O zones located in TOD areas, a proposed Development may obtain an additional two (2) Bonus FLR in addition to two (2) by Right FLR that is available only after fully utilizing all other Bonus FLR. There will be no limitations on the number of stories but a maximum Building Height of 179 feet (or 235 feet for developments which are 500 feet or more from T3) if the proposed Development meets one of the following criteria, as further described in Section 3.14.4:
 - For Office Development: Contributions to the Public Benefit Trust Fund for the purposes of developing Affordable/Workforce Housing at or below one hundred percent (100%) AMI.
 - For Residential Development: All bonus height and FLR is satisfied through the provision of on-site Affordable/Workforce Housing at or below one hundred percent (100%) of AMI.

D bonus Height

1. D Zone: eight (8) Story maximum, bonus to ten (10) Stories.

* * *

3.14.4

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

- a. Affordable/Workforce Housing. The development project ~~in a T6 zone~~ may provide any of the following or combination thereof:
 1. Affordable/Workforce Housing on site of the development. For each square foot of Affordable/Workforce Housing priced at or below eighty percent (80%) area median income (including pertaining shared space such as parking and circulation) provided on site, the development shall be allowed three (3) square feet of additional area up to the bonus Height and FLR as described in Section 3.14.1. For each square foot of Affordable/Workforce Housing priced above eighty percent (80%) area median income (including pertaining shared space such as parking and circulation) provided on-site, the development shall be allowed an equivalent amount of development Floor Area up to the bonus Height and FLR as described in Section 3.14.1.

2. Affordable/Workforce Housing off-site. For each square foot of Affordable/Workforce Housing (including pertaining shared space such as parking and circulation) provided off site, in a location within the City approved by the City Manager, the development shall be allowed an equivalent square footage of additional area up to the bonus Height and FLR as described in Section 3.14.1. No additional allowance is given for the purchase of the site.
 3. Trust Fund contributions. For a cash contribution to the Miami 21 Public Benefit Trust Fund, the development shall be allowed additional Floor Area up to the bonus Height and FLR described in Section 3.14.1. The cash contribution shall be determined based on a percentage of the market value of the per square foot price being charged for units at projects within the market area where the proposed project seeking the bonus is located. The calculation assumes a land value per saleable or rentable square foot within market area to equate to between 10 (ten) to 15 (fifteen) percent of market area's weighted average sales price per square foot. The cash contributions shall be adjusted on an annual basis to reflect market conditions effective October 1st of every year.
- b. Public Parks, Open Space, or Park Improvements. The development project in a T6 zone may provide any of the following or combination thereof:
1. Public Park, or Open Space, provided through purchase and in an area of need identified by the City Parks and Open Space Master Plan and the City's Parks Department. In addition, park improvements provided through donation for Public Parks with amenity levels that are Moderate or that Need Improvement as defined by the Parks Department Facilities' Assessment Report.
 - i. For each square foot of dedicated public Park or Open Space provided, the development shall be allowed two times the development Floor Area of provided land up to the bonus Height and FLR as described in Section 3.14.1. The Open Space may be a Park, Green or Square, as more fully described in Article 4, Table 7 of this Code.
 - ii. Park improvements shall be valued and for said value the development project shall be allowed additional Floor Area up to the bonus Height and FLR described in Section 3.14.1 and shall for all applicable purposes be treated as a Trust Fund contribution pursuant to Section 3.14.4.b.(3).
 - iii. Park improvements for Public Parks in areas below 50% median income threshold shall be allowed two times the valuation credit.
 - iv. Park improvements for Public Parks located within five hundred (500) feet of the development site and that are within a T5 Transect Zone and a TOD area shall be allowed two (2) times the valuation credit for up to 50% of the Floor Area. Park improvements for Public Parks located within five hundred (500) feet of the development site that are within a T5 Transect Zone and a TOD area with a Metrorail, Brightline or Tri-Rail station shall be allowed five (5) times the valuation credit for up to 50% of the Floor Area.
 - v. Donations must meet all City requirements for design, equipment specifications, construction, warranties, etc. Park

improvements are subject to review and approval by the City Manager or designee in accordance with Miami 21.

2. Public Open Space provided on-site in a location and of a design to be approved by the Planning Director. For each square foot of dedicated public Park or Open Space provided, the development shall be allowed an equivalent amount of development Floor Area up to the bonus Height and FLR as described in Section 3.14.1. The project shall maintain the Frontage requirements of the Transect Zone. The Open Space may be a Courtyard, Plaza, or Thoroughfare or Pedestrian Passage through the site connecting two (2) Thoroughfares, such as a segment of the Baywalk or FEC Greenway. See Article 4, Table 7.
3. Trust Fund contribution. For a cash contribution to the Miami 21 Public Benefits Trust Fund, the development project shall be allowed additional Floor Area up to the bonus Height and FLR described in Section 3.14.1. The cash contribution shall be determined based on a percentage of the market value of the per square foot price being charged for units at projects within the market area where the proposed project seeking the bonus is located. The calculation assumes a land value per saleable or rentable square foot within market area to equate to between 10 (ten) to 15 (fifteen) percent of market area's weighted average sales price per square foot. The cash contributions shall be adjusted on an annual basis to reflect market conditions effective October 1st of every year.
- c. Historic Preservation. The second half of a Development's requested Bonus Floor Area to the maximum bonus Height and FLR as described in Section 3.14.1 shall be allowed for additional square footage qualified under the city Transfer of Development Rights program established in Chapter 23, City Code.
- d. Green Building. ~~In a T6 zone a~~ Additional Height and FLR shall be allowed for Buildings certified by the U.S. Green Building Council (USGBC) or for Buildings in a T5 Transect zone within one-half (1/2) mile of a Metrorail, Brightline or Tri-Rail station certified by the Florida Green Building Coalition (FGBC) as follows:
 1. Silver, USGBC: For Buildings under 50,000 sf, 2.0% of the floor lot ratio (FLR)
 2. Silver, FGBC: 20% of the non-Bonus Floor Area in a T5 zone within one-half (1/2) mile of a Metrorail, Brightline or Tri-Rail station.
 3. Gold, USGBC: 4.0% of the Floor Lot Ratio (FLR)
 4. Gold, FGBC: 30% of the non-Bonus Floor Area in a T5 zone within one-half (1/2) mile of a Metrorail, Brightline or Tri-Rail station.
 5. Platinum, USGBC: 13.0% of the Floor Lot Ratio (FLR)

~~Note: Standards equivalent to the USGBC, as adopted by the City, may alternatively apply.~~

If at the time the first Certificate of Occupancy is issued for the Building that received a public benefits bonus for a Green Building, the anticipated LEED or FGBC certification, as applicable, has not been achieved, then the owner shall post a performance bond in a form acceptable to the City of Miami. The performance bond shall be determined based on the value of land per square foot of Building in the area of the City in which the proposed project is located, which may be adjusted from time to time based on market conditions. The methodology for determining the value

of land per square foot of Building shall be maintained in the Planning Department. The City will draw down on the bond funds if LEED or FGBC certification, as applicable, has not been achieved and accepted by the City within one year of the City issuance of the Certificate of Occupancy for the Building. Funds that become available to the City from the forfeiture of the performance bond shall be placed in the Miami 21 Public Benefits Trust Fund established by this Code.

- e. Brownfields. One additional Story of Height shall be permitted for redevelopment on a Brownfield Site as defined herein.
- f. Civic Space Types and Civil Support Uses. For a development project in a T6 zone that donates a Civic Space Types or Civil Support Uses on site to the City of Miami, an additional two square feet of area for each square foot of donated space or use, up to the bonus Height and FLR, shall be allowed.

* * *

Section 3. Article 5 of the Miami 21 Code is further amended in the following particulars, including replacing the Building Height Diagram:¹

“ARTICLE 5. SPECIFIC TO ZONES

* * *

ILLUSTRATION 5.5 GENERAL URBAN TRANSECT ZONES (T5)

BUILDING DISPOSITION

LOT OCCUPATION

a. Lot Area - With rear vehicular access	5,000 s.f. min.; 40,000 s.f. max. 1,200 s.f. min.; 40,000 s.f. max.
b. Lot Width - With rear vehicular access	50 ft min. 16 ft. min.
c. Lot Coverage	80% max., <u>except where greater lot coverage is approved by Exception from City Commission within TOD area.</u>
d. Floor Lot Ratio (FLR)	N/A
e. Frontage at front Setback	70% min.
f. Open Space	10% Lot Area min.
9. Density	65 du/ac max.

BUILDING SETBACK

a. Principal Front	10 ft. min.
--------------------	-------------

b. Secondary Front	10 ft. min.
c. Side	0 ft. min.
d. Rear	0 ft. min.
e. Abutting Side or Rear T4	<u>1st through 5th Story</u> <u>26 ft. min. above the</u> <u>5th Story, except where</u> <u>lesser setbacks are</u> <u>approved by Exception</u> <u>from City Commission</u> <u>within TOD area.</u>
Abutting Side or Rear T3	10% of Lot depth**min. 1 st through 2 nd Story 26 ft. min. above 2 nd Story, <u>except where</u> <u>lesser setbacks are</u> <u>approved by Exception</u> <u>from City Commission</u> <u>within TOD area.</u>

BUILDING CONFIGURATION

FRONTAGE

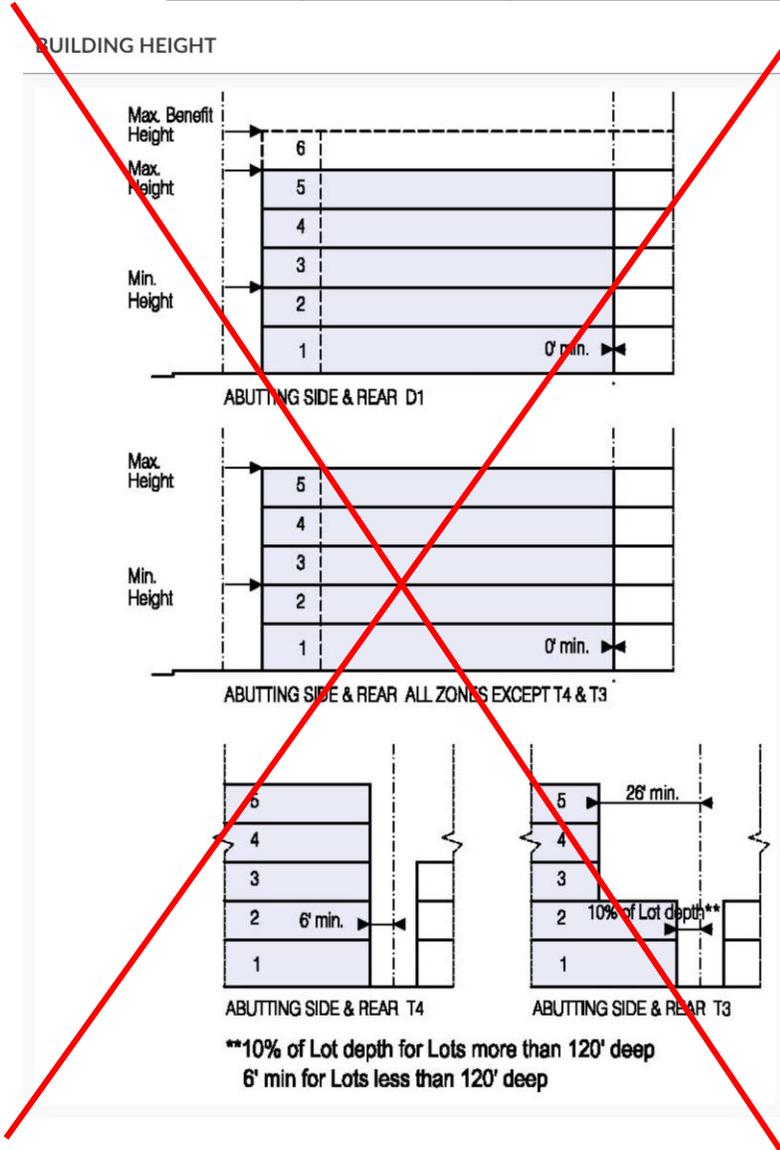
a. Common Lawn	prohibited
b. Porch & Fence	prohibited
c. Terrace or L.C.	prohibited
d. Forecourt	permitted
e. Stoop	permitted
f. Shopfront	permitted (T5 L and T5 O only)
9. Gallery	permitted by Special Area Plan
h. Arcade	permitted by Special Area Plan

BUILDING HEIGHT

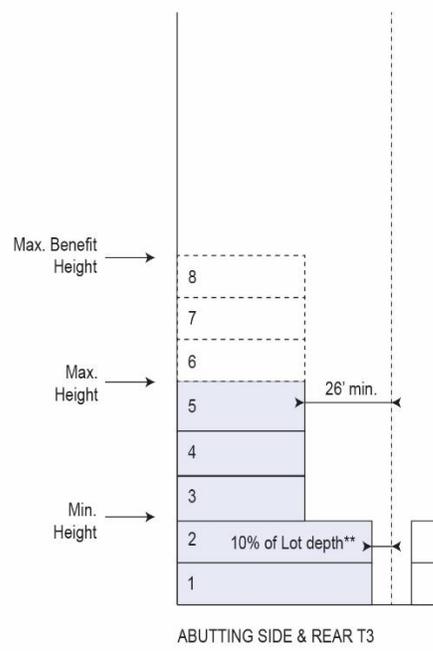
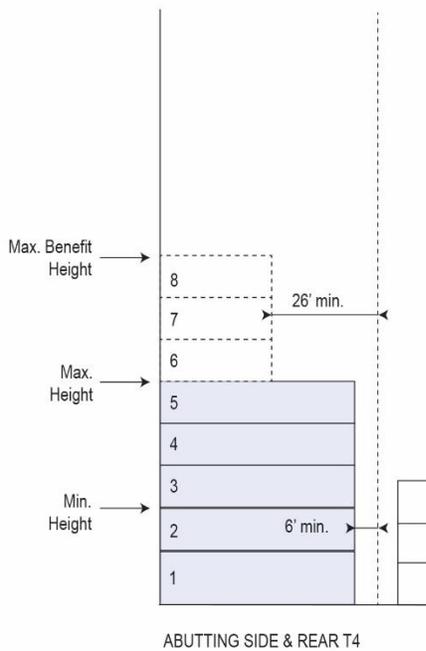
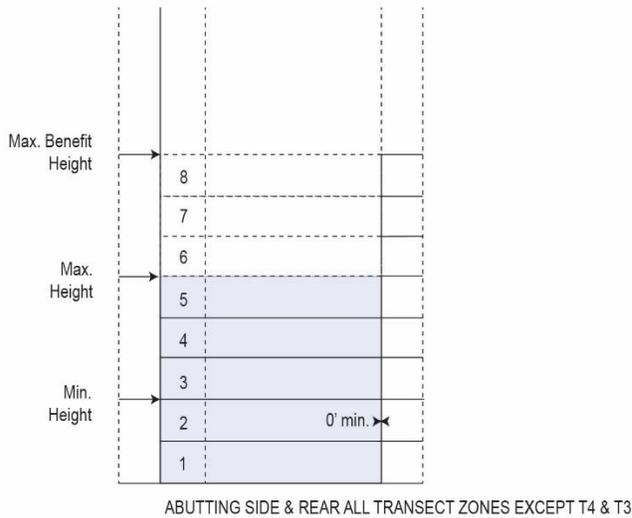
a. Min. Height	2 Stories
b. Max. Height	5 Stories 8 Stories
c. Max. Benefit Height	<u>4 3 Storyies</u> Abutting D1, except when Abutting T3 <u>3 Stories within a</u> <u>TOD *</u> <u>3 Stories for lots</u> <u>assembled and</u> <u>platted prior to Miami</u>

21 that are more than 200,000 sq ft. *

* Shall be process of Exception in circumstances specified in Section 3.14.1.1



BUILDING HEIGHT



**10% of Lot depth for Lots more than 120' deep.
6' min. for Lots less than 120' deep.

* * **

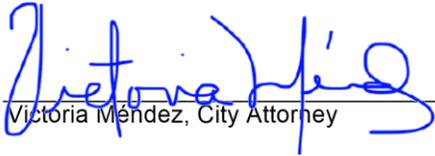
Section 4. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. 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,

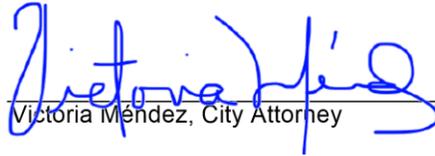
Florida, which provisions may be renumbered or relettered and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word to accomplish such intention.

Section 6. This Ordinance shall become effective ten (10) days after the adoption thereof.²

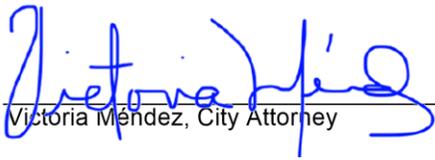
APPROVED AS TO FORM AND CORRECTNESS:


Victoria Méndez, City Attorney

6/12/2023


Victoria Méndez, City Attorney

7/11/2023


Victoria Méndez, City Attorney

8/4/2023

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 # 14503)

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 5, TITLED "SPECIFIC TO ZONES," TO PERMIT CITY OF MIAMI ("CITY") OWNED OR CITY-FUNDED AFFORDABLE HOMEOWNERSHIP SINGLE-FAMILY RESIDENCES AND TWO-FAMILY HOUSING LOCATED IN THE T4 OR T5 TRANSECT ZONES TO UTILIZE THE DEVELOPMENT STANDARDS OF THE T3 TRANSECT ZONE; 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 permit city-owned or funded affordable homeownership single-family residences and two-family housing located in the T4 or T5 transect zones to utilize the development standards of the T3 transect.

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Scheduled for September 20, 2023.