

CITY COMMISSION FACT SHEET

File ID: (ID # 16869)

Title: AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, MORE PARTICULARLY BY AMENDING ARTICLE 1, TITLED "DEFINITIONS," TO ADD A DEFINITION OF PORTICO; AMENDING ARTICLE 3, TITLED "GENERAL TO ZONES," TO CLARIFY THE BUILDING AND STRUCTURE HEIGHTS IN THE "T3" SUB-URBAN TRANSECT ZONES AND FLOOR AREA FOR INTERMEDIATE LEVELS; AMENDING ARTICLE 4, TITLED "STANDARDS AND TABLES," TO UPDATE SETBACK REQUIREMENTS FOR INGRESS CONTROL DEVICES; AMENDING ARTICLE 5, TITLED "SPECIFIC TO ZONES," TO UPDATE AND SIMPLIFY REGULATIONS RELATED TO SINGLE FAMILY AND TWO-FAMILY HOMES IN THE "T3" SUB-URBAN TRANSECT ZONES; AND AMENDING ARTICLE 7, TITLED "PROCEDURES AND NONCONFORMITIES," TO PROVIDE A WAIVER FOR RAISED DECKS; 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 update and clarify existing regulations relating to height, ingress vehicle control devices, raised decks, Freeboard, Porches, rear encroachments, setbacks, driveways standards, fences, parking placement, and landscape standards for the "T3" Transect Zone Sub-Urban Transect Zones; to add a definition of Portico; and to add a Waiver for additional height for raised decks where there is an atypical geographical elevation change.

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: On October 16, 2024, recommended approval, by a vote of 10-0.



**City of Miami
Legislation
Ordinance
Enactment Number**

City Hall
3500 Pan American Drive
Miami, FL 33133
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File Number: 16869

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, MORE PARTICULARLY BY AMENDING ARTICLE 1, TITLED "DEFINITIONS," TO ADD A DEFINITION OF PORTICO; AMENDING ARTICLE 3, TITLED "GENERAL TO ZONES," TO CLARIFY THE BUILDING AND STRUCTURE HEIGHTS IN THE "T3" SUB-URBAN TRANSECT ZONES AND FLOOR AREA FOR INTERMEDIATE LEVELS; AMENDING ARTICLE 4, TITLED "STANDARDS AND TABLES," TO UPDATE SETBACK REQUIREMENTS FOR INGRESS CONTROL DEVICES; AMENDING ARTICLE 5, TITLED "SPECIFIC TO ZONES," TO UPDATE AND SIMPLIFY REGULATIONS RELATED TO SINGLE FAMILY AND TWO-FAMILY HOMES IN THE "T3" SUB-URBAN TRANSECT ZONES; AND AMENDING ARTICLE 7, TITLED "PROCEDURES AND NONCONFORMITIES," TO PROVIDE A WAIVER FOR RAISED DECKS; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 22, 2009, the Miami 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, the addition of a Portico definition will provide opportunity for a new architectural element on Building Facades and support the existing definition and architectural distinction of a Porch; and

WHEREAS, the Miami 21 Code includes requirements for Driveways, Setbacks, and Height calculations for developments within the "T3" Sub-Urban Transect Zones; and

WHEREAS, on March 9, 2023, the City Commission adopted Ordinance No. 14159 to simplify Driveway regulations in the "T3" Sub-Urban Transect Zone; and

WHEREAS, an amendment is necessary to increase Driveway design options available to existing residences, duplex projects and other residences; and

WHEREAS, the Miami 21 Code will benefit from clarifications of the maximum Height of ground-floor Story of principal Buildings within the "T3" Sub-Urban Transect Zone and of raised decks located within the rear of "T3" Sub-Urban Transect Zone properties; and

WHEREAS, opportunity exists to clarify the Freeboard regulations within the "T3" Sub-Urban Transect Zone without increasing the existing overall Height limits of a "T3" Sub-Urban Transect Zone property; and

WHEREAS, on October 26, 2023, the City Commission adopted Ordinance No. 14228, providing for increased floor elevation for properties in the “T3” Sub-Urban Transect Zone to promote resilience and flood protection; and

WHEREAS, to preserve the scale and character of these “T3” Sub-Urban Transect Zone neighborhoods and to streamline the interpretation of the Miami 21 Code, a minor amendment will benefit the sections affected by Ordinance No. 14228; and

WHEREAS, the Miami 21 Code will benefit from additional detail and the reformatting of language regarding Height and disposition of Fences and walls within the First, Second, and Third Layers of the “T3” Sub-Urban Transect Zone; and

WHEREAS, amendments are necessary to provide additional flexibility to site improvement regulations relating to parking within the “T3” Sub-Urban Transect Zone; and

WHEREAS, additional flexibility shall be provided to Encroachments to the rear of “T3” Sub-Urban Transect Zone properties in order to be consistent with the existing Encroachment allowances at the front and sides; and

WHEREAS, the Miami 21 Code will benefit from clearer First Layer design requirements and regulations of artificial turf or gravel use; and

WHEREAS, certain properties require atypical geographical elevation changes; and

WHEREAS, an additional Waiver is necessary to allow additional height for raised decks where there is an atypical geographical elevation change; and

WHEREAS, on October 16, 2024, at a duly notice public meeting, the Planning, Zoning and Appeals Board (“PZAB”) considered the Miami 21 Code text amendment, item PZAB.7, and passed PZAB-R-24-067, recommending approval, by a vote of ten to zero (10-0); and

WHEREAS, the City Commission has considered whether the proposed text amendments will further the goals, objectives, and policies of the Miami Comprehensive Neighborhood Plan (“MCNP”), the Miami 21 Code, and other City of Miami regulations; and

WHEREAS, the City Commission has considered the need and justification for the proposed text amendment, including changed or changing conditions that make the passage of the proposed text amendment necessary;

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 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.

* * *

1.2 DEFINITIONS OF TERMS

* * *

Porch: An open air room appended to a Building, with floor and roof but no walls on the sides facing Frontages.

Portico: An open-air structure consisting of a roof supported by columns or piers, that forms the entrance to a building.

* * **

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

“ARTICLE 3. GENERAL TO ZONES

* * *

3.5 MEASUREMENT OF HEIGHT

3.5.1 Unless otherwise specified herein, the Height of Buildings shall be measured in Stories. The height of Fences, ~~and walls~~ and Structures shall be measured in feet. The Height of Buildings, Structures, Fences and walls shall be measured from the Average Sidewalk Elevation or, where no sidewalk exists, the average of the record profile grade elevation of the street Abutting the Principal Frontage of the Building, as determined by the Public Works Department, provided however where Section 20-3 (11) of the City Code defines a higher elevation of the adjacent street, that higher future elevation shall control. In the event that the Base Flood Elevation, as established by FEMA, plus Freeboard, is higher than the sidewalk or grade elevations, the total Height of the Building but not the height of Fences and walls shall be measured from the Base Flood Elevation plus Freeboard.

3.5.2

a. For all Transect Zones:

- i. A Story is a Habitable level within a Building with a maximum Height of fourteen (14) feet from finished floor to finished floor.
- ii. Basements are not considered Stories for the purposes of determining Building Height.

b. For specific Transect Zones, except the T3 Transect Zone:

- i. A ground-level Story may exceed this limit up to a total height of twenty-five (25) feet, ~~and~~
- ii. A a-top-level Story in the T5, T6 Transect Zone may exceed this limit up to a total height of twenty-eight (28) feet and count as one (1) Story, if the Building Height does not exceed the maximum Building Height including all applicable bonuses allowed by the transect at fourteen (14) feet per floor and twenty-five (25) feet at the ground level.
- iii. A ground-level Story may exceed fourteen (14) feet up to a total height of thirty (30) feet when located in the Special Flood Hazard Area, given that the finished floor of the ground level meets the Average Sidewalk Elevation.

- iv. A single floor level exceeding fourteen (14) feet or twenty-five (25) feet at ground level (or thirty (30) feet at ground level within the Special Flood Hazard Area), shall be counted as two (2) Stories; except for T6-36, T6-48, T6-60, T6-80, and D1, where a single floor level exceeding fourteen (14) feet may count as one (1) story if the Building Height does not exceed the maximum height, including all applicable bonuses, allowed by the transect at fourteen (14) feet per floor.
- v. The first two ~~stories~~ **Stories**' total combined Height shall not exceed thirty-nine (39) feet, or forty-four (44) feet in the Special Flood Hazard Area.
- vi. The first floor shall be a minimum of fourteen (14) feet in Height, or nineteen (19) feet in the Special Flood Hazard Area.
- vii. Intermediate Levels may not exceed thirty-three percent (33%) of the ~~Habitable Space~~ **Floor Area**, except in the D1, where Intermediate Levels may not exceed fifty percent (50%) of the ~~Habitable Space~~ **Floor Area**. Intermediate Levels extending beyond thirty-three percent (33%) of the Floor Area, or fifty percent (50%) of the Floor Area in D1, shall be counted as an additional floor.
- viii. The Height of a Parking Structure concealed by a Liner may be equal to the Height of the Liner; this may result in a Liner Story concealing more than one level of Parking.

* * *

Section 4. Article 4 of the Miami 21 Code is hereby amended in the following particulars:¹

“ARTICLE 4. STANDARDS AND TABLES

* * *

TABLE 5 BUILDING FUNCTION: PARKING AND LOADING

* * *

OFF-STREET PARKING STANDARDS				
ANGLE PARKING	ACCESS AISLE WIDTH			<ul style="list-style-type: none"> • Driveways shall have a minimum of 10 feet of paved width of a one-way drive and 20 feet for a two-way drive for parking area providing 10 or more stalls. • Access Aisles shall provide a clear vehicular path of the specified dimensions that is unobstructed by columns, mechanical equipment, parking spaces, and any other encroachments. • Pedestrian Entrances shall be at least 3 feet from stall, driveway or access aisle. • Allowable slopes, paving, and drainage as per Florida Building Code. • Off-street Parking facilities shall have a minimum vertical clearance of 7
	ONE WAY TRAFFIC SINGLE LOADED	ONE WAY TRAFFIC DOUBLE LOADED	TWO WAY TRAFFIC DOUBLE LOADED	

90	22 ft	22 ft	22 ft	<p>feet. Where such a facility is to be used by trucks or loading Uses, the minimum clearance shall be 12 feet Residential and 15 feet Commercial and Industrial.</p> <ul style="list-style-type: none"> • Ingress vehicular control devices shall be located so as to provide a minimum driveway of set back 20 feet in length between from the Base Building Line and dispenser. <u>Said setback shall not apply to developments located within a T3 Transect Zone that have a Floor Area of less than 25,000 sq. ft.</u> • For requirements of parking lots, refer to Article 9 and the City of Miami Off-street Parking Guides and Standards. • No Waiver from required Access Aisle Widths shall be granted.
60	12.8 ft	11.8 ft	19.3 ft	
45	10.8 ft	9.5 ft	18.5 ft	
Parallel	10 ft	10 ft	20 ft	
Standard stall: 8.5 ft x 18 ft minimum				

* * *

Section 5. Article 5 of the Miami 21 Code is hereby amended in the following particulars:¹

“ARTICLE 5. SPECIFIC TO ZONES

* * *

5.3 SUB-URBAN TRANSECT ZONES (T3)

* * *

5.3.1 Building Disposition (T3)

* * *

g. Setbacks for Outbuildings, pools, raised decks and associated steps, tennis Game eCourts or other similar recreational facilities shall be as shown for Outbuildings in Illustration 5.3. Raised decks shall be no more than two and one-half (2 ½) feet in Height. For Lots with an atypical geographical elevation change, decks may be raised an additional Height by process of Waiver.

* * *

5.3.2 Building Configuration (T3)

* * *

b. Encroachments shall be allowed as follows:

1. At the First Layer;

- a. ~~s~~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.
- b. Porticos shall be a minimum of three (3) feet deep and may encroach up to six (6) feet of the depth of the Setback. Open Porches shall be at a minimum ~~seven (7)~~six (6) feet deep and may encroach up to eight (8) feet of the depth of the Setback. ~~At the First Layer,~~ ~~e~~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.

2. At the Second and Third Layers;

- a. Awnings, balconies, bay windows, chimneys, roofs and stairs may encroach up to fifty percent (50%) of the depth of the Side Setback or three (3) feet, whichever is less.

3. At the Third Layer;

- a. Awnings and canopies may encroach up to fifty percent (50%) of the depth of the ~~R~~rear Setback.
- b. Roofs, balconies, and stairs may encroach up to three (3) feet into the rear Setback.

* * *

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 ~~nine (9)~~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. The first-floor elevation as regulated by 5.3.2.e may be increased a maximum of ~~three (3)~~four (4) feet above that already allowed in this section, so long as the maximum height of the structure remains at twenty five (25) feet measured above the freeboard elevation allowed in this section.

* * *

h. Fences and walls shall conform to the following standards:

1. Within the First Layer, Fences and walls may be located up to and including the Frontage Line ~~to the following maximum Height.~~

2. Within the First Layer, the Height of ~~f~~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.

3. Within the First Layer, pickets shall have a maximum width of three (3) inches and a minimum clear separation of three (3) inches.

4. Within the Second and Third Layers, Fences and walls shall not exceed eight (8) feet.

5. Posts shall not exceed a dimension of two (2) feet by two (2) feet within the First Layer and shall have a minimum clear separation of five (5) feet, or three (3) feet minimum for pedestrian access. However, within the visibility triangle, posts shall not exceed a dimension of one (1) foot by one (1) foot.

* * *

5.3.4 Parking Standards (T3)

* * *

d. Driveways within a Lot shall comply with the following standards:

1. Driveway Widths

a. The maximum width of a driveway in the First Layer shall be twenty (20) feet and the minimum width shall be ten (10) feet.

b. In T3-R and T3-L, ~~On~~ Frontages with less than ~~fifty (50)~~ forty-five (45) feet, driveways width(s) in the First Layer shall not exceed thirty percent (30%) of the length of the Frontage but in no case shall it be less than ten (10) feet.

c. In T3-O, driveway width(s) shall be limited to twenty (20) feet in aggregate per Frontage.

d. In T3-O, where an existing legal Building prevents the required parking from being placed in the Second Layer, the aggregate driveway width may be increased up to a maximum of forty (40) feet. Said driveway shall utilize parking strips not to exceed two (2) feet in width.

2. Driveway Separation

a. ~~Two separate~~In T3-R and T3-L, driveways on a Frontage shall have a minimum separation ~~equal to~~ distance of forty percent (40%) of the length of ~~the~~ that Frontage.

b. In T3-O, there shall be no driveway separation requirement.

e. Tandem Parking on site is encouraged. For Lots with one or more residential Buildings, there shall be no limitation on the number of vehicles placed behind one another. No vehicle shall be placed above another unless internalized in a fully screened garage.

* * *

5.3.6 Landscape Standards (T3)

a. A minimum of one shade tree shall be planted within the First Layer for each fifty (50) feet of Frontage Line.

b. At the First Layer, pavement shall be limited as follows: Impervious pavement shall be limited to thirty percent (30%) of the area and pervious pavement shall be limited to sixty percent (60%) of the area; a combination of pervious and impervious pavement shall be limited to sixty percent (60%) of the area in the First Layer.

c. Green Space shall be a minimum twenty-five (25%) of the Lot area.

d. The placement of gravel or artificial turf in the First Layer shall be prohibited.

* * *

ILLUSTRATION 5.3 SUB-URBAN TRANSECT ZONES (T3)

BUILDING DISPOSITION		BUILDING PLACEMENT	
LOT OCCUPATION		<p>The diagram illustrates building placement on two lot types: a Corner Lot and an Interior Lot. The Corner Lot is shown at the intersection of a street and an alley, with a 'Secondary Front' and a 'Principal Front'. The Interior Lot is shown with a 'Principal Front'. A building footprint is shown with setbacks: 20' min. from the Principal Front, 10' min. from the Secondary Front, and 5' min. from the side and rear. The building is divided into three layers: 1st Layer (top), 2nd Layer (middle), and 3rd Layer (bottom). A 5' min. setback is also shown from the Principal Front to the start of the building footprint.</p>	
a. Lot Area	5,000 s.f. min.		
b. Lot Width	50 ft min.		
c. Lot Coverage	50% max. first floor 30% max. second floor (T3-R & T3-L only)		
d. Floor Lot Ratio (FLR)	N/A		
e. Frontage at front Setback	N/A		
f. Green Space	25% Lot Area min.		
g. Density	T3-R = 9 du/ac max. T3-L = 9 du/ac max. T3-O = 18 du/ac max.		

BUILDING SETBACK		OUTBUILDING PLACEMENT
a. Principal Front	20 ft. min.	
b. Secondary Front	10 ft. min.	
c. Side	5 ft. min. total-min. in aggregate (10% Lot Width min. for Lots with only one (1) side) and a 5ft min. per side.	
d. Rear	20 ft. min.	
OUTBUILDING SETBACK (T3-L ONLY)		
a. Principal Front	20 ft. min.	
b. Secondary Front	10 ft. min.	
c. Side	5 ft. min.	
d. Rear	5 ft. min.	

BUILDING CONFIGURATION FRONTAGE		PARKING PLACEMENT		
a. Common Lawn	permitted		1st Layer 2nd & 3rd Layer	
b. Porch & Fence	permitted		Corner Lot	
c. Terrace or L.C	permitted		Interior Lot	
d. Forecourt	permitted			1st Layer 2nd Layer 3rd Layer
e. Stoop	prohibited		1st Layer 2nd & 3rd Layer	
f. Shopfront	prohibited		Corner Lot	
g. Gallery	prohibited		Interior Lot	
h. Arcade	prohibited			1st Layer 2nd Layer 3rd Layer

BUILDING HEIGHT		BUILDING HEIGHT
a. Principal Building	2 Stories and 25 ft. to eave max.	
b. Outbuilding	2 Stories and 25 ft. to eave max.	
PARKING		
Facade Width	T3-R & T3-L 30% max. T3-O 60% max.	

* * *

Section 6. Article 7 of the Miami 21 Code is hereby amended in the following particulars:¹

“ARTICLE 7. PROCEDURES AND NONCONFORMITIES

7.1 PROCEDURES

* * *

7.1.2 Permits

* * *

7.1.2.5 Waiver

* * *

6. ~~Reserved.~~ Additional height for raised decks where there is an atypical geographical elevation change (Article 5, Section 5.3.1.g).

* * *

Section 7. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

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

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.

APPROVED AS TO FORM AND CORRECTNESS:


George K. Wysocki III, City Attorney 12/2/2024