

## CITY COMMISSION FACT SHEET

**File ID:** (ID # 14139)

**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 ("MIAMI 21 CODE"), MORE SPECIFICALLY BY AMENDING ARTICLE 3, TITLED "GENERAL TO ZONES," TO CLARIFY DENSITY AND INTENSITY CALCULATIONS INCLUSIVE OF RIGHT-OF-WAY DEDICATIONS AND TO REQUIRE PROVISION OF A DEED AND A SURVEY SHOWING RIGHT-OF-WAY DEDICATIONS SINCE THE LAST RECORDED PLAT; 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:** This text amendment to the Miami Zoning Code will aid Density and Intensity calculations by allowing for utilization of certain Public Right-of-Way dedications since the last recorded plat and by requiring provision of a deed showing such dedications.

**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  
www.miamigov.com

**File Number: 14139**

**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 ("MIAMI 21 CODE"), MORE SPECIFICALLY BY AMENDING ARTICLE 3, TITLED "GENERAL TO ZONES," TO CLARIFY DENSITY AND INTENSITY CALCULATIONS INCLUSIVE OF RIGHT-OF-WAY DEDICATIONS AND TO REQUIRE PROVISION OF A DEED AND A SURVEY SHOWING RIGHT-OF-WAY DEDICATIONS SINCE THE LAST RECORDED PLAT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Code of the City of Miami, Florida, as amended, ("City Code") requires at times the provision of Public Right-of-Way dedications during the building permit process, including for new construction, change of use, and additions; and

WHEREAS, these Public Right-of-Way dedications are made via legal instruments, such as deeds; and

WHEREAS, the proposed text amendment seeks to aid interpretation of Density and Intensity calculations by allowing the utilization of Public Right-of-Way dedications since the last recorded plat for Density and Intensity purposes; and

WHEREAS, the City of Miami ("City") Commission adopted its first zoning ordinance on August 8, 1934; and

WHEREAS, on October 16, 2024, at a duly noticed public meeting, the Planning, Zoning and Appeals Board ("PZAB") considered the Miami 21 Code text amendment, item PZAB.6, and passed PZAB-R-24-066, recommending approval, by a vote of ten to zero (10-0); and

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

WHEREAS, consideration has been given to the relationship of the proposed text amendment to the goals, objectives, and policies of the Miami Neighborhood Comprehensive Plan, the Miami 21 Code, and other City regulations;

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

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

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

“ARTICLE 3: GENERAL TO ZONES

\* \* \*

3.4 DENSITY AND INTENSITY CALCULATIONS

3.4.1

Lot Area, inclusive of any dedications for Right-of-Way purposes since the last recorded plat, but no earlier than August 8, 1934, shall be used for purposes of Density and Intensity calculation. Evidence in the form of a deed (i.e. Right-of-Way, warranty or other deed) and a survey showing that said dedication for Right-of-Way purposes was granted after August 8, 1934 shall be provided to the Office of Zoning.”

Section 3. 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 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. This Ordinance shall become effective ten (10) days after the adoption thereof.<sup>2</sup>

APPROVED AS TO FORM AND CORRECTNESS:

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

<sup>1</sup> 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.

<sup>2</sup> 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.