

A RESOLUTION OF THE PLANNING, ZONING AND APPEALS BOARD RECOMMENDING APPROVAL OR DENIAL OF AN ORDINANCE OF THE MIAMI CITY COMMISSION TO AMEND ARTICLE 3, SECTION 3.3.3 WATERFRONT STANDARDS, SECTION 3.11 WATERFRONT STANDARDS, ARTICLE 5, SECTION 5.5 URBAN CENTER TRANSECT ZONES (T5), AND SECTION 5.6 URBAN CORE TRANSECT ZONES (T6) OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED; MAKING FINDINGS; 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, known as the Miami 21 Code ("Miami 21 Code"); and

WHEREAS, on January 24, 2019, the City Commission adopted Ordinance No. 13804, amending Article 3, Section 3.11 Waterfront Standards to provide additional clarification to applicable boundaries and standards associated with the term Waterfronts and identify location standards for Waterways and Waterbodies; and

WHEREAS, on July 22, 2021, the City Commission adopted Ordinance No., amending Appendix B: Waterfront Design Guidelines to update and improve waterfront standards; and

WHEREAS, the Planning, Zoning and Appeals Board ("PZAB") has considered the Planning Director's recommendations; and

WHEREAS, PZAB has conducted a public hearing on the proposed text amendment; and

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

WHEREAS, PZAB has considered the need and justification for the proposed change, including changed or changing conditions that make the passage of the proposed change necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING, ZONING AND APPEALS BOARD OF THE CITY OF MIAMI, FLORIDA, AS FOLLOWS:

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

Section 2. It is recommended to the Miami City Commission that Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida, as amended, be amended by amending Article 3. General to Zones, specifically Section 3.3.3, titled "Lots and Frontages" and specifically Section 3.11, titled "Waterfront Standards", and amending Article 5. Specific to Zones, specifically Section 5.5.1, titled "Building Disposition (T5), and Section 5.6.1, titled "Building Disposition (T6) in the following particulars:

"ARTICLE 3. GENERAL TO ZONES

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3.3 LOTS AND FRONTAGES

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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 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 waterfront Lots shall have at least two (2) Principal Frontages, one of which shall be the waterfront and shall conform to Waterfront Setback Standards. However, Lots which do not require a waterfront walkway per 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 and setbacks for the lot as fits the circumstances of the case. 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.

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3.11 WATERFRONT STANDARDS

In addition to the Miami City Charter requirements, the following Setback, walkways and Waterfront standards shall apply to all Waterfront properties within the City, except as modifications to these standards for all Waterfront properties may be approved by the City Commission pursuant to the procedures established in the City Charter.

All Miami riverfront properties shall include water-related uses across all Transect Zones except T3.

a. Waterfront Setbacks

1. For properties fronting a Waterway, the Setback shall be a minimum of fifty (50) feet measured from the mean high water line provided along any Waterfront, except where the depth of the Lot is less than two-hundred (200) feet the Setback shall be a minimum of twenty-five percent (25%) of the Lot depth; and except for T3, T4-R, D1, D2 and D3 Transect Zones where a minimum Setback of twenty (20) feet shall be provided, except where the depth of the Lot is less than eighty (80) feet the Setback shall be a minimum of twenty-five percent (25%) of the Lot depth. These requirements shall not apply to Marine Related Industrial Establishments along the Miami River. Within D1, D2 and D3 Transect Zones facilities may span across man-made slips with a Structure to conduct marine-related commercial and industrial activities.

2. For properties fronting a Waterbody, the Setback shall be a minimum of twenty-five (25) feet measured from the mean high water line provided along any Waterfront, except for the following:

- 1. Where the depth of the Lot is less than one-hundred (100) feet, the Setback shall be a minimum of twenty-five percent (25%) of the Lot depth; and
- 2. For T3, T4-R, D1, D2, and D3 Transect Zones, a minimum Setback of twenty (20) feet shall be provided, except where the depth of the Lot is less than eighty (80) feet, the Setback shall be a minimum of twenty-five percent (25%) of the Lot depth.

For other Lot configuration conflicts, the Setback may be reduced a maximum of fifty percent (50%) by process of Waiver.

3. Waterfront Side Setbacks consisting of one (1) or more lot lines generally perpendicular to the greatest adjacent waterbody shall be equal in aggregate to at least twenty-five percent (25%) of the water frontage of each Lot based on average Lot Width, to allow View Corridors open from ground to sky and to allow public access to the Waterfront; except for T3, TR-4, D1, D2, and D3 Transect Zones.

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Section 3. It is recommended to the Miami City Commission that Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida, as amended, be amended by amending Article 5. Specific to Zones, specifically Section 5.5.1, titled "Building Disposition (T5), and Section 5.6.1, titled "Building Disposition (T6) in the following particulars:

“ARTICLE 5. SPECIFIC TO ZONES

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5.5 URBAN CENTER TRANSECT ZONES (T5)

5.5.1 Building Disposition (T5)

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e. For the minimum Height, ~~façades~~ 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.

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5.6 URBAN CORE TRANSECT ZONES (T6)

5.6.1 Building Disposition (T6)

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e. For the minimum Height, ~~façades~~ 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.

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

Section 5. This Resolution shall become effective immediately after the adoption thereof.