



## Key Changes to Miami 21

Below are key changes made to the Miami 21 Zoning Code since its draft on June 20, 2007. Changes made between *June 2007* and *March 2008* are **not** highlighted. Changes made since *April 2008* are **highlighted**.

### T3: SINGLE FAMILY and DUPLEX STRUCTURES

- **Modified language to limit the maximum size of new single family/duplex homes built within the City of Miami**. Miami 21 limits the maximum buildable footprint to a first floor maximum of 50% of the net lot area and a second floor maximum of 30% of the net lot area. Ordinance 11000 sets the minimum side yard setback at 5 feet on each side for a single lot. Under Miami 21, side setbacks will be established by the aggregate lot width, rather than the current method which uses a single dimension regardless of the lot size. This means that for homes that occupy multiple lots, the side setbacks would be 20% of the total lot width as opposed to the five (5) feet now required.
- **Modified language to only encourage the use of existing alleys to access properties**. Existing alleys are encouraged to remain public and open for use by the abutting property owners.
- **Added additional flexibility for parking requirements** so that one of the two required spaces is allowed to be placed in the front setback. Previous language required both spaces to be located only in the second or third layers. Also important to note is that tandem parking is encouraged in T3 areas. The current zoning code does not allow for this to happen.
- **Increased the height of aluminum, iron pickets and/or posts fences** to five (5) feet from original 3 ½ feet in the front of the home to address citizens' concerns. Fences may be up to 6 feet in the second and third layer (side and rear).
- **Increased height of hedges** located in the second and third layer (side and rear) to 8 feet. This height was raised from 6 feet to 8 feet for hedges only. Hedges do not include trees that may help buffer properties. (Regulations on fences and walls were moved from Article 6 – Supplemental Regulations to Article 3- General Regulations)
- **Provided additional protection in T3 transect zones** for overflow parking by eliminating the ability of adjacent T5 and T6 properties to avail themselves of any parking reductions within 500 feet of a T3 property. In other words, adjacent T5 and T6 properties will not be able to take advantage of any parking reductions/incentives if next to a T3 as made available in other parts of the code.
- **Added Additional setback requirements for buildings adjacent to T3**. In the T5 and T6 Transect Zones, buildings on lots greater than 120' in depth must be setback a minimum of 10% of their lot depth when adjacent to a single-family or duplex home.
- **Deleted hedge height requirements** from all Transect Zones.



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- **Modified second story lot coverage for single family homes to not exceed 30%** to provide for additional protection against over-building on a lot.
- Incorporated **the existing Neighborhood Conservation Districts language** to exist within Miami 21 code. This provides protection for existing neighborhoods that exists under Ordinance 11000. Many items are now required for all properties under T3 transect.

### DESIGN / ARCHITECTURE

- **Incorporated Section 1305 of Zoning Ordinance 11000 into Miami 21.** The urban design elements in Section 1305 were added to the Miami 21 Code as Table 12 in Article 4.
- **Additional flexibility in the height downtown.** T6-60 and T6-80 will replace T6-48 in the Downtown area allowing unlimited bonus height up to FAA limits.
- **Added flexibility to distribute height of the first two floors** in any manner with a minimum of 14 feet height each and maximum 25' height for a maximum of 39 feet within the two floors. This change allows greater flexibility for programming the space within and was made as part of the feedback received from the meetings held with the American Institute of Architects (AIA).
- **Added language in T6-36, T6-60, and T6-80 to remove requirement** of the ten foot setback above the eighth floor if facing a Civic Space or a right-of-way of 70 feet or greater.
- **Increased maximum lot sizes in T6-12** from 40,000 square feet to 70,000 square feet to address capacity issues in the Design District area.
- **Clarified language** to allow T6-36, T6-60 and T6-80 lots having one dimension of 100 feet or less to be able to reduce side and rear setbacks to a minimum of 20 feet only above the eighth floor by Waiver. This was a suggestion by architects working to test Miami 21 principles.
- **Added language in T6-36, T6-60 and T6-80** to allow an additional two stories of habitable space, with a 10 foot setback above the eighth floor to extend a maximum 60% of the length of street frontages. This was a suggestion by architects working to test Miami 21 principles.
- **Added language to allow an additional six feet of non-habitable space without setback for T6-24, T6-36, T6-60, and T6-80, the eighth floor** to accommodate depth of swimming pools, landscaping, transfer beams, and other structural and mechanical systems. This was a suggestion by architects working to test Miami 21 principles.
- **Added language to allow required pedestrian passages in T6-36 to be fully roofed and lined with frequent doors and windows.** Previous language only included T6-60, and T6-80. Other transect zones may roof up to 25% of a required pedestrian passage. This was a suggestion by architects working to test Miami 21 principles.



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- **Moved the off-street parking and loading standards** from Article 6 – Supplemental Regulations to Article 4, Table 4 for organizational clarity.

*\* Additional suggestions made by the American Institute of Architects (AIA) had already been incorporated in the June 2007 version of Miami 21.*

- **Added flexibility to parking structures** to allow for the total height of the parking levels to be equal to the total height of the Liner. This change allows for greater flexibility in the design of parking structures and allows for multiple levels of parking to be constructed behind each story of Liner. The architects felt it was important to address parking requirements while adding architectural flexibility to the building's design.
- **Increased FLR in T6-24** from six (6) to seven (7) to address substandard lot depths in the Edgewater area and allow for adequate parking to be provided for office uses without intruding into adjacent residential neighborhoods.
- **Allowed maximum lot sizes in T5 and T6 Zones to be increased by Exception** to allow greater flexibility for certain uses that serve the neighborhood, such as grocery stores.
- **Allowed encroachments into setback areas** up to three (3) feet for screening devices that promote energy efficiency in T6 Transect Zones.
- **Removed the additional ten (10) foot front setback** above the eighth story on rights-of-way that are greater than seventy (70) feet. This allows for greater architectural variation where the right-of-way is already wide enough to bring light and air into the street.
- **Removed roof height restrictions for T6-24 and above** for all mechanical and equipment roof enclosures to allow for greater flexibility of design and ensure all mechanical equipment is screened from the view of other buildings.
- **Increased maximum floorplate length for commercial uses** from 200' to 215' for T6 Zones. This was amended to accommodate current commercial floorplate industry standards for leasable area.
- **Allowed for an additional two (2) stories above the eighth floor**, at a ten (10) foot setback, to allow for units and amenity space to be provided along 60% of a recreation deck. This creates greater architectural variety and heights in the Urban Center Zones while defining the space on these terraces.



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### CIVIC / INSTITUTIONAL

- **Additional adjustments made to development allowances of a CI Zone** based on its abutting context. This language was modified so that CI zones could be more contextual while still retaining their capacity and flexibility of allowable uses.
- **Creation of the CI-HD District** to accommodate the Health District area and future expansion plans since this area has a very significant impact on the City as a whole.

### WATERFRONT

- **Modified the Waterfront Standards (Riverwalk / Baywalk)** to specify larger unobstructed walkways. Miami 21 will require all new developments along the river and bay to create public areas at the waterfront.
- **Creation of the D3 zoning category** to accommodate zoning similar to the current SD-4 regulations and address the marine/water related uses within the Miami River
- **Added language requiring all Miami riverfront properties to include water-related uses, except T3 Zones.** This was added to promote the co-existence of water-dependant and water-related commercial, industrial, and recreational uses along the Miami River and to allow industrial and marine related riverfront properties to retain legal rights to marine related uses. This addition ensures compliance with the Comprehensive Plan.

### CONSERVATION

- **Establishment of T1 category** and related mapping for spoil islands, conservation parks, and parts of Virginia Key.

### BRICKELL / DESIGN DISTRICT

- **Clarified language to allow existing front setbacks** to remain so that established neighborhoods such as Brickell and the Design District can maintain their existing character.

### ESTABLISHED SETBACKS AREAS

- **Inclusion of established setback areas** to address major corridors within the City which require different setbacks other than those established within the Transect Zones.

### PROCESS

- **Added a referral of Waivers** to the Planning Director or as when requested by the Zoning Administrator. This language was added so that the Planning Department can address design-related issues for waiver applications.
- **Added language to include Article 4, Table 12** (formerly 1305 in Zoning Ordinance 11000) as part of the review process for applications of warrant, waiver, and exception applications. This was a request made by concerned residents.



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- **Incorporated additional notification requirements** to all processes to make language consistent with the Comprehensive Plan notice requirements recently approved by the City Commission through the EAR-based amendments process. Notices include:
  - Notice to NET registered associations and NET office provided at least thirty (30) days prior to issuance of the permit for warrant, waiver, exception or variance
  - Notice of permit decision (warrant, waiver, exception, or variance) includes explanation of appeal procedures and is provided to the NET office and posted on City website.
- **Modified the Warrant process to allow appeals to be heard by City Commission.** This change was made to address concerns from the citizens and the Commissioners.
- **Complete applications under Ordinance 11000 at the time of Miami 21 adoption may be approved** under ZO 11000 but must obtain a building permit within specific time period.

### GREEN BUILDING

- **Clarified the sustainability requirements** to make clear that requirements only apply to “new” construction over 50,000 square feet. There was some concern that existing buildings would have to seek LEED certification, and this is not the intention of the code.
- **Added language to include equivalent green building certification besides LEED.** Although over 90% of green buildings use LEED, regulations now allow any other equivalent standards adopted by the City in addition to LEED.

### BICYCLES

- **Added language to create thoroughfares that are bicycle-friendly** and recognizes that bicycles are a sustainable and viable mode of transportation and recreation in the City of Miami.

### NON-CONFORMITIES

- The non-conformities section of the Miami 21 Code was re-written to address concerns raised by residents and Commissioners. These regulations were made simpler and easier to understand, particularly in the case of a hurricane or act of God. The proposed regulations add additional protection to property owners that do not exist today under Zoning Ordinance 11,000.
- **The most significant change allows a single family home or duplex in any transect category to be rebuilt, replaced, altered, repaired, restored, or renovated**, as long as, (a) the existing structure is legal, (b) a building permit is applied for by the owner within 12 months, and (c) the area of nonconformity is not enlarged from what previously existed. The area of nonconformity may be replaced as it was prior to the loss but not enlarged.

Miami 21 will allow greater flexibility for the homeowner than existing Ordinance 11000. Ordinance 11000 requires a public hearing to rebuild nonconformity; Miami 21 does not require



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a public hearing. Ordinance 11000 only allows 6 months for an owner to apply for a building permit; Miami 21 will allow 12 months.

**Below is a comparison of some of the most significant changes proposed in the nonconformities section of Article 7:**

Occurrence	Current Zoning Code (11000)	Miami 21
<p>Destruction in the event of a natural disaster, explosion, fire, act of God.</p>	<p>If more than 50% of the assessed value is destroyed, <u>the home may not be rebuilt as it was, except by public hearing and special exception.</u></p> <p>If less than 50% of the assessed value is destroyed, home may be restored <u>if begun</u> within six (6) months. This part of the code is unclear since it addresses the use of a structure and not the structure itself.</p>	<p>Allows reconstruction of the home (Single Family / Duplex) and <u>does not stipulate a percentage requirement regardless of the amount of damage.</u></p> <p>For structures other than Single Family / Duplex, structures damaged by less than 50% of assessed value can be restored by process of Waiver. Structures with more than 50% of assessed value can be restored by process of Exception (public hearing).</p> <p>Extends application period. All applications for reconstruction must be <u>filed</u> within twelve (12) months from date of destruction. This time period may be further extended by the City Commission.</p>
<p>Alterations and expansion of nonconforming structures</p>	<p>Not allowed if nonconformity is increased.</p> <p>Alterations not involving an enlargement/expansion of nonconformity may be permitted through Class II.</p>	<p>Interior alterations for repairs and interior remodeling are allowed.</p> <p>Eliminates the prohibition of enlargement, permitted by Waiver (administrative).</p>



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	Alterations involving an enlargement/expansion of principal structure permitted via Special Exception but at least 50% of original building must remain.	
Nonconforming characteristics of use	No change allowed in any nonconforming characteristic of use which increases nonconformity. Changes may be made via Class II which results in the same or lesser degree of nonconformity.	Language was modified to replace the terminology of "characteristics of use" to "site improvements." No change shall be made in any nonconforming site improvement which increases the nonconformity. Changes may be approved by administrative Waiver, if the changes result in the same or a reduced degree of nonconformity.