TABLE OF CONTENTS

3.1 Transect Zones
3.2 Phasing
3.3 Lots and Frontages
3.4 Density Calculations
3.5 Measurement of Height
3.6 Off-Street Parking and Loading Standards
3.7 Fences and Walls
3.8 Thoroughfares
3.9 Special Area Plans
3.10 Historic Preservation Standards
3.11 Waterfront Standards
3.12 Design Guidelines and Neighborhood Conservation Districts
3.13 Sustainability
3.14 Public Benefits Program

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ARTICLE 3. GENERAL TO ZONES

3.1 TRANSECT ZONES

3.1.1 The Miami 21 Code Transect Zones are described in Article 4, Table 1 and include the standards summarized in Article 4, Table 2 and further described in Article 5. They range in Function and Density from low-Density, primarily residential areas to high Density Mixed-Use areas, across the Transect, with zones identified as T1, T2, T3, T4, T5, T6, CS, CI, CI-HD, D1, D2 and D3 and all R, L, O and T6 subcategories.

3.2 PHASING

All development shall conform to this Code regardless of phasing. Each phase of a development project shall conform to this Code in its entirety.

3.3 LOTS AND FRONTAGES

3.3.1 Lots assembled into one ownership within one Transect Zone may be developed as a single Lot. Lots assembled into one ownership that encompass more than one Transect Zone shall be developed according to the corresponding Transect regulation for each Lot. In such cases, there shall be no transfer of Density or Intensity of Development Capacity between Transect Zones. Where Lots are assembled into one ownership, the side or rear Setbacks sharing the Property Line may be eliminated. Lot assembly shall require a Unity-of-Title acceptable to the City Attorney. Contiguous Lots in one ownership, as of the effective date of this Code, may be developed as one Lot in excess of the maximum Lot size. T4 Lots adjacent to T5 or T6 Lots may provide parking for adjacent Lot uses, and shall follow all other T4 requirements including Liner requirements. Access for such parking shall be provided only through the T4O, T5 or T6 Lot.

3.3.2 In Transect Zones T5, T6, CI, CS, D1, D2, and D3, buildable sites shall Enfront a vehicular Thoroughfare or a Pedestrian Passage, with at least one Principal Frontage.

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. For Waterfront Setbacks, see Section 3.11.

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.

3.3.4 For the purposes of this Code, Lots are divided into Layers which control Development on the Lot.

3.3.5 Where the property to be developed abuts an existing Building, a Waiver may be granted so that the proposed Building matches the dominant Setback of the block and its Context.

3.3.6 For new Buildings in Established Setbacks Areas, the Established Setback shall be maintained. (See also Article 4, Diagram 10) Galleries and Arcades may be permitted within the First Layer in Established Setback Areas and shall not encroach the Public Right-of-Way except by Special Area Plan.

Established Setback Areas include:

a. Brickell Financial

1. Boundary: All properties on Brickell Avenue between SE 15th Road and the Miami River.

   Brickell Avenue Setback: Thirty (30') feet; Side and Rear: Fifteen (15') feet;

2. Boundary: All properties bounded by SE 1st Avenue to the west, SE 8th Street to the north, Biscayne Bay to the east and SE 15th Road to the south.

   Interior Side and Rear Setback: fifteen (15') feet

b. Biscayne Boulevard

1. Boundary: All properties along the west side of Biscayne Boulevard from NE 7th Street to NE 12th Street and both sides of Biscayne Boulevard from NE 12th Street to NE 17th Street.

   Setback Adjacent to Biscayne Boulevard: Fifteen (15') feet

2. Boundary: Biscayne Boulevard from NE 17th Street to Interstate 195.

Setback Adjacent to Biscayne Boulevard: Zero (0') feet with Gallery

c. Design District

1. Boundary: All properties bounded on the east by Biscayne Boulevard; on the south by NE 36th Street; on the west by North Miami Avenue; and on the north by NE 40th Street.

   Frontage Setback: Zero (0') feet

d. 27th Avenue Coconut Grove

1. Boundary: The west side of 27th Avenue from SW 28th Terrace to South Dixie Highway.

   27th Avenue Frontage Setback: Twenty-five (25') feet

2. Boundary: The north side of SW 28th Terrace between South Dixie Highway and SW 27th Avenue.

   SW 28th Terrace Frontage Setback: Fifteen (15') feet

3. Boundary: Bird Avenue between Mary Street and Aviation Avenue; Lincoln Avenue between SW 27th Avenue and Darwin Street; the north Side of Abaco Avenue from SW 27th Avenue to Washington Street; the south Side of Aviation Avenue from SW 27th Avenue to Swanson Avenue.

   Frontage Setback on all streets except SW 27th Avenue: Fifteen (15') feet

e. 9th Street Promenade

1. Boundary: All properties Adjacent to NW 9th Street between NW 2nd Avenue and North Miami Avenue.

   NW 9th Street Frontage Setback: Twenty-five (25') feet

f. Tigertail Avenue

1. Boundary: All properties along the southeast side of Tigertail Avenue between Mary Street and Aviation Avenue.

   Tigertail Avenue Setback: One hundred feet (100') except, Residential Uses (as ancillary Use), may be developed in accordance with Setback provisions of the underlying Transect Zone. Parking structures lined by Residential Uses must be setback a minimum of fifty (50') feet from Tigertail Avenue.

g. South Bayshore Drive

1. Boundary: All properties on the northern side of South Bayshore Drive from McFarlane Road to Aviation Avenue.

   South Bayshore Drive Setback: Thirty (30') feet

2. Boundary: All properties on the northern side of South Bayshore Drive from Aviation Avenue to SW 17th Avenue.

South Bayshore Drive Setback: Eighty (80') feet

h. Coral Way

1. Boundary: Coral Way from the western City limits (SW 37th Avenue) to SW 1st Court.

Coral Way Setback: Zero (0') feet with Gallery

i. 8th Street

1. Boundary: All properties Adjacent to SW 8th Street between SW 27th Avenue and SW 1st Court.

SW 8th Street Setback: Zero (0') feet with Gallery

j. 22nd Avenue

1. Boundary: 22nd Avenue from NW 1st Street to SW 8th Street.

22nd Ave Setback: Zero (0') feet with Arcade

k. Central Coconut Grove

1. Boundary:
   - All properties Adjacent to Grand Avenue between Margaret Street and Mary Street.
   - All properties Adjacent to Commodore Plaza between Grand Avenue and Main Highway
   - All properties Adjacent to Fuller Street between Grand Avenue and Main Highway.
   - All properties Adjacent to Main Highway between Charles Avenue to Grand Avenue.
   - All properties Adjacent to McFarlane Road between Grand Avenue and South Bayshore Drive.
   - All properties Adjacent to Virginia Street between Oak Avenue and Grand Avenue.
   - All properties Adjacent to Florida Avenue between Virginia Street and Mary Street.
   - All properties Adjacent to Rice Street between Oak Avenue and Florida Avenue.
   - All properties on the west side of Mary Street between Oak Avenue and Grand Avenue.
   - All properties on the south side of Oak Avenue between Matilda Street and Tigertail Avenue.

Central Coconut Grove Setback (on the streets listed above): Five (5) feet.

3.4 DENSITY AND INTENSITY CALCULATIONS

3.4.1 Lot Area is used for purposes of Density and Intensity calculation.

3.4.2 Density shall be calculated in terms of units as specified by Article 4, Tables 3 and 4. The referenced tables provide the maximum allowable Densities. Intensity shall be calculated in terms of Floor Lot Ratio. The buildable Density or Intensity on any particular site will be affected by other regulations in this Code and thus the stated maximums of this Miami 21 Code may exceed the actual Capacity that a site can sustain when other regulations of this Code are applied to the site. The inability to reach the maximum Density or Intensity because of the necessity to conform to the other regulations of this Code shall not constitute hardship for purposes of a Variance.

3.4.3 Lodging Units shall be considered as equivalent to one-half (0.50) of a Dwelling Unit.

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.

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 shall be measured in feet. The Height of Buildings, 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. In the event that the base flood elevation, as established by FEMA, is higher than the sidewalk or grade elevations, the Height of the first Story but not the height of Fences and walls shall be measured from the base flood elevation.

3.5.2 A Story is a Habitable level within a Building of a maximum fourteen (14) feet in Height from finished floor to finished floor. Basements are not considered Stories for the purposes of determining Building Height. A ground level retail Story may exceed this limit up to a total height of twenty-five (25) feet. A single floor level exceeding fourteen (14) feet, or twenty-five (25) feet at ground level retail, 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. Where the first two stories are retail, their total combined Height shall not exceed thirty-nine (39) feet and the first floor shall be a minimum of fourteen (14) feet in Height. Mezzanines may not exceed thirty-three percent (33%) of the Habitable Space Floor Area, except for D1, where mezzanines may not exceed fifty percent (50%) of the Habitable Space Floor Area. Mezzanines 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. 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.

3.5.3 Except as specifically provided herein, the Height limitations of this Code shall not apply to any roof Structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors, or similar equipment required to operate and maintain the Building (provided that such Structures shall not cover more than twenty percent (20%) of roof area for T4 and T5); nor to church spires, steeples, belfries, monuments, water towers, flagpoles, vents, or similar Structures, which may be allowed to exceed the maximum Height by Waiver; nor to fire or parapet walls, which shall not extend more than five (5) feet above the maximum Height in T4 and T5 and ten (10) feet in T6 and Districts.

3.5.4 No Building or other Structure shall be located in a manner or built to a Height which constitutes a hazard to aviation or creates hazards to persons or property by reason of unusual exposure to aviation hazards. In addition to Height limitations established by this Code, limitations established by the Miami-Dade County Height Zoning Ordinance as stated in Article 37 of the Code of Miami-Dade County (Miami International Airport) shall apply to Heights of Buildings and Structures.

A letter authorizing clearance from the Miami-Dade Aviation Department or the Federal Aviation Administration (FAA) may be required by the Zoning Administrator prior to the issuance of any Building permit.

Construction of an Educational facility within the delineated Miami International Airport Critical Approach Area as defined by the Miami-Dade County Code shall only be granted by Exception. Construction of such facility is subject to the approval by the Miami-Dade County Aviation Department or any other agencies authorized by law to approve the construction.

3.5.5 Height limitations for Properties Abutting and in Proximity to National Historic Landmarks

a. All properties designated a National Historic Landmark (NHL) which include a Designed Landscape that is an integral part of the documented significance supporting the NHL designation shall be protected by height limitations throughout the entire Civic Institution zoned property of which the NHL is a part, so as to protect the Designed Landscape from the potentially adverse effects of an undertaking that may diminish the integrity of the NHL property's location, design, setting, materials, workmanship, association or qualities that qualified it for NHL designation. Examples of adverse effects which diminish the integrity of the NHL property include those which: cause physical destruction of or damage to all or part of the NHL property; or change the character of the NHL property's use or physical features within the NHL property's setting that contribute to its historic significance; or introduce visual, atmospheric or audible elements that diminish the integrity of the NHL property's significant historic features; or alter the NHL property in a way that is not consistent with the federal standards for the treatment of historic properties and applicable guidelines, as published by the United States Department of the Interior.

b. The height of structures throughout the entire Civic Institution zoned property of which the NHL is a part shall not exceed that established by a six (6) degree vertical plane which is measured beginning from the ground floor elevation of the principal historic building at the façade that overlooks the Designed Landscape, which plane shall extend in a one hundred eighty (180) degree arc facing the Designed Landscape and measured at grade from the midpoint of the building façade. The ground floor elevation shall be measured according to the 1929 N.G.V.D. of Mean Sea Level supplied by the City of Miami. Structures existing on affected properties at the time of the effective date of this Miami 21 Code shall not be considered nonconforming structures.

c. Should the height limitations for structures located in such Civic Institution zoned property as of the effective date of this Miami 21 Code be more restrictive than that created by this section, the most restrictive height shall apply. In the event of a rezoning of all or part of the Civic Institution property, either by successional zoning or by Special Area Plan, the height limitations specified in this Section 3.5.5 shall be incorporated in all subsequent rezonings.

d. For purposes of this Section 3.5.5., the following definitions shall apply:

1. Designed Landscape is one or more of the following:
   - a landscape that has significance as a design or work of art;
   - a landscape consciously designed and laid out by a master gardener, landscape architect, architect, or horticulturalist to a design principle, or an owner or other amateur using a recognized style or tradition in response or reaction to a recognized style or tradition;
   - a landscape having a historical association with a significant person, trend, event, etc. in landscape gardening or landscape architecture; or
   - a landscape having a significant relationship to the theory or practice of landscape architecture.

2. National Historic Landmark is a nationally significant historic place designated by the Secretary of the Interior because it possesses exceptional value or quality in illustrating or interpreting the heritage of the United States, and defined in Title 36, Section 65.3 of the Code of Federal Regulations.

3.5.6 See Chapter 23 of the City Code, titled Historic Preservation, for regulations and additional height requirements.

3.6 OFF-STREET PARKING AND LOADING STANDARDS

3.6.1 Off-street Parking Standards

a. Off-street Parking requirements for the individual Transect Zones shall be as set forth in Article 4, Table 4.

b. Off-street Parking dimensions and Shared Parking (mixed-use) reduction table shall be as set forth in Article 4, Table 5.

c. Required Parking for Adaptive Reuses may be reduced or exempted by Waiver for properties located in a Community Redevelopment Area, or in areas where a Parking Trust Fund has been established, or for historic sites and contributing Structures within designated historic districts.

d. Parking reductions shall not be cumulative except in T6-36, T6-48, T6-60 and T6-80. Parking reductions shall not exceed fifty percent (50%) of the total Off-street Parking required, except for Residential components of projects within one thousand (1,000) feet of Metrorail or Metromover stations.

3.6.2 Off-street Parking Driveway Standards [RESERVED]

3.6.3 Additional Off-street Parking Regulations

General performance standards for Off-street Parking facilities:

a. Parking shall be implemented so as to provide safe and convenient access to and from public Thoroughfares which include movement lanes and Public Frontages.

b. Vehicular access through Residential properties for nonresidential Uses shall be prohibited.

c. Off-street Parking spaces shall be located with sufficient room for safe and convenient parking without infringing on any public Thoroughfare or sidewalk.

d. Off-street Parking spaces whose locations require that cars back into movement lanes shall only be permissible in T3 and T4 zones. Backing into Alleys shall be permissible in all Transect Zones.

e. Off-street Parking or loading area shall not be used for the sale, repair, or dismantling of any vehicle or equipment, or for storage of materials or supplies.

f. Parking or storage of commercial trucks, buses, vans, sign trailers; trailers or semi-trailers for freight, cargo; or the like shall not be permitted in any T3, T4, T5-R or T6-R Zone.

g. Inoperable vehicles shall be stored only in storage facilities or other approved places where they are completely concealed from public view.

h. Except in connection with permitted active continuing construction on the premises, construction equipment such as earth moving machines, excavators, cranes, and the like shall only be allowed in D1, D2 and D3, as allowed by this Code.

i. All Off-street Parking shall comply with applicable regulations related to lighting, paving, and drainage including the Miami-Dade County Code and the Florida Building Code.

j. Specific areas may be set aside for Tandem Parking. Tandem Parking in all Transect Zones, except T3 and T4, shall be used only by a valet parking operator.

k. Parking facilities on adjoining Lots may share access points, driveways and parking subject to a recorded covenant running with the property on which the facilities are located, by process of Waiver.

3.6.4 Calculation of Off-street Parking requirements related to number of seats.

Where parking requirements relate to number of seats and seating is in the form of undivided pews, benches, or the like, twenty (20) lineal inches shall be construed to be equal to one (1) seat. Where Parking requirements relate to movable seating in auditoriums and other assembly rooms, ten (10) square feet of Floor Area shall be construed to be equal to one (1) seat except where otherwise specified. Net floor area shall be the actual area occupied by seating and related aisles, and shall not include accessory unoccupied areas or the thickness of walls.

3.6.5 Valet Parking

Off-street Parking facilities maintained with valet parking shall be allowed generally, provided that the minimum Off-street Parking requirements of this Code are satisfied and that an attendant shall remain on duty during business hours or as long as the Principal Building is occupied.

3.6.6 Parking Management Plan

Parking allowed off-site through a parking management plan agreement with the City of Miami Parking Authority shall be as set forth in Chapter 35 of the City Code.

Within areas under a parking management plan, outdoor areas, including the public right-of-way, which are regularly used for display and sales, or as dining areas, shall be calculated as part of the establishment's total floor area and shall comply with Off-Street parking requirements.

3.6.7 Off-street Parking Reductions by Use

a. Parking reductions for Elderly Housing.

1. Housing for the Elderly, in relation to this regulation, is not to be construed as homes or institutions for the aged which are primarily convalescent or Nursing Homes.

2. Off-street Parking space requirements in connection with Housing for the Elderly conforming to the requirements of state or federal programs may be reduced by Waiver to a maximum of one (1) parking space per every two (2) dwelling units.

3. The applicant shall submit plans which demonstrate how the remaining parking will be accommodated in the event that the housing becomes market rate housing at some time in the future.

The following criteria shall apply:

(a) Applicant shall submit written certification from the applicable state or federal agency in charge of the program.

(b) Off-street Parking reduction shall be permitted upon a finding by the Planning Director that, in view of location of such housing, the economic status of anticipated occupants, and other pertinent considerations as specified in the permit, there will be adequate Off-street Parking for occupants, visitors, and staff.

(c) The premises shall be used as Housing for the Elderly, subject to the exceptions and limitations set forth in (a) above, until the parking requirements for a different Use have been met.

b. Parking Reduction for Low-Income Housing

1. Off-street Parking requirements in connection with housing for low income families and individuals may be reduced by process of Exception only up to fifty percent (50%) of the spaces generally required. Housing for low-income families and individuals shall be qualified by the City of Miami Department of Community Development.

2. The applicant shall submit plans which demonstrate how the remaining parking may be accommodated in the event that the housing becomes market rate housing at some time in the future.

3. The following criteria shall apply:

(a) The project shall otherwise conform to the requirements of state or federal programs for this purpose.

(b) The Board, in its consideration of the application for Exception, shall determine and make a finding that the reduction in Off-street Parking requirements is justified in view of the nature and type of prospective occupancy and the economic circumstances involved, and that traffic and parking problems resulting from such reduction will not unduly burden traffic facilities in the Neighborhood.

(c) The Board shall, as part of its grant of Exception, specify that the City, upon notice and review for Waiver, may later require that the applicant implement its plan to provide the full amount of required parking if it is demonstrated that traffic and parking conditions together with impact on the Neighborhood require such provision.

(d) After such permit has been issued, the premises shall not be used other than as Low Income Housing, subject to the Exception and limitations set

forth in (a) above, unless and until any parking requirements and all other requirements or limitations of this Code have been met.

3.6.8 Deferral of Off-street Parking Standards

a. Deferral of portions of total required parking improvements in phased projects

Parking requirements shall be met as set forth by this Code and built concurrently with approved improvements generating said requirement. Provision of parking should not in part or in whole be deferred for future implementation. Further, phased projects shall be approved subject to provision of required parking for each component phase to be provided concurrently with the phase generating said requirement; however deferrals may be granted by Exception as specified below.

b. Deferral period, revocation of permit; notice of revocation.

A deferral may be allowed for up to five (5) years without provision for renewal except upon application for a new Exception.

3.6.9 Off-street Loading Requirements

a. Off-street vehicular loading shall be required for all T5, T6, CS, CI, CI-HD and D zones, as shown in Article 4, Table 5 and shall require no more than three (3) turning movements.

3.6.10 Off-street Bicycle Parking Requirements

a. Off-street bicycle parking shall be provided for all T4, T5, T6, CS, CI, CI-HD, and D zones, as shown in Article 4, Table 4.

b. After the first fifty (50) required bicycle spaces are provided, additional spaces may be reduced by one-half.

c. Required bicycle parking shall meet the following standards:

1. Required bicycle parking shall be provided in a safe, accessible and convenient location.

2. Bicycle parking facilities shared by more than one use are encouraged.

3. Required bicycle parking facilities may be located within the project site or in a shared bicycle parking facility subject to all the conditions for shared bicycle parking facilities below:

(a) Required bicycle parking spaces for two (2) or more adjacent sites may be satisfied by the same bicycle parking facility used jointly provided that such right of joint use and maintenance is evidenced by covenant running with the land or equivalent legal document establishing the joint use.

(b) Required shared bicycle parking facilities are to be located within 300 feet of any building's main entrance.

(c) The minimum number of required bicycle parking is satisfied by all sites using the shared facility.

(d) For the purposes of this section, shared bicycle parking facilities are areas, locations, or structures designed to accommodate, house, store, maintain or hold several bicycle parking spaces.

4. When required off-street vehicular parking is covered, the required bicycle parking shall also be covered.

5. When required bicycle parking is provided in racks, one (1) standard U-rack will accommodate two (2) bikes and each rack must meet the following standards:

   (a) The bicycle frame and one (1) wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;

   (b) A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and

   (c) The rack must be securely anchored.

6. When required bicycle parking is provided in lockers, the lockers must be securely anchored.

7. Parking and maneuvering areas.

   (a) Each required bicycle parking space must be accessible without moving another bicycle;

   (b) There must be an isle of at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering;

   (c) The area devoted to bicycle parking must be hard surfaced.

8. A one (1) square foot directional sign shall be required if the bicycle parking area is not visible from the street or main building entrance. Said sign must be posted at the main building entrance indicating the location of the bicycle parking.

3.7. FENCES AND WALLS

3.7.1 General

For all Commercial and Industrial Uses, a six-foot (6) solid masonry wall shall be provided along all property lines which adjoin T3, T4-R, T5-R and T6-R.

3.7.2 Prohibited on Fences and walls

a. The use of broken glass, projecting nails, coiled razor wire, spikes or similar materials on walls and Fences is prohibited in all Transect Zones.

b. Barbed wire Fences, or use of barbed wire along the top of a fence or wall, shall be permissible only in D1, D2 and D3, subject to approval by Waiver upon making a written finding that its use and placement are reasonably necessary to the safety, welfare and security of the property.

3.8 THOROUGHFARES

3.8.1 General Principles

a. Thoroughfares are intended for use by vehicular, transit, bicycle, and pedestrian traffic and to provide access to Lots and Open Spaces.

b. Thoroughfares consist of lanes for vehicles, transit, bicycles and Public Frontages. The lanes may have a variety of widths for movement and parking. The Public Frontages contribute to the character of Transect Zones. They may include swales, Sidewalks, curbing, Planters, bicycle paths and street trees. See Article 4, Tables 6 and 8.

c. Thoroughfares should be designed in context with the urban form and desired design speed of the Transect Zones through which they pass. The Public Frontages that pass from one Transect Zone to another should be adjusted accordingly.

d. Bicycles are a sustainable and viable mode of transportation and recreation in the City of Miami. Bicycle use of Thoroughfares should be as follows: Bicycles and vehicles may share use of lanes on all Thoroughfares. Thoroughfares that have sufficient paving width to accommodate bicyclists' safety should include dedicated Bicycle Lanes. Greenways, waterfront walks and other Civic Spaces should include Bicycle usage .

e. A City-wide bicycle plan may designate an interconnected network serving bicyclists with a series of marked routes that include Bicycle Lanes as well as Bicycle Routes that give bicycles priority, such as those Thoroughfares which parallel major corridors or include major corridors which can be reconfigured to limit conflicts between vehicles and bicycles.

f. Pedestrian comfort should be a primary consideration of Thoroughfare design and dimensions. Design conflict between vehicular, bicycle and pedestrian movement should be decided in favor of the pedestrian.

3.8.2 Thoroughfares

a. The guidelines for Thoroughfares are as described in Article 8.

b. The Thoroughfare network should be designed to prioritize connectivity, defining Blocks not exceeding an average perimeter length of 1,320 feet. The length shall be measured as the sum of Lot Frontage Lines. Thoroughfare closings should not be allowed; instead, traffic calming designs should be deployed to control traffic volume and speed.

c. All Thoroughfares should terminate at other Thoroughfares, to form a network. Cul-de-sacs should be permitted only when supported by natural site conditions. Thoroughfares that provide View Corridors shall not be vacated.

d. In T5 and T6 Zones, Public and Private Frontages should be coordinated with a single paving and landscape design as provided in Article 4, Table 6 and Article 8.

3.8.3 Public Frontages

a. Public Frontages should be designed as shown in Article 4, Table 6 and allocated within Transect Zones as specified in Article 4, Table 2.

b. Within the Public Frontages, the arrangement of street trees and street lights should be as provided in Article 8.

c. The Public Frontage in Transect Zones T1, T2 and T3 should include trees of various species, and may include low maintenance understory landscape. The introduced landscape should consist primarily of native species requiring minimal irrigation, fertilization and maintenance.

d. The Public Frontage in Transect Zones T4, T5, T6 and D1 should include trees planted in a regularly-spaced Allée of single or alternated species with shade canopies of a height that, at maturity, clears the first Story. The introduced landscape should consist primarily of durable species tolerant of soil compaction.

3.8.4 Vision Clearance

3.8.4.1 Intent; “Material Impediment to Visibility” construed.

It is the intent of these regulations to provide protection from traffic hazards at intersections for automotive vehicles and their passengers, and for cyclists and pedestrians, including small children. Given this intent, the phrase “Material Impediment to Visibility,” as used here, is to be construed as any material obstruction to Visibility which would result in concealment of a child over two and one-half (2 1/2) feet in height

approaching an intersection, or would conceal an approaching automotive vehicle or cyclist from such a child. In determinations as to whether or not there is Material Impediment to Visibility, the speed, direction, and duration of movement to point of potential collision or contact shall be considered.

Adjacent to Thoroughfares, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to form a Material Impediment to Visibility between the heights of two and one-half (2 1/2) feet and ten (10) feet above the street grade level within Visibility Triangles described below:

a. At Thoroughfare intersections with Building Setbacks:
Visibility Triangles shall be maintained to include an area bounded by the first twenty-five (25) feet along the intersecting edges of the right-of-way (or Base Building Line) projected where rounded, and a line running across the Lot and connecting the ends of such twenty-five-foot lines. See Article 4, Table 8.

b. At intersections of driveways with Thoroughfares with Building Setbacks:
Visibility Triangles shall be maintained to include an area bounded by the first ten (10) feet along the intersecting edges of the Base Building Line and the driveway, projected where rounded, and a line running across any intervening right-of-way and the Lot and connecting the ends of such ten-foot lines. See Article 4, Table 8.

c. At Thoroughfare intersections with Buildings with no Setbacks:
Visibility Triangles shall be maintained to include an area bounded by the first ten (10) feet along the intersecting edges of the Base Building Line, projected where rounded, and a line running across the Lot and connecting the ends of such ten-foot lines. See Article 4, Table 8.

d. At intersections of driveways with Thoroughfares with no Building Setbacks:
Visibility triangles shall be maintained to include an area bounded by the first five (5) feet along the intersecting edges of the Base Building Line and driveway, projected where rounded, and a line running across any intervening right-of-way and the Lot and connecting the ends of such five-foot lines. See Article 4, Table 8.

e. At all Thoroughfare intersections:
Visibility Triangles shall be maintained to include an area bounded by the first ten (10) feet along the intersecting edges of the Base Building Line, projected where rounded, and a line running across the Lot and connecting the ends of such ten-foot lines. See Article 4, Table 8.

3.8.4.2. Variances prohibited.

No Variances from the provisions of Section 3.8.4 are permitted.

3.9 SPECIAL AREA PLANS

The purpose of a Special Area Plan is to allow parcels greater than nine (9) Abutting acres in size to be master planned so as to allow greater integration of public improvements and Infrastructure, and greater flexibility so as to result in higher or specialized quality building and Streetscape design within the Special Area Plan.

The purpose of a Special Area Plan further is to encourage the assembly and master planning of parcels greater than nine (9) Abutting acres in size, in order to provide greater integration of public and private improvements and Infrastructure; to enable Thoroughfare connectivity; to encourage a variety of Building Heights, massing and Streetscape design, and to provide high quality design elements, all in order to further the intent of this Code expressed in Article 2.

3.9.1 General

a. The single or multiple owner(s) of Abutting properties in excess of nine (9) acres may apply for a rezoning to a Special Area Plan.

b. A Special Area Plan shall be approved by the process of rezoning with or without Transect changes.

c. A Special Area Plan shall assign Thoroughfares, Transect Zones and Civic Space Types, with appropriate transitions to Abutting areas. Guidelines for Thoroughfares and Public Frontages may be adjusted to the particular circumstances of the Special Area Plan.

d. A Special Area Plan shall include a map of the Thoroughfares and Transect Zones, and the standards that deviate from the requirements of Article 5.

e. A Special Area Plan shall assign at least five percent (5%) of its aggregated Lot Area to a Civic Space Type. Civic Building sites are to be located within or adjacent to Civic Space Types or at the axial termination of significant Thoroughfares. The developer shall be responsible for constructing the public improvements within the Special Area Plan, including but not limited to the Civic Space Types and Thoroughfares.

f. Development within the Special Area Plan shall be pursuant to a recorded development agreement that will establish the allocation of Thoroughfares and Civic Space Types and Building Area among the Building sites, and the creation and retention of the public benefits.

g. Unless a Building is specifically approved as part of the Special Area Plan, any Building shall be reviewed by the Planning Director, after referral to and recommendation from the CRC for conformance to the Plan, prior to issuance of the Building Permit.

h. A Special Area Plan may include:

1. A differentiation of the Thoroughfares as a Primary-Grid (A-Grid) and a Secondary-Grid (B-Grid). Buildings along the A-Grid shall be held to the highest standard of this Code in support of pedestrian activity. Buildings along the B-Grid may be more readily considered for automobile-oriented standards allowing surface parking lots, unlined parking decks, and drive-throughs. The Frontages assigned to the B-Grid shall not exceed thirty percent (30%) of the total length within a Special Area Plan. For Frontages on the B-Grid, parking areas may be allowed in the Second Layer.

2. Retail Frontage requiring that a Building provide a Commercial Use at sidewalk level along the entire length of the Frontage. The Commercial Use Building shall be no less than seventy percent (70%) glazed in clear glass and provided with an Awning overlapping the sidewalk as generally illustrated in Article 4, Table 6. The first floor should be confined to Retail Use through the depth of the Second Layer.

3. Gallery or Arcade Frontage, requiring that a Building provide a permanent cover over the sidewalk, either cantilevered or supported by columns. The Gallery or Arcade Frontage may be combined with a Retail Frontage as shown in Article 4, Table 6. Gallery or Arcade Frontage within the First Layer may apply towards Open Space requirements.

4. Build-to-lines that differ from Transect Zone Setback requirement.

5. A Terminated Vista location, requiring that the Building be provided with architectural articulation of a Type and character that responds to the location.

6. A Pedestrian Passage, requiring a minimum ten (10) foot wide pedestrian access be reserved between Buildings.

7. A preservation plan acceptable to the Historic and Environmental Preservation Board for any historic resources in the area of the Special Area Plan.

8. Area Design Guidelines.

9. A parking management program that enables shared parking among public and private Uses.

10. Flexible allocation of development capacity and Height, excluding Density on individual sites within the Special Area Plan shall be allowed so long as the capacity or Height distribution does not result in development that is out of Scale or character with the surrounding area, and provides for appropriate transitions.

3.10 HISTORIC PRESERVATION STANDARDS

See Chapter 23 of the City Code, titled Historic Preservation, for regulations and additional height requirements.

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 of Miami, except as modifications to these standards may be approved by the City Commission pursuant to the City Charter.

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

a. Waterfront Setbacks

1. Waterfront Setbacks 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. Side Setbacks 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, T4-R, D1, D2 and D3 Transect Zones.

b. Waterfront Walkways Design Standards:

1. Waterfront walkways shall be designed and constructed within the waterfront Setbacks in accordance with these Waterfront Walkway Design Standards and should remain open to public access during all times, but at a minimum, shall remain open to the public between 6am through 10pm. Waterfront walkways are not required within Transect Zones T3, T4-R, D1, D2 and D3 unless the site is a new Commercial retail, Office or restaurant Use.

2. Waterfront walkways shall feel public, meet all Americans with Disabilities Act (A.D.A.) requirements throughout the entire length of the waterfront walkway and provide unobstructed visual access to the water.

3. Waterfront walkways shall connect to abutting public walkways, neighboring walkways, and Open Space at a consistent A.D.A. compliant width and grade to allow clear pedestrian circulation along the water's edge.

4. The waterfront walkway surface shall remain at a constant elevation and be accessible to handicapped persons throughout the entire length of the waterfront walkway. Walkways should have a slight grade away from the bulkhead edge for stormwater retention within the transition zone.

5. The total width of a waterfront walkway shall be a minimum of twenty-five (25) feet and built to the standards and guidelines outlined in Waterfront Design Guidelines, on Appendix B.

3.12 DESIGN GUIDELINES AND NEIGHBORHOOD CONSERVATION DISTRICTS

3.12.1 Design Guidelines

This section lists additional guidelines defining elements to protect and promote Neighborhood or area character, which may be obtained through the Planning Department. In the areas for which guidelines have been adopted, any proposed building shall be reviewed by the Planning Director prior to the issuance of a building permit.

a. MLK Boulevard Streetscape Beautification Master Plan and Façade Standards
b. Southeast/Overtown Park West Community Redevelopment Plan
c. Miami River Greenway Regulatory Design Standards
d. Grand Avenue Vision Plan
e. Coral Way Beautification Master Plan
f. Little Haiti - French Creole Design Standards
g. Offstreet Parking Design Standards and Guidelines
h. Overtown Folklife Village
i. OMNI CRA Streetscapes: Performing Arts & Media Entertainment District

3.12.2 Neighborhood Conservation Districts (NCD)

a. Intent

A Neighborhood Conservation District (NCD) is an overlay zoning district that is intended to preserve unique and distinctive neighborhoods that exhibit a certain defined character worthy of protection, such as physical features, design characteristics, and recognized cultural or historical identity. The Neighborhood Conservation District provides additional regulations or design guidelines for new construction, major alterations and additions to existing Buildings, in order to protect, enhance and perpetuate the value of the neighborhood conservation area. It is further intended that such districts and the regulations adopted for them shall be in accord with, and promote the Miami Comprehensive Neighborhood Plan.

b. Purposes

The purposes of creating a Neighborhood Conservation District, singularly or in combination, are to:

1. Protect neighborhoods that have distinguishable architectural character but that do not qualify for historic district status because of the loss of the original fabric through attrition and new development, although the neighborhood still maintains a considerable number of non-contiguous traditional structures that retain some characteristics that reflect their historical origins.

2. Identify structures within the district that, while not historically designated, possess significant character reflecting a Type, period or method of construction important to Miami's past. Demolition of such structures will be subject to review prior to receiving a demolition permit.

3. Protect areas that have a distinctive landscape, geologic, or environmental character. Protect and promote the lush sub-tropical vegetation and tree canopy that defines the South Florida landscape and gives particular identity to the neighborhood. Protect remaining unique environmental features such as exposed bluffs, natural rock outcroppings, caves, natural sinkholes, and springs.

4. Identify and celebrate those neighborhoods whose immigrant or émigré citizens have brought a unique cultural perspective to a neighborhood and which deserve recognition and protection.

5. Protect and promote specialized commercial areas with distinct character, such as antique, arts, outdoor markets, or design districts, and assist in their economic revitalization and enhancement.

c. Designation Process

The NCD shall be designated by process of rezoning, and shall be initiated by an applicant who submits the following to the Planning Department:

1. A description of the proposed boundaries of the NCD;

2. A description of the distinctive features of the district which are sought to be protected and preserved;

3. A list of all property owners within the boundaries of the proposed district;

4. Evidence that demonstrates that at least fifty-one (51) percent of the owners within the proposed boundary support the initiation of the NCD rezoning.

The Planning Director shall prepare a recommended conservation plan and any proposed regulations and/or design guidelines as provided in paragraph d. below. The PZAB shall consider the recommendations and provide its recommendations to the City Commission. In addition, the City shall conduct at least one workshop regarding the proposed NCD during the consideration of the rezoning, and notification of the workshop shall be sent by first class mail to all property owners located within the proposed boundaries of the district, as shown on the tax roll, at least thirty days prior to the workshop. The City Commission upon designation of the NCD shall adopt the

conservation plan and any requisite regulations for the NCD, and the Zoning Atlas shall be amended to show the district boundaries of the NCD. Amendments to any NCD adopted under this Code shall be adopted pursuant to this Code.

d. Recommendation for Neighborhood Conservation District designation

The Planning Department shall prepare a recommendation for the designation of each NCD. Each recommendation shall identify the proposed rezoning by the specific name created for the NCD and shall contain the following information:

1. A statement of the purposes of the NCD, specifying the substantial public interest involved and the objectives to be promoted by the conservation plan and any special regulations for the district as a whole, or within any subareas of the district which may be recommended.

2. The boundaries of the NCD district and any sub-areas, if any, including a map and a general land description of the boundaries.

3. An explanation of the boundaries selected that meet the intent and requirements for the NCD.

4. A conservation plan identifying and describing the distinctive neighborhood characteristics of the proposed district, with appropriate maps and graphics, and any design guidelines or regulations recommended to promote the purposes of the district. Regulations may require rezoning to different Transect zones than those existing at the time of designation, additional overlay zoning standards, additional overlay zoning processes, or the like, as tailored to the purposes of the specific NCD.

e. NCD Land Development Regulations

The requirements of this Code shall be effective in the NCD except as modified by the regulations of the conservation plan adopted by the City Commission upon designation of the NCD.. The ordinance designating the NCD shall be referenced in this Code, with any specific regulations and design guidelines of the NCD adopted by reference to this Code and maintained in the Planning Department.

The Planning, Zoning and Appeals Board and procedures related to appeals thereto set out by this Miami 21 Code shall replace the Zoning Board and procedures related to appeals thereto in Ordinance 11000.

f. NCD-1 Coral Gate Neighborhood Conservation District

The Coral Gate NCD-1, originally adopted by Ord. No. 12413, on September 25, 2003, is hereby amended and codified in Appendix A.1 to this Code.

g. NCD-2 Village West Island and Charles Avenue Neighborhood Conservation District

The Village West Island and Charles Avenue NCD-2 incorporates and amends:

1. The Charles Avenue NCD-2, originally adopted by Ord. No. 12417, September 25, 2003, and repealed and reenacted by Ord. No. 12651, adopted January 27, 2005;

2. SD-28, the Village West Ordinance, adopted by Ord. No. 12651, January 27, 2005;

3. Portions of SD-2 adopted by Ord. No. 12651, adopted January 27, 2005;

4. Portions of the Coconut Grove NCD-3, originally adopted by Ord. No. 12672, September 24, 2005.

The Village West Island and Charles Avenue NCD is hereby adopted and codified in Appendix A.2 to this Code.

h. NCD-3 Coconut Grove Neighborhood Conservation District

The Coconut Grove NCD-3 incorporates and amends:

1. The Coconut Grove NCD-3, originally adopted by Ord. No. 12672, September 24, 2005;

2. Portions of SD-2, originally adopted by Ord. No. 12651, January 27, 2005; and

3. SD 18, originally adopted by Ord. No. 10863, March 28, 1991; and

4. SD 18.1, originally adopted by Ord. No. 11240, March 27, 1995.

The Coconut Grove NCD is hereby adopted and codified in Appendix A.3 to this Code.

3.13 SUSTAINABILITY

3.13.1 General

a. Landscape requirements are as required in Article 9 of this Code and the City of Miami Tree Protection regulations of Chapter 17 of the City Code, except that where this Code is more restrictive than the Tree Protection regulations, this Code shall apply.

b. All new Buildings of more than 50,000 square feet of Habitable Rooms and Habitable Space in the T5, T6, CI and CS zones shall be at a minimum certified as Silver by the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) standards or equivalent standards adopted or approved by the City. At the time of permit application, the owner shall post a performance bond in a form acceptable to the City of Miami.

The amount of the required performance bond shall be calculated as follows:

1. Two percent (2%) of the total cost of construction for a 50,000 – 100,000 square foot Building.

2. Three percent (3%) of the total cost of construction for a 100,001 – 200,000 square foot Building.

3. Four percent (4%) of the total cost of construction for any Building greater than 200,000 square feet.

The performance bond shall be forfeited to the City in the event that the Building does not meet the verification requirements for LEED Silver certification. The City will draw down on the bond funds if LEED Silver certification 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.

c. The preservation of Natural Features of land such as trees, vegetation, geological, and other characteristics and the preservation of features of archaeological significance are declared to be in the public interest. Said preservation may justify the relaxation of Setbacks or required Off-street Parking by Waiver. The Zoning Administrator shall determine that the trees, vegetation, geological and other natural characteristic, or archaeological features are in the Buildable Area of the Site and not in Setback areas required for the development of the site.

3.13.2 Heat Island Effect

The intent of this section is to reduce the heat island effect in the City of Miami and to consequently reduce energy consumption and bills for buildings within the City.

a. Applicability
In all Transect Zones, except T3, the provisions of this section are applicable to all new construction and to repair or replacement greater than fifty percent (50%) by area of existing roofs or site Hardscape. All repairs or replacement of existing roofing or Hardscape shall be reviewed by the Zoning Department for compliance with this section. The following portions of new or existing roofs are exempted from the requirements of section 3.13.2:

1. The portion of the roof acting as a substructure for and covered by a rooftop deck, vegetation associated with an extensive or intensive green roof as defined by the U.S. Environmental Protection Agency, or any area of a roof utilized by photovoltaic and solar equipment.

2. A rooftop deck covering a maximum of 1/3 of the rooftop total gross area.

3. Existing roofs where less than fifty percent (50%) of existing roof area is repaired or replaced are exempt from the requirements of 3.13.2.c.

4. Existing Hardscapes where less than fifty percent (50%) of existing Hardscape area is being repaired or replaced are exempt from the requirements of 3.13.2.d.

b. Solar Reflectance

1. For roofing materials, all roof exterior surfaces and building materials used to comply with this section, shall have a minimum Solar Reflectance as specified in sections 3.13.2.c and 3.13.2.d when (i) tested in accordance with ASTM E903 or ASTM E1918, (ii) tested with a portable reflectometer at near ambient conditions, (iii) labeled by the Cool Roof Rating Council, or (iv) labeled as an Energy Star qualified roof product. Any product that has been rated by the Cool Roof Rating Council or by Energy Star shall display a label verifying the rating of the product.

2. For paving materials, all paving materials used to comply with this section shall have a minimum solar reflectance as specified in sections 3.13.2.d when (i) tested in accordance with ASTM E903 or ASTM E1918, (ii) tested with a portable reflectometer at near ambient conditions, or (iii) default values of Solar Reflectance for listed materials may be used as follows:

Material	Solar Reflectance
Typical new gray concrete	0.35
Typical weathered gray concrete	0.20
Typical new white concrete	0.40
Typical weathered white concrete	0.40
New asphalt	0.05
Weathered asphalt	0.10

c. Roof

1. Requirements for Low Sloped Roofs

Roofing materials used in roofs with slopes of a rise of zero (0) units in a horizontal length (0:12 pitch) up to and including roofs with slopes of a rise of two (2) units in a horizontal length of 12 units (2:12 units) ("low-sloped") shall meet the following requirements:

a. Low-sloped roofs constructed as part of a new building shall utilize roofing products that meet or exceed an initial reflectance value of 0.72 or a three-year installed reflectance value of 0.5 as determined by the Cool Roof Rating Council or by Energy Star.

b. Exception. Where more than 50% of the total gross area of the low-sloped roof is covered with vegetation associated with an extensive or intensive green roof as defined by the US EPA, the remainder of the roof shall have a reflectance value of a minimum of 0.30 and the rooftop deck exception in section 3.13.2.a.1 applies.

c. Exception. Ballasted roofs with a minimum of 15 lbs/sq. ft. or ballast over the entire roof surface may have a reflectance value of a minimum of 0.30. For

the purposes of this section, "ballast" shall mean river rock aggregate or larger, pavers or other means of weighing down a roofing membrane over a substrate to resist wind uplift.

2. Requirements for Steep Sloped Roofs

Roofing materials used in roofs with slopes of a rise greater than two (2) units in a horizontal length (2:12 pitch) ("steep-sloped") shall meet the following requirements:

a. Steep sloped roofs shall have an initial Solar Reflectance of 0.15 or greater.

3. Requirements for Roofs with Multiple Slopes

Roofs with multiple slopes shall be subject to those requirements applicable to the slope which covers the largest area of the building footprint.

d. Non-roof Requirements

1. Provide any combination of the following strategies for fifty percent (50%) of the site Hardscape:

a. Shade from solar panels or roofing materials with a Solar Reflectance of at least 0.30.
b. Shade from trees within five (5) years of occupancy.
c. Paving materials with a Solar Reflectance of at least 0.30.
d. Pervious Pavement System.

OR

2. Place a minimum of fifty-percent (50%) of parking spaces under cover (defined as underground, under deck, under roof, or under building). Any roof used to shade or cover parking must have a Solar Reflectance of at least 0.30.

3.14 PUBLIC BENEFITS PROGRAM

The intent of the Public Benefits Program established in this section is to allow bonus Building Height and FLR in T6 Zones and bonus Building Height in D1 Zones 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, above that which is otherwise required by this Code, in the amount and in the manner as set forth herein.

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 abuts 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. T6-24: twenty-four (24) Story maximum, bonus to forty-eight (48) Stories, FLR 7, bonus of thirty percent (30%)
4. T6-36a: thirty-six (36) Story maximum, bonus to sixty (60) Stories, FLR 12, bonus of forty percent (40%)
5. T6-36b: thirty-six (36) Story maximum, bonus up to sixty (60) Stories, FLR 22, bonus of forty percent (40%)
6. T6-48a: forty eight (48) Story maximum, bonus up to eighty (80) Stories, FLR 11, bonus of fifty percent (50%)
7. T6-48b: forty eight (48) Story maximum, bonus up to eighty (80) Stories, FLR 18, bonus of fifty percent (50%)
8. T6-60a: sixty (60) Story maximum, bonus up to unlimited Stories, FLR 11, bonus of fifty percent (50%)
9. T6-60b: sixty (60) Story maximum, bonus up to unlimited Stories, FLR 18, bonus of fifty percent (50%)
10. T6-80: eighty (80) Story maximum, bonus to unlimited Stories, FLR 24; bonus of fifty percent (50%).

Transect Zone Heights are fully described in Article 5.

In addition, certain other bonuses may be provided as follows:

10. 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.

11. In T6 zones, additional Height and FLR for LEED certified Silver, Gold or Platinum Buildings as described in Section 3.14.4.

12. An additional Story in any zone for development of a Brownfield as described in Section 3.14.4.

13. 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.

3.14.2 Upon providing a binding commitment for the specified public benefits as provided in Section 3.14.3 below, the proposed development project shall be allowed to build within the restrictions of the specific Transect Zone, up to the bonus Height and FLR as established in this Section. The only square footage allowed above the maximum Height is that achieved through the bonus program.

3.14.3 The proposed bonus Height and FLR shall be permitted in exchange for contribution to the City for the following public benefits: affordable/workforce housing, Public Parks and

Open Space, Green Buildings, Brownfields, and Civic Space or Civil Support space. The City shall establish a Miami 21 Public Benefits Trust Fund for the cash contributions for Affordable/ Workforce Housing, Public Parks and Open Space, and Green Building certification shortfall penalty made under this section. The City Commission, upon the manager's recommendation, shall annually decide the allocation of funds from the Trust Fund collected under this section. All cash contributions thus allocated by the Commission to support affordable/ workforce housing shall be deposited in the Affordable Housing Trust Fund for expenditures pursuant to the guidelines adopted by the City Commission. All cash contributions thus allocated by the Commission to support Parks and Open Space shall be deposited in the Parks and Open Space Trust Fund, set forth in Chapter 62 of the City Code, to be expended in accordance with the guidelines outlined therein.

a. Definitions

1. Affordable/ Workforce Housing shall mean: housing available to families which meet the qualifications as established by the City Community Development Department.

2. Public Parks and Open Space shall mean: Open Space meeting the standards of Article 4, Table 7 of this Code.

3. Green Building shall mean a Building certified by the United States Green Building Council (USGBC) as Silver, Gold or Platinum rated.

4. Brownfield shall mean: a site within the City that is subject to a Brownfield Site Rehabilitation Agreement (BSRA) executed between the property owner and the City Department of Economic Development.

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 (including pertaining shared space such as parking and circulation) provided on site, the development shall be allowed two square feet of additional 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 and Open Space. 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. 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.

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. 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, additional Height and FLR shall be allowed for Buildings certified by the U.S. Green Building Council as follows:

1. Silver: For Buildings under 50,000 sf, 2.0% of the floor lot ratio (FLR)

2. Gold: 4.0% of the Floor Lot Ratio (FLR)

3. Platinum: 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 certification 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 certification 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 and Civil Support space. For a development project in a T6 zone that donates a Civic space or Civil Support space on site to the City of Miami, an additional two square feet of area for each square foot of donated space, up to the bonus Height and FLR, shall be allowed.

3.14.5 No Building permit shall be issued for bonus Height and FLR until the Zoning Administrator has certified compliance with the provisions of this section, upon referral and assurance of compliance from applicable departments. Certification shall be made only after a certified check has been deposited and cleared to the Miami 21 Public Benefits Trust Fund or, for non cash contributions, a binding commitment has been approved by the City Manager. The cash contribution shall be nonrefundable.

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