

MIAMI 21 AMENDMENTS from March 17, 2007

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ARTICLE 1 - DEFINITIONS

Article 1, Section 1.1.a, Definitions of Building Function Uses:

Single Family Residence: Detached building used as permanent residence by a single housekeeping unit. The term is general, ~~including such specialized types as courtyard, patio, row, town and other house types~~ applying to all detached house types.

Two Family Housing: ~~An attached or detached building containing~~ Two dwelling units sharing a detached building, each dwelling unit of which provides a residence for a single housekeeping unit

Article 1, Section 1.2 Definitions of Terms: new or revised definitions:

Bicycle Lane: a lane dedicated for bicycle use demarcated by striping or otherwise separated from vehicle lanes.

Bicycle Route: a Thoroughfare designated for shared use of bicycles and automobiles.

Dwelling Unit: Residence of ~~one household~~ a single housekeeping unit.

Floor Lot Ratio: The multiplier applied to lot area that determines the maximum floor area above grade allowed in a given transect zone. ~~The FLR includes all covered indoor and outdoor areas.~~

Lodging Unit: Attached or semidetached living quarters comprised of furnished room(s) with approximately two hundred (200) gross square feet or more in area, including sanitary facilities but with only limited kitchen facilities, if any; not qualifying as a dwelling unit or efficiency apartment; occupied by transients on a rental or lease basis for limited periods of time.

NET: The City of Miami's Neighborhood Enhancement team

Rowhouse: A ~~single family~~ dwelling unit that shares a party wall with another dwelling unit of the same type

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ARTICLE 2 - GENERAL PROVISIONS

Article 2, Section 2.1.2, Intent:

- * conserving energy and reducing carbon dioxide emissions through improved street connectedness and design to encourage walkability, bicycling, and transit use

Article 2, Section 2.1.3.2.d, The Community – Guiding Principles:

Interconnected networks of Thoroughfares should be designed to disperse and reduce the length of automobile trips and to encourage walking and bicycling. A range of Open Space, including parks, squares and playgrounds should be distributed within Neighborhoods and urban centers.

Article 2, Section 2.2.1.1, delete the following reference to incorporated material, which is set out in this Code now at Section 6.8:

This Code replaces the Zoning Ordinance for the City of Miami, also known as Ordinance 11000, for that area of the City of Miami shown on the Miami 21 Atlas, except that Section 6.27, “SD-27 Midtown Special District” is hereby retained and incorporated as Appendix A hereto, ~~and except that the following sections of Ordinance 11000 are retained and incorporated herein: Section 926, Subsection 926.15; Section 10.1, Subsections: 10.4.1, 10.4.3, 10.4.4, 10.4.5, 10.4.12, 10.4.15; and Section 10.8 in its entirety~~

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ARTICLE 3 - GENERAL TO ZONES

Article 3, add to Section 3.3.6 Lots and Frontages from Section 5.1.2:

Where the property to be developed abuts an existing building, the Planning Director ~~will~~ may grant a Waiver so that the proposed Building matches or provides a transition to adjacent setbacks. For new buildings in T6-48 zones, the Design District and facing Brickell Avenue, where a dominant setback pattern exists, the new building shall match the average setback line of the adjacent existing buildings or match that of one of the existing abutting buildings. The Design District for purposes of this paragraph is the area bounded on the east by the F.E.C. right of way, bounded on the south by N.E. 36th Street, bounded on the west by North Miami Avenue, and bounded on the north by N.E. 41st Street.

Article 3, Section 3.5.2, Measurement of Height:

A Story is a habitable level within a building of a maximum fourteen (14) feet in height from finished floor to finished floor. ~~Attics and~~ Basements are not considered Stories for the purposes of determining building height. Ground level retail Story may exceed this limit up to ~~45~~ twenty-five (25) feet. A retail single floor level exceeding fourteen (14) feet, or twenty-five (25) feet at ground level, ~~retail~~ shall be counted as two (2) Stories. Mezzanines may be allowed in the Third Layer and may not exceed ~~45~~ thirty-three percent 33% of the floor area. Mezzanines extending beyond ~~45~~ thirty-three percent 33% of the floor area shall be counted as an additional floor. In a Garage or parking structure, each level counts as a single Story regardless of its relationship to habitable stories.

Article 3, Section 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 of roof area for T4, T5, T6-8 and T6-12 and forty percent (40%) for all other Transect Zones, or exceed the maximum height by ~~eight~~ ten (10) feet); 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 ~~3.5~~ five (5) feet above the maximum height in T4 and T5 and ten (1) feet in T6 and Districts.

Article 3, Section 3.5.4:

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

Article 3, Section 3.6.1.b, Sustainability Requirements. Modify and add sentence:

All buildings over 50,000 square feet in the T5, T6, D1, D2, CI and CS districts shall be certified at a minimum for the USGBC LEED silver certification. At the time of permit application, the owner shall post a performance bond in a form acceptable to the City of Miami.

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

- 2% of the total cost of construction for a 50,000 – 100,000 square foot building.
- 3% of the total cost of construction for a 100,001 – 200,000 square foot building.
- 4% of the total cost of construction for any building greater than 200,001 square foot building.

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.

Article 3, Section 3.7.1.b, General Principles

The Thoroughfares consist of vehicular lanes and Public Frontages. The lanes provide the traffic and parking capacity. They consist of vehicular lanes in a variety of widths for parked and for moving vehicles. The Public Frontages contribute to the character of the Transect Zone. They may include swales, sidewalks, curbing, planters, bicycle paths and street trees.

Article 3 – Section 3.7.1.d:

Bicycle use of thoroughfares should be as follows: Bicycles and vehicles ~~should~~ may share use of lanes on thoroughfares with design speeds of ~~35-thirty~~ 30 mph or less and should not share use of lanes on thoroughfares with design speeds of more than thirty (30) mph. ~~Medium speed~~ Thoroughfares may include dedicated bicycle lanes. Greenways, waterfront walks and other Civic Spaces should include bicycle lanes.

Article 3, Section 3.7.1.e, Thoroughfares, Add new bullet for e:

Bicycle Lanes may be made part of thoroughfares that have sufficient paving width to accommodate bicyclists' safety. A City-wide bicycle plan may designate an interconnected network serving bicyclists with a series of routes that include Bicycle Lanes as well as Bicycle Routes that give bicycles priority, such as those Thoroughfares which parallel major corridors and which can be reconfigured to limit conflicts between automobiles and bicycles.

Article 3 – Section 3.8.1, Special Area Plans

The purpose of a Special Area Plan is to allow parcels greater than ~~40-contiguous~~ 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 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 encourage a variety of building heights, massing and streetscape design, and to provide high quality design elements, all in order to further the intent expressed in Article 2, Section 2.1.2 of this Code.

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Article 3, Section 3.8.1.a, modify and add text:

The owner of abutting property in excess of ~~ten~~ nine acres may apply for a rezoning to a Special Area Plan.

The purpose of a Special Area Plan is to encourage the assembly and master planning of parcels greater than nine (9) abutting acres in size to provide greater integration of public and private improvements and infrastructure, 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 expressed in Article 2, Section 2.1.2 of this code.

Article 3, Section 3.8.1.b, modify and add text:

A Special Area Plan ~~may~~ shall be approved by the process of rezoning ~~or administratively pursuant to Section 3.8.2~~ with or without transect changes.

Article 3, Section 3.8.1.g.3, add text:

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.

Article 3, Section 3.8.1.g.9, new bullet:

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

Article 3, Section 3.8.1.g.10, new bullet:

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

Article 3, Section 3.8.2, Administrative Special Area Plan: Section deleted

Article 3, Section 3.10 Area Design Guidelines, add sentence:

See Appendix B for Waterfront Design Guidelines

Article 3, Section 3.11, Vision Clearances

- Section moved to: 3.7.4
- Public Benefits Program renumbered 3.11 from 3.12

Article 3, Section 3.11.1, Public Benefits Program, modify and add text:

- T6-36a: thirty-six story maximum, bonus up to 60 stories, FLR of 12 ~~or 20~~, bonus to 140%
- T6-36b: thirty-six story maximum, bonus up to 60 stories, FLR of 22, bonus to 140%
- T6-48: forty-eight-story maximum; bonus to unlimited stories, FLR 24 30; bonus unlimited

Transect Zone Heights are fully described in Article 5.

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

- An additional Story in a T5 zone that abuts a D1 zone, for affordable/workforce housing as described below
- In T6 zones, additional capacity for LEED certified Silver, Gold or Platinum Buildings as described below
- An additional Story in any zone for development of a brownfield as described below
- In T6 zones additional capacity for development that donates a Civic Space or Civil Support space to the City of Miami as described below

Article 3, Section 3.11.2, Public Benefits Program: delete sentence:

The additional square footage available through the program may be built only in the bonus height area of the building.

Article 3, Section 3.11.3, modify as follows:

The proposed bonus capacity 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 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 ~~expenditure~~ 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

- Affordable/workforce housing shall mean: housing available to families which meet the qualifications as established by the city Community Development Department.
- Public Parks and Open Space shall mean: open space meeting the standards of Table 7 of this Code.
- Green Building shall mean a building certified by the United States Green Building Council (USGBC) as ~~either~~ Silver, Gold or Platinum rated.
- 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.

Article 3, Subsections 3.11.4.a.3 and 3.11.4.b.3:

Trust Fund contributions: For a cash contribution to the Miami 21 Public Benefit Trust Fund, the development shall be allowed additional area up to the bonus height and capacity described in Section ~~3.12.4~~ 3.11.3. The cash contribution shall be determined based on the economic value (capitalized prospective sales price of the land) of the

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~~bonus square footage of the completed project 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 bonus square foot of building shall be maintained by the Planning Department.

Article 3, Section 3.11.4.a.4, Public Benefits Program, add new sentence:
T5 zone abutting a D1 zone. Additionally, for a development project in a T5 zone that abuts a D1 zone, one additional story shall be allowed for use as affordable/workforce housing provided on site.

Article 3, Section 3.11.4.b, Public Benefits Program, add text:

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 capacity of provided land equivalent amount of additional square footage up to the bonus height capacity as described in Section 3.11.1. The Open Space may be a Park, Green or Square, as more fully described in Table 7 of this Code.

Article 3, Section 3.11.4.d, Public Benefits Program, add text:
Silver: for buildings under 50,000 sf, 2.0% of the floor lot ratio (FLR)
Gold: ~~6.0%~~ 4.0% of the floor lot ratio (FLR)
Platinum: ~~44.0%~~ 13.0% of the floor lot ratio (FLR)

~~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 a payment in lieu shall be required prior to the issuance of the certificate of occupancy 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 cash contribution shall be equivalent to the economic value if the awarded square feet were purchased through the Miami 21 Public Benefits Trust Fund. 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.~~

Article 3, Section 3.11.4.f, Public Benefits Program, add new bullet:
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 capacity, shall be allowed

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ARTICLE 4 – STANDARDS AND TABLES

Article 4, Table 3 - Building Functions: Uses:

- Delete Civil Support / Major Facility in T5L, T5O, T6L and T6O
- Delete Industrial / Auto-Related in T5O and T6O
- Allow Residential / Dormitory in CI by Right
- Allow Lodging / Bed & Breakfast and Inn in D1 by Right
- Allow Civic / Religious Facility in T4-R and T5-R by Exception
- Change Civil Support / Community Support Facility in CI to by Exception
- Change Civil Support / Public Park in CI to by Warrant
- Change Civil Support / Transit Facilities in CI to by Warrant
- Delete Civil Support / Community Support Facility in T3O
- Allow Educational / Elementary School in T5-R and T6-R by Exception
- Allow Educational / Middle & High-School in T5-R and T6-R by Exception
- Allow Educational / Pre-School in T5-R and T6-R by Exception
- Allow Commercial / Food Service Establishment in CI by Right
- Allow Commercial / General Commercial in CI by Right
- Allow Commercial / Recreational Establishment in CI by Right

Article 4, Table 4 - Building Functions: Intensity & Parking

- T6 L Commercial:
Commercial uses area permissible as listed in the Table 3, limited by compliance with: the building area allowed for commercial use on each lot is limited to the first two stories of the principal building.
- T3-L: Change density permitted from 18 units/acre to 9 units/acre
- T4-L, Office & Commercial uses, add to the sentence:
The first story of the principal building or the ancillary building and shall be less than 50% building floor area total
- T5-L, Office & Commercial uses, add to the sentence:
The first and second story of the principal building and shall be less than 25% building floor area total
- T6-L, Office uses, add to the sentence:
The building area allowed for office use on each lot shall be limited to the first four stories of the principal building and shall be less than 25% building floor area total
- T6-R & T6-L, Commercial uses, add to the sentence:
The building area allowed for commercial use on each lot shall be limited to the first two stories of the principal building and shall be less than 25% building floor area total
- T5, T6 and D1: Change Residential parking requirements to 1.5 spaces per dwelling unit.
- Civic / Commercial, add bullet:
Building area allowed for commercial use on each lot shall be less than 25% building floor area total.

Article 4, Table 5 - Building Functions: Parking & Loading: add sentence to Shared Parking Standards

The Sharing Factor shall be applicable only to the two functions of greatest floor area.

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Article 4, Table 6 - Frontages - Arcades and Galleries changed to correspond with article 5.6.2.d:

Gallery: a frontage wherein the facade is aligned closely to the frontage line with an attached cantilevered or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than ~~40~~ 15' feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb. Permitted by Special Area Plan.

Arcade: a frontage wherein the facade includes a colonnade that overlaps the sidewalk while the façade at sidewalk level remains at the frontage line. This type is conventional for retail use. The arcade shall be no less than ~~42~~ 15' feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb. Permitted by Special Area Plan.

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ARTICLE 5 - SPECIFIC TO ZONES

Article 5, Move Section 5.1.2 to Article 3, Section 3.3.6

Article 5, Section 5.3.2.e, Building Configuration (T3), add sentence:
Building Heights shall be measured in Stories and shall conform to Table 2 and be as shown in Diagram 5.3. The first-floor elevation of a Principal Building shall be a minimum height of one (1) foot and maximum of two and one half (2.5) feet. A flat roof shall be a maximum of two Stories and twenty-five (25) feet. A pitched roof shall be a maximum of twenty-five (25) feet to the eave and shall not exceed ten (10) feet overall height above second story.

Article 5, Section 5.3.2.f, add sentence:
A flat roof shall be enclosed by parapets of the minimum height necessary to conceal mechanical equipment and a maximum height of three and a half (3.5) feet. At the roof, other ornamental building features may extend up to three and a half (3.5) feet above the maximum Building Height. Roof decks shall be permitted at the maximum Height. Trellises may extend above the maximum Height up to eight (8) feet. Extensions above the maximum height up to four hundred (400) square feet for either a stair enclosure or a decorative purpose shall be permitted by process of Waiver. All extensions including attics shall not exceed ten (10) feet above the second Story.

Article 5, Diagram 5.3 (T3):
Building Setback, Side: 5 ft. min. or 20% lot width total min.

Article 5, Section 5.4.1.d, 5.5.1.d and 5.6.1.d, Building Disposition:
Lots facing streets on more than one side shall have designated Principal and Secondary Frontages. Unless otherwise designated by a Special Area Plan, a Principal Frontage shall be that facing the street of higher pedestrian importance or intensity (i.e., traffic volume, number of lanes, etc.). A Secondary Frontage shall be that facing the street of lesser intensity. Lots with two Frontages may consider two other Property Lines as Sides. Lots shall have at least one Principal Frontage, except waterfront lots shall have at least two Principal Frontages, including the waterfront Setbacks, see Article 6, Section 6.10.

Article 5, Section 5.4.2.e, 5.5.2.e and 5.6.2.e, add to sentence.
When a Lot has only Principal Frontages, vehicular entries, loading docks and service areas shall be permitted on Principal Frontages only by process of Waiver.

Article 5, Section 5.4.2.f, modify as follows:
A flat roof shall be enclosed by parapets of the minimum height necessary to conceal mechanical equipment and a maximum height of five (5) 3.5 feet. At the roof, other ornamental building features may extend up to five (5) 3.5 feet above the maximum Building Height. Roof decks shall be permitted at the maximum Height. Trellises may extend above the maximum Height up to eight (8) feet. Extensions above the maximum height up to four hundred (400) square feet for a stair enclosure or a decorative purpose shall be permitted by process of Waiver.

Article 5, Section 5.4.4.j:

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In T4-L and T4-O a minimum of one bicycle rack shall be provided within the Private Frontage for every ~~ten~~ twenty (20) vehicular parking spaces

Article 5, Section 5.5.1.f, Building Disposition:

For the minimum height, facades shall be built parallel to the Principal Frontage Line along a minimum of 70% of its length on the Setback Line as shown in Diagram 5.5. In the absence of a Building along the remainder of the Frontage Line, a Streetscreen shall be built co-planar with the Façade to conceal parking and service areas.

Article 5, Section 5.5.1.j, Building Disposition:

For Lots of ~~250~~ three hundred and forty (340) feet of Frontage or more, a cross block passage (see Pedestrian Passage or Thoroughfare) shall be provided as follows: In the Frontage Line if the Lot is at any point ~~250~~ three hundred and forty (340) feet from a Thoroughfare intersection, the Building shall provide a cross block Pedestrian Passage as a public easement. If the Frontage Line of the Lot is at any point ~~six hundred and fifty (650)~~ six hundred and fifty (650) feet from a Thoroughfare intersection, a vehicular cross block passage shall be provided as a public easement.

Article 5, Section 5.5.2.f and 5.6.2.e:

All storage, utility and infrastructure elements including service areas, loading docks, transformers, telephone boxes, garbage cans, dumpsters, condensers, meters, backflow preventers, Siamese connections and the likes shall be located within the Second or Third Layer and concealed from view from any Frontage or sidewalk by Liner Buildings, walls, and opaque gates. Loading and service entries shall be within the Third Layer and shall be accessed from alleys when available, and otherwise from the Secondary Frontage.

Article 5, Section 5.5.2.g, Building Configuration, Urban Center Transect Zone - add a sentence:

Existing structures of less than the minimum required two Stories shall be considered conforming and may be enlarged as one (1) Story.

Article 5, Section 5.5.2.h, modify as follows:

A flat roof shall be enclosed by parapets of a minimum Height necessary to conceal mechanical equipment, and a maximum of ~~3.5~~ five (5) feet. Other ornamental building features may extend up to ~~3.5~~ ten (10) feet above the maximum building height. Roof decks shall be permitted up to the maximum height. Trellises may extend above the maximum height up to eight (8) feet. Extensions above the maximum height for stair, elevator and mechanical enclosures or decorative purposes only shall be permitted by process of Waiver.

Article 5, add new Section 5.5.2.i and 5.6.2.i:

All ground floor and roof top utility infrastructure and mechanical equipment shall be concealed from public view. At the Building Frontage, all equipment such as backflow preventers, siamese connections, and the like shall be placed within the line of the Façade or behind the Streetscreen. On the roof, a screen wall shall conceal all equipment except antennas from lateral view. Exhaust air fans and louvers may be allowed on the Façade only above the first floor on the Secondary Frontages.

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Article 5, Section 5.5.4.d and 5.6.4.d, Parking Standards:

Parking shall be accessed by the Alley when available, and otherwise only from the Secondary Frontage.

Article 5, Section 5.5.4.e and 5.6.4.e, add sentence:

All parking including drop-off drives and porte-cocheres, open parking areas, covered parking, garages, loading docks and service areas shall be located within the Third Layer and shall be masked from the Frontage by a Liner Building or Streetscreen as illustrated in Article 4, Table 8. Underground parking may extend into the Second and First Layers only if it is fully underground and does not require raising first-floor elevation of First and Second Layers above that of the sidewalk. Ramps to underground parking shall be only within the Second and Third Layers. Above ground, parking may extend into the Second Layer a maximum of fifty percent (50%) of the length of the Secondary Frontage.

Article 5, Section 5.5.4.h and Section 5.6.4.h and 5.8.4.e, add sentence

Buildings mixing uses shall provide parking for each use. Shared parking shall be calculated according to Article 4, Table 5.

Article 5, Section 5.5.4.i and 5.8.4.f:

Within the half mile radius of a TOD and within a quarter mile of bus transit, the required parking may be decreased by thirty percent (30%) by process of Waiver.

Article 5, Sections 5.5.4.j, 5.6.4.j and 5.8.4.g:

In T5-L and T5-O a minimum of one bicycle rack shall be provided within the Second or Third Layer for every twenty (20) vehicular parking spaces.

Article 5, Section 5.5.5.c and 5.6.5.c: Architectural Standards

Roof materials shall should be light-colored, high albedo or a planted surface.

Article 5, Section 5.5.5 to insert 5.5.5.d and 5.6.5 to insert 5.6.5.d:

The Façade of a parking garage that is not concealed behind a Habitable Liner shall be screened to conceal all internal elements such as plumbing pipes, fans, ducts and lighting. Ramping should be internalized wherever possible. Exposed spandrels shall be prohibited. The exposed top level of parking structures shall be covered a maximum of sixty percent (60%) percent with a shade producing structure such as, but not limited to, a vined pergola or retractable canvas shade structure.

Article 5, Section 5.6.1.f, Urban Core Transect Zone, Building Disposition:

For the minimum Height, 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 Diagram 5.6. In the absence of Building along the remainder of the Frontage Line, a Streetscreen shall be built co-planar with the Façade to shield parking and service areas. In the case of two (2) or three (3) Principal Frontages meeting at Thoroughfare intersections, the Building corner may recede from the designated Setback up to 5% twenty percent 20% of Lot length.

Article 5, Section 5.6.1.h:

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Setbacks for Buildings shall be as shown in Diagram 5.6. Frontage Setbacks may be adjusted to conform to the existing adjacent Frontage Setbacks by Waiver. Frontage setbacks above the eighth floor for Lots having one (1) dimension less than one hundred (100) feet may be a minimum of zero (0) feet by Waiver. At property lines abutting a lower Transect Zone the Setbacks shall reflect the transition as shown in Diagram 5.6. For a Frontage facing a Civic Space or a Thoroughfare one hundred (100) feet or greater in width, the Frontage Setback above the eighth story shall not be required.

Article 5, Section 5.6.1.i:

Above the eighth floor, minimum building spacing is sixty (60) feet, except that where the Building abuts ~~abutting~~ T5, the sixty (60) feet required spacing shall be above the fifth floor. For Lots having one dimension less than one hundred (100) feet, side and rear Setbacks may be reduced by a minimum of twenty (20) feet by Waiver.

Article 5, Section 5.6.1.j, – modify and add sentence:

For Lots of ~~250~~ with three hundred and forty (340) feet Frontage length or more, a cross-block passage shall be provided as follows: If the Frontage Line of a Lot is at any point ~~300~~ more than three hundred and forty (340) feet from a Thoroughfare intersection, the Building shall provide a cross-block Pedestrian Passage as a public easement. If the Frontage Line of a Lot is at any point six hundred and fifty (650) feet from a Thoroughfare intersection, a vehicular cross-block passage shall be provided as a public easement ~~shall be provided~~. Such a cross-block Pedestrian Passage may be covered above the first floor by a maximum of 25% of its length with structures connecting Buildings, such as a terrace, pedestrian bridge or vehicular bridge. In T6-48 a Pedestrian Passage may be roofed and shall be lined with frequent doors and windows.

Article 5, Section 5.6.2.b:

Above the eighth floor, the building floor plate dimensions shall be limited as follows:

- 15,000 square feet maximum for residential uses for T6-8, T6-12 and T6-24, and 18,000 square feet maximum for residential uses in T6-36 and T6-48.

Article 5, Section 5.6.2.d:

Galleries and Arcades shall be minimum fifteen (15) feet deep, and may shall encroach up to one hundred percent (100%) of the depth of the Setback and shall overlap the whole width of the Sidewalk to within two (2) feet of the curb. Permitted by process of a Special Area Plan.

Article 5, Section 5.6.2.h, Building Configuration:

A flat roof shall be enclosed by parapets of a minimum height necessary to conceal mechanical equipment, and a maximum of ~~3.5~~ 10 (ten) feet. Other ornamental building features may extend up to ~~3.5~~ ten (10) feet for T6-8 and T6-12 and an additional ten percent (10%) for T6-24 above the maximum Building Height. There shall be no limitation for decorative elements for T6-36 and T6-48. Roof decks shall be permitted up to the Maximum Height. Trellises may extend above the maximum height up to ~~8~~ fourteen (14) feet. Extensions above the maximum Height for stair, elevator and mechanical enclosures or decorative purposes only shall be permitted by process of Waiver.

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Article 5, Section 5.6.3.b, Building Function and Density (T6), insert new sentence, and renumber 5.6.3.b to 5.6.3.c

The calculation of the FLR shall not apply to that portion of the building that is entirely below base flood elevation.

Article 5, Section 5.6.4.i, Parking Standards: modify and add sentence:

Within the half mile radius of a TOD and within a quarter mile of bus transit, the required parking may be decreased by thirty percent (30%) by process of Waiver. In T6-48, parking for residential uses located within six hundred (600) feet of a Metrorail or Metromover station shall not be required.

Article 5, Section 5.6.4.j and 5.8.4.g:

A minimum of one bicycle rack shall be provided within the ~~Private Frontage~~ Second or Third Layer for every ~~ten~~ 20 vehicular parking spaces.

Article 5, Section 5.6 Urban Core Transect Zone Diagram (T6-48)

FLR : 24 30

Article 5, Section 5.7.2.3: Civic Institution Zone, modify and add sentence:

Civic Institution may be comprised of one or more buildings. Civic Institution Buildings and Parking shall conform to regulations of the ~~least~~ most restrictive abutting Transect Zone ~~as of right~~. A Civic Institution may be permitted, by process of Exception, according to the regulations of the next highest Transect Zone that it abuts that is next in intensity to its abutting zones by process of Exception, while maintaining the Civic Institution use. The expansion of any existing Civic Institution use by more than twenty percent (20%) may be permitted only by Exception. Further relaxation of requirements may be permitted by process of Variance.

Article 5, add new Section 5.7.2.5:

In the event that a Civic Institution Zone property ceases to be used for Civic Institution uses, it may only be developed in accordance with the regulations of the least intense abutting Transect Zone.

Article 5, add to Section 5.8.2.f:

Building Heights shall be measured in Stories and shall conform to Article 4, Table 2 and be allocated as required in Diagram 5.8. Industrial uses requiring additional Height in D2 may be permitted by Waiver, subject to the Planning Director's agreement that the applicant has demonstrated that the use specifically requires the proposed Height.

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ARTICLE 6 – SUPPLEMENTAL REGULATIONS

Article 6, Section 6.2.3, Community Residences, add sentences:

The purpose of a Community Residences is to integrate its residents into the community; over concentration of such facilities within a neighborhood causes the area to lose its character, thereby defeating the purpose of locating Community Residences in the neighborhood. A zoning verification shall be required in order to confirm State established distance requirements outlined in this section. All such facilities shall be required to provide a signed and sealed survey to the Office of Zoning which demonstrates that the distance limitations required below pursuant to state statutes are met. Failure to comply with this requirement will deem the facility in non-compliance with state and city regulations.

Article 6, Section 6.3, Commercial Uses, add sentence:

General to Commercial: a six-foot solid masonry wall shall be provided along all property lines which abut T3, T4-R, T5-R and T6-R Transects, except along Primary Frontages.

Article 6, Section 6.3.3.2.a, add sentence:

Any single retail establishment exceeding the sizes and conditions of Transect shall be subject to the requirements of a Special Area Plan.

Article 6, Section 6.7.1.1, Off-street Parking Standards:

- 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.

Article 6, Section 6.7.1.4:

Off-street parking requirements in connection with housing for low income families and individuals may be reduced by ~~Exception~~ Waiver only in an amount not more than one-half (1/2) of the spaces generally required.

Article 6, Section 6.7.1.5:

Parking requirements shall be met as set forth by this Code and built concurrently with approved improvements generating said requirement. Provision of parking shall 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 as specified below.

Article 6, Section 6.7.1.6:

A deferral may be for a specified period of not less than one (1) nor more than five (5) years without provision for renewal except upon application for a new ~~Warrant~~ Waiver

Article 6, Section 6.7.1.8, delete entire section:

~~Temporary off-street offsite parking for construction crews, criteria:~~

~~Temporary off-street offsite parking for construction crews working on a residential project under construction shall be permitted by the Zoning Administrator subject to the requirements of the City Code for Temporary Permits.~~

Article 6, Section 6.10, Waterfront Setbacks, modify and add text:

See also Miami City Charter Section 3 (mm) (ii-iv).

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In addition to Miami City Charter requirements, the following setback and waterfront walkway regulations shall apply:

- (a) A minimum setback ~~averaging twenty feet in depth~~ of fifty (50) feet shall be provided along any waterfront, except for lots less than 200 feet deep, the setback shall be a minimum of 25% of the lot depth; and except for T3, T4-R, D1 and D2 where the setback shall be minimum twenty (20) feet. With the exception of T3, T4-R, D1 and D2 transects, such setback area shall be designed in accordance with the following waterfront walkway standards and is encouraged to remain open to public access during all times, but at a minimum, during daylight hours:
1. Such waterfront walkway area shall feel public, be usable, and provide visual access to the water.
 2. The 20 foot setback area shall consist of edge and safety zones as well as a circulation zone. The circulation zone shall consist of a linear pedestrian walkway of no less than 12 feet in width.
 3. Such waterfront walkway areas shall be landscaped; shade trees shall be confined to the inland edge of the walkway and palms may be used along either edge. All plant material shall be primarily native and salt tolerant along bay walk areas.
- (b) All underground structures shall be set back from the waterfront a minimum of ten (10) feet.

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ARTICLE 7 – PROCEDURES AND NON-CONFORMITIES

Article 7, Section 7.1.1.1: Zoning Administrator, add paragraph 9:

To determine whether changes made to applications are substantial modifications pursuant to Section 7.1.3 that require additional review and evaluation by city staff or a new notice prior to a hearing.

Article 7, Section 7.1.1.2: Planning Director, delete paragraph 9 and add paragraph 10.
~~9. To determine whether changes made to applications are substantial modifications pursuant to Section 7.1.3 that require additional review and evaluation by city staff or a new notice prior to a hearing.~~

10. To make referrals to the Urban Development Review Board (UDRB) as defined in Chapter 62 of the City Code for projects that exceed 200,000 square feet or as the Director may deem necessary.

Article 7, Section 7.1.1.4.b.8, Planning & Zoning Board:

Rescission: The board, after a quasi-judicial hearing, may rescind, modify or change any resolution granting an Exception if, upon application filed by the Director at any time after the grant of special Exception, the board finds that there has been a violation of any conditions, restrictions or limitations in the subject resolution. Such a hearing shall not be held until published notice (per section 62-129 of the Miami City Code) has first been given. If the Director, upon written request of any aggrieved party, refuses or fails to make such an application, such aggrieved party may request the City Commission, through the city manager, to instruct the Director to do so. The decision of the board shall be final appealable to the City Commission in the same manner as an appeal of a board decision regarding an Exception.

Article 7, Section 7.1.1.4.b.10:

1. To hear, *de novo*, and make a ruling on an appeal of the following administrative decisions:

- (a) An administrative determination by the Planning Director;
- (b) The decision of the Planning Director regarding a Waiver;
- (c) The decision of the Planning Director regarding an administrative Warrant;
- (d) A zoning interpretation by the Zoning Administrator;
- (e) The decision of the Zoning Administrator regarding zoning approval, ~~or a certificate of use.~~

Article 7, Section 7.1.2.2, a, City Request for Planning Determination of Use:

Upon making his determination, the Planning Director shall notify any other officer or agency of the city likely to be affected by such ruling and all NET offices. Additionally, notice of the determination shall be published to the public on the official city website.

Article 7, Section 7.1.2.3, a, Zoning Interpretation:

Upon making his interpretation, the Zoning Administrator shall notify the party requesting the interpretation, as well as any other officer or agency of the city likely to be affected by such ruling and all NET offices. and shall post the interpretation on the city's official website.

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Article 7, Section 7.1.2.4, b, Administrative Warrant: modify paragraphs:
Required ~~Informal courtesy~~ notice and hearing.

~~No formal public notice and hearing shall be required in connection with administrative Warrant applications~~ At the time of initial application, the applicant shall notify all abutting property owners, including those across a street or alley, by certified mail. In the case of adjacent condominiums, only one notice to the condominium association need be sent.

Article 7, Sections 7.1.2.4 b., Administrative Warrant, and Section 7.1.2.5.c,
Administrative Waiver:

Additionally, at the time of initial application, the applicant shall obtain from the department of planning the list of all registered neighborhood and homeowner associations within the NET office that is applicable to applicant property and shall notify the official representatives of all such registered associations, by certified mail, of the application. Neighborhood and homeowner associations who wish to receive such notice must register on an annual basis at their local NET offices.

Article 7, Section 7.1.2.4, e and 7.1.2.5.e:

Appeal of the determination of the Planning Director shall be *de novo* and taken to the Planning, Zoning and Appeals Board, within fifteen (15) calendar days of the posting of decision by the Planning Director on the City's website.

Article 7, Section 7.1.2.5.a, Administrative Waivers: modify list, or add to list and reorder to follow code order:

- Extensions above maximum heights for church spires, steeples, belfries, monuments, water towers, flagpoles, vents or similar structures. (Section 5.3.2; Section 5.4.2; Section 5.5.2; Section 5.6.2; Section 5.8.2).
- Vehicular entries, Loading docks and service areas on Frontages (Section 5.4.2.e; 5.5.4.c; and 5.6.4.c)
- Adjustments to setbacks above the eighth floor for lots having one dimension less than 100 feet (Article 5, Sections 5.6.1.h) as follows: frontage setbacks may be a minimum 0 feet; side and rear setbacks may be a minimum 20 feet.
- Off-street parking spaces whose location requires that cars back into a street or alley (Article 6, Section 6.7.1.1).
- Parking reductions for elderly housing (Section 6.7.1.3) and housing for low income families (Section 6.7.1.4).
- Deferral of parking. (Section 6.7.1.6)
- The individual development of nonconforming lots with continuous Frontage in the same ownership which meet the eighty-five percent rule in Section 7.2.2 of this Code.

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- Lot aggregation for nonconforming, adjacent duplex Lots for use of a limited number of single-family homes (Section 7.2.2).
- Restoration of structures that are nonconforming as provided in Sections 7.2.3 and 7.2.4 in the event of destruction, or alterations to or moving or a nonconforming structure.
- Moving of a nonconforming structure on its own lot pursuant to Section 7.2.4 of this Code.
- Alterations to nonconforming principal or accessory structures as provided in Section 7.2.4 of this Code.
- Changes that reduce or do not increase a nonconforming characteristic of use as provided in section 7.2.5 of this Code.
- Modification to nonconforming off-street parking facilities involving restoration or rehabilitation of an existing building or an adaptive use, pursuant to Section 7.2.5 of this Code.
- Modification of the landscaping for a nonconforming outdoor advertising sign. (Section 7.2.6.3; Section 7.2.6.5)
- As appropriate to the nature of the Waiver involved and the particular circumstances of the case, Waivers up to ten percent (10%) of any particular standard may be granted when doing so promotes the intent of the particular Transect Zone where the proposal is located and there is practical difficulty in otherwise meeting the standards of the Transect Zone, or when doing so promotes energy conservation and building sustainability. The inability to achieve maximum density, height, or floor plate for the Transect shall not be considered grounds for the granting of a Waiver. This reduction cannot be combined with any Waivers of the same standards.

Article 7, Section 7.1.2.5.c, modify first sentence and delete second sentence:

~~Informal Courtesy Notice and hearing.~~

~~No formal notice and hearing shall be required in connection with review of a Waiver. At the time of initial application, the applicant shall notify all abutting property owners, including those across a street or alley, by certified mail. In the case of adjacent condominiums, only one notice, by certified mail, to the condominium association shall be sent.~~

Article 7, Section 7.1.2.6.b.1 Exception:

~~1. After review for completeness of application by the Hearing Boards Office, it shall be referred to the Planning Director. The Planning Director shall review each application for an Exception for completeness.~~

Article 7, Section 7.1.2.6.b.4. Exception:

As appropriate to the nature of the Exception involved and the particular circumstances of the case, the following criteria shall apply to an application for an Exception. In

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addition, the application shall be reviewed for compliance with the regulations of Article 3, ~~the Transect Zone regulations of Article 5, and the supplemental use standards of Article 6~~ this Code and a traffic study shall be provided as required by the Planning Director. The review shall consider the manner in which the proposed use will operate given its specific location and proximity to less intense uses. Particular consideration shall be given to protecting residential areas from excessive noise, fumes, odors, commercial vehicle intrusion, traffic conflicts and the spillover effect of light.

Article 7, Section 7.1.2.6.c.1, Exception and 7.1.2.7.e.1, Variance, and 7.1.2.8. f. and h., Code amendment, add paragraphs:

The City shall notify all owners of property within 500 feet of the property line of the land for which the hearing is required, by certified mail, of the time and place of the hearing by the Planning, Zoning and Appeals Board at least ten (10) days in advance of the hearing. In the case of condominiums within the notification area, only one notice, by certified mail, to the condominium association shall be sent. For the purpose of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of the city. The applicant shall provide the list of owners to the City at the time of the initial application.

Additionally, the City shall notify all registered neighborhood and homeowner associations within the NET office that is applicable to applicant property and shall notify the official representatives of such registered associations, by certified mail, of the application. Neighborhood and homeowner associations who wish to receive such notice must register on an annual basis at their local NET offices.

The City shall certify at the time of the hearing that notice as herein required was given to the persons as named and with the addresses as shown on the certification. The applicant shall pay for the costs of the mailing. Failure to give notice under this section shall not invalidate a decision on an (Exception) (Variance) (code amendment).

Posting of the property which is the subject of the hearing and newspaper notice shall be required as provided in Chapter 62 of the City Code

Article 7, Section 7.1.2.6.d and 7.1.2.7.f, add sentence:

Appeal of the determination of the Planning, Zoning and Appeals Board shall be *de novo* and taken to the City Commission, pursuant to section 7.1.5 of this Miami 21 code.

Notification of the appeal shall be provided by the City in the same manner as provided for the original application in section 7.1.2.6.c.(section 7.1.2.e) of this Code.

Article 7, Section 7.1.2.7, Variance:

A Variance is a relaxation of the terms of the Miami 21 Code, and is permitted only in those exceptional circumstances when such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Miami 21 Code would result in unnecessary and undue hardship on the property. A Variance shall be authorized only for Lot size, Lot coverage, dimensions of side or rear Setbacks, parking and loading requirements, and Open Space requirements. Variances shall be prohibited for anything not included in the listing above. A Variance from the terms of the Miami 21 Code shall not be granted unless and until every mitigating measure to offset the impact of the relaxed requirement can be shown to have been taken.

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Article 7, Section 7.1.2.7.d, Review by Planning Director:

The Hearing Boards Office shall review each application for a Variance for completeness. The Planning Director shall ~~review each application for a Variance for completeness,~~ prepare recommendations, and within thirty (30) calendar days of a complete application transmit the recommendations to the Hearing Boards Office to be placed on the agenda of the Planning, Zoning and Appeals Board.

Article 7, Section 7.1.2.8.a, Amendment to Miami 21 Code:

Successional Zoning. The City's growth and evolution over time will inevitably require changes to the boundaries of certain Transect Zones. These changes shall occur successionaly, in which the zoning change may be made only to the next intensity Transect Zone or to a Special Area Plan, and in a manner which maintains the goals of this code to preserve neighborhoods and to provide transitions in intensity and building height. Notwithstanding the above, ~~a rezoning to a CI transect may only be to the highest intensity abutting transect when a CI zoned property ceases to be used for Civic functions, the property shall be rezoned only to the next higher intensity Transect from the lowest intensity abutting Transect.~~ For a property of ~~ten (10)~~ nine (9) acres or more, such a change shall involve a Special Area Plan as described in Article 2 ~~3~~. Successional changes to zoning shall be made by amending the Miami 21 Atlas.

Article 7, Section 7.1.2.8.b is renumbered and modified as follows in 7.1.2.8.c and Section 7.1.2.8.d:

- c. The Miami 21 Code may be amended by amending the text of the code or by amending the Miami 21 Atlas ~~(a rezoning) or both~~
1. Miami 21 Atlas amendments (also referred to as a "rezoning", including Special Area Plans) may only be approved applied for at two times of the year ~~(except rezoning to a CS Transect Zone), which times shall be set yearly by the City Commission. A rezoning to a CS Transect Zone shall be exempt from the twice yearly schedule.~~ The Planning, Zoning and Appeals Board shall make recommendations to the City Commission for such amendments to the Miami 21 Code. Every two years, the city shall conduct a comprehensive review of the Miami 21 Atlas to determine if amendments are appropriate.
 2. Amendments to the text of the Miami 21 Code (including tables and diagrams) may be made only upon application of a city official and ~~shall be considered at the times as determined by the City Commission~~ may be considered at any time during the year.
- d. Applications for rezoning (Miami 21 Atlas amendment).
1. Except where the proposal for the rezoning of property involves an extension of an existing Transect boundary, no rezoning of land shall be considered which involves less than forty thousand (40,000) square feet of land area or two hundred (200) feet of street Frontage on one (1) street. ~~Except as otherwise limited by the Miami 21 Code,~~ Applications for rezoning may be made by:
 - (a) The City Commission;
 - (b) The Planning, Zoning and Appeals Board;
 - (c) Any other department, board or agency of the city;
 - (d) Any person or entity other than those listed in (a) through (c), above, provided that only the owner(s) or their agent(s) may apply for the rezoning of property.

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Article 7, Section 7.1.2.8.g.2:

For rezonings:

A change may be made only to the next intensity Transect Zone or by a Special Area Plan, and in a manner which maintains the goals of this Miami 21 Code to preserve neighborhoods and to provide transitions in intensity and building height.

Notwithstanding the above, ~~a modification to the CI transect may only be to the highest intensity abutting transect when a CI zoned property ceases to be used for Civic functions, the property shall be rezoned only to the next higher intensity Transect from the lowest intensity abutting transect.~~ For a property of ~~ten (10)~~ nine (9) acres or more, such a change shall involve a Special Area Plan as described in Article 2-3.

Successional changes to zoning shall be made by amending the Miami 21 Atlas.

Article 7, Section 7.1.5.a, Appeals:

Fifteen (15) days from the posting on the city website of the decision of the Zoning Administrator on an application for zoning approval, ~~or certificate of use, or zoning interpretation:~~ to the Planning, Zoning and Appeals Board.

Article 7, Section 7.1.5.b, Add new b. and re-label all others accordingly:

Fifteen (15) days from the posting on the city website of the decision of the Zoning Administrator on an application for zoning interpretation: to the Planning, Zoning and Appeals Board.

Article 7, Section 7.1.5.c:

Fifteen (15) days from the posting on the city website of the decision of the Planning Director on a Waiver, administrative Warrant, or planning determination: to the Planning, Zoning and Appeals Board.

Article 7, Section 7.2.5.b, Nonconforming characteristics of use:

Where existing off-street parking facilities are nonconforming to the requirements of this code or any other city standards, the restoration or rehabilitation of an existing building or adaptive use to any permitted use in the Transect zone shall not require the provision of additional parking or on-site storm water retention/detention except to the extent required by applicable state or federal law. No modifications may be permitted which increase the degree of the existing nonconformity. Modifications to the facilities may be approved by administrative Waiver, and the administrative Waiver may be conditioned on safeguards that reduce the degree of nonconformity as is reasonably feasible in the circumstances of the case.

Article 7, Section 7.2.6.6,

Rescission: The Planning Director, in consultation with the Zoning Administrator may rescind any permit granted under this section for failure to maintain such sign in appropriate condition and repair. A rescission by the Planning Director may be rendered after a sixty (60) day written notice from the City and a finding that no corrections to the violations have been made, and the decision by the Planning Director may be appealed in accordance with the procedures for appealing a Waiver.

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ARTICLE 8 – THOROUGHFARES

Article 8, Section 8.1, General Description

- Bulb-outs may be added where Thoroughfare widths are wide and design speed high, or where sidewalks are narrow in order to facilitate pedestrian safety.