



City of Miami

Legislation

Ordinance: 13805

City Hall
3500 Pan American Drive
Miami, FL 33133
www.miamigov.com

File Number: 4204

Final Action Date: 10/25/2018

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, MORE SPECIFICALLY BY AMENDING APPENDIX J: NEIGHBORHOOD REVITALIZATION DISTRICTS ("NRD"), SECTION 3.1, TITLED "OFF-STREET PARKING AND LOADING STANDARDS," AND SECTION 5.1, TITLED "URBAN CENTER TRANSECT ZONE," BY MODIFYING THE STANDARDS FOR SMALL-SCALE COMMERCIAL BUILDINGS AND APPLICABLE PARKING RELAXATIONS WITHIN THE NRD-1 BOUNDARIES; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 22, 2009, the City Commission adopted Ordinance No. 13114 as the Zoning Ordinance of the City of Miami, Florida ("Miami 21 Code"); and

WHEREAS, on September 24, 2015, Ordinance No. 13561 amended the Miami 21 Code to include Appendix J: Neighborhood Revitalization District ("NRD-1"); and

WHEREAS, the NRD-1 was established to foster small and medium-scale development and promote the transition of the Wynwood neighborhood from an industrial warehouse district into a diverse, mixed-use neighborhood while maintaining its industrial character; and

WHEREAS, the character of existing buildings in the Wynwood neighborhood is traditionally one (1) and two (2) story warehouse buildings, many of which have been converted into commercial uses for art galleries, retail, and other stores and services that have contributed and continue to contribute significantly to the revitalization of the Wynwood neighborhood; and

WHEREAS, it has been determined that amending the NRD-1 regulations, specifically Section 3.1, titled "Off-Street Parking and Loading Standards", and Section 5.1, titled "Urban Center Transect Zone", to implement parking flexibility for small-scale development will facilitate continued activation of retail frontages within the NRD-1 and small-scale additions to existing buildings located in the NRD-1 boundaries; and

WHEREAS, the payment-in-lieu fee identified within Chapter 35 of the Code of the City of Miami, Florida, as amended, regarding the Wynwood Parking Improvement Trust Fund should be adjusted to accommodate the needs of the NRD-1 as specified by the Wynwood Business Improvement District ("Wynwood BID") Resolution dated April 11, 2018; and

WHEREAS, the Wynwood BID at its meeting on April 11, 2018, considered this matter and recommend approval of the proposed amendments contained herein; and

WHEREAS, the Planning, Zoning and Appeals Board ("PZAB") at its meeting on May 16, 2018, following an advertised public hearing, adopted Resolution No. PZAB-R-18-022 by a vote of eight to zero (8-0), Item No. PZAB.3, recommending approval of the Miami 21 Code text amendment as stated herein; and

WHEREAS, the City Commission has given full consideration to the Planning Director's recommendations; and

WHEREAS, the City Commission has conducted appropriate public hearings on the proposed Miami 21 Code text amendment; and

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

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

WHEREAS, the City Commission finds that after careful consideration of this matter, it is advisable and in the best interest of the general welfare of the City and its residents to amend the Miami 21 Code as hereinafter set forth;

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

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

Section 2. Section 3.1 of Appendix J: Neighborhood Revitalization Districts of the Miami 21 Code is amended in the following particulars:¹

"MIAMI 21 APPENDIX J: NEIGHBORHOOD REVITALIZATION DISTRICTS

* * *

SECTION 3 - GENERAL TO ZONES

3.1 OFF-STREET PARKING AND LOADING STANDARDS

Parking requirements met within the NRD-1 boundaries for T5, T6 and D1 Transect Zones may be provided on-site or off-site through a centralized Parking system or provided as payment-in-lieu into the Wynwood Parking Trust Fund in order to consolidate Parking, encourage walking, and reduce the burden on property owners of mandated Parking requirements on-site. Parking requirements for the NRD-1 identified within Section 4, Table 2 shall apply.

3.1.1 Parking Program

a. Applicability of Parking Relaxations.

1. Off-site parking

¹Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

Parking requirements may be satisfied off-site within a Parking Structure that shall be within 1,000 feet of the nearest point on the parcel of land of the proposed Development site.

An applicant requesting Parking off-site within a Parking Structure shall provide a Parking covenant, in a form acceptable to the City Attorney, to be recorded against the proposed Parking Structure site prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for the Development site, as applicable. The covenant shall, at a minimum, memorialize the Property location and number of spaces of the proposed Development site for which the Parking Structure provides such parking availability. The applicant may request the removal or modification of a Parking covenant upon such time that the City Parking requirements are reduced or mass transit conditions are modified in a way that may facilitate additional Parking space reductions, or the required parking being provided off-site is otherwise satisfied on-site, off-site or through payment of fees in lieu, if applicable.

2. Nonconforming Off-street Parking; Adaptive Use

Changes to site improvements shall be subject to regulations set forth in Section 7.2.8.a of this Code. Notwithstanding the establishment of the Wynwood Parking Trust Fund, where existing Off-street Parking or loading is nonconforming to the requirements of this Code, as modified by Section 4, Table 2 herein, the Use or Adaptive Use of any Building shall not require the provision of additional Parking, loading, or on-site stormwater detention or retention. No modifications shall be permitted which increase the degree of the existing nonconformity. Modifications to the facilities may be approved by Waiver, and the Waiver may be conditioned on safeguards that reduce the degree of the nonconformity to the extent reasonably feasible.

3. Parking relaxations

Parking relaxations generally available in this Code and the City Code shall be available within the NRD-1 boundaries, except to the extent explicitly modified herein.

4. Payment-in-lieu of providing Parking;

Parking may be satisfied through payment-in-lieu process into the Wynwood Parking Trust Fund permissible for each Use as provided in Section 4, Table 2, and may be supplemented as provided below:

For Adaptive Use Structures incorporating new Building Capacity less than fifty percent (50%) of the total square footage of the existing Structure and not to exceed 20,000 square feet of new Floor Area, Parking requirements for any permitted Use may be fully satisfied through payment-in-lieu of parking on-site as provided within Section 4, Table 2; and

For new Development which does not require a loading berth, the first sixty (60) spaces of required Parking may be fully satisfied through payment-in-lieu of parking on-site as provided within Section 4, Table 2.

* * *

Section 3. Section 5.1 of Appendix J: Neighborhood Revitalization Districts of the Miami 21 Code is amended in the following particulars:¹

“MIAMI 21 APPENDIX J: NEIGHBORHOOD REVITALIZATION DISTRICTS

* * *

SECTION 5 - SPECIFIC TO ZONES

5.1 URBAN CENTER TRANSECT ZONE (T5)

* * *

b. Building Configuration

1. Building Heights shall be measured in Stories and shall comply with Article 4, Table 2 and be as shown in Illustration 5.1, except as to bonus Height where applicable according to Sections 3.3 and 3.4 contained herein.
2. A one (1) Story Building may be allowed through the Warrant process provided that the ground level Story is no less than fourteen (14) feet in Height and a ~~Green Roof treatment no less than fifty percent (50%) of the roof area is provided.~~ one of the following is provided or a combination thereof:
 - i. Green Roof treatment no less than fifty percent (50%) of the ground Development Floor Area;
 - ii. On-site Civic Space Type including landscaping consisting of pavement, lawn, and trees as provided within Article 4, Table 7 of this Code of an area no less than forty percent (40%) of the Development Floor Area; or
 - iii. A cash contribution to the Wynwood Public Benefits Trust Fund equivalent to the Development Lot Area on which the one (1) Story Building is placed. The value of this cash contribution will follow the provisions described in Section 3.3(b)(5).

Drive-through/Drive-in Facility Uses shall not be allowed in one (1) Story Buildings.

3. Mechanical equipment on a roof shall be enclosed by parapets of the minimum Height necessary to conceal it, and a maximum Height of five (5) feet. Other ornamental Building features may extend up to 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 up to ten (10) feet above the maximum Height for stair, elevator, mechanical enclosures or non-Habitable Rooms shall be limited to twenty (20%) of the roof area, unless approved by Waiver.

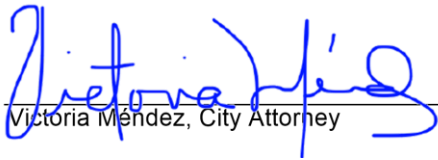
* * *”

Section 3. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Miami 21 Code, the Zoning Ordinance of the City of Miami, Florida, as amended, which provisions may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or other appropriate word to accomplish such intention.

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

Section 5. This Ordinance shall become effective immediately upon its adoption.²

APPROVED AS TO FORM AND CORRECTNESS:



Victoria Mendez, City Attorney

9/17/2018

² This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.



City of Miami

Master Report

City Hall
3500 Pan American Drive
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Enactment Number: 13805

File Number: 4204 **File Type:** Ordinance **Status:** **ADOPTED**

Revision: A **Controlling Body:** City Commission

File Name: Zoning Text - NRD-1 Amendment (Small Building Development) **Introduced:** 5/18/2018

Requesting Dept: Department of Planning **Final Action Date:** 10/25/2018

Title: AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, MORE SPECIFICALLY BY AMENDING APPENDIX J: NEIGHBORHOOD REVITALIZATION DISTRICTS ("NRD"), SECTION 3.1, TITLED "OFF-STREET PARKING AND LOADING STANDARDS," AND SECTION 5.1, TITLED "URBAN CENTER TRANSECT ZONE," BY MODIFYING THE STANDARDS FOR SMALL-SCALE COMMERCIAL BUILDINGS AND APPLICABLE PARKING RELAXATIONS WITHIN THE NRD-1 BOUNDARIES; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors:

Notes:

Links: Linked To: PZAB-R-18-022 : A RESOLUTION OF THE PLANNING, ZONING AND APPEALS BOARD RECOMMENDING APPROVAL OF AN ORDINANCE OF THE MIAMI CITY COMMISSION TO AMEND ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, MORE SPECIFICALLY BY AMENDING APPENDIX J: NEIGHBORHOOD REVITALIZATION DISTRICTS, SECTION 3.1 ENTITLED "OFF-STREET PARKING AND LOADING STANDARDS" AND SECTION 5.1 ENTITLED "URBAN CENTER TRANSECT ZONE", MODIFYING STANDARDS FOR SMALL SCALE COMMERCIAL BUILDINGS AND APPLICABLE PARKING RELAXATIONS WITHIN THE NRD-1 BOUNDARIES; MAKING FINDINGS, CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: 4204 - PZAB (3848) Resolution (PDF)
4204 - BID Board Resolution (PDF)
4204 - Ordinance 13561 (PDF)
4204 - Submittal - Steven Wernick - Letter from Goldman Properties (PDF)

History of Legislative File:

Revision:	Acting Body:	Date:	Action:	Result:
	City Commission	6/28/2018	Meeting	Completed
	City Commission	6/28/2018	NO ACTION TAKEN	Passed
A	Victoria Méndez	9/17/2018	Approved Form and Correctness	Completed
A	City Commission	9/27/2018	Meeting	Completed
A	City Commission	9/27/2018	PASSED ON FIRST READING	Passed
A	Victoria Méndez	10/11/2018	Approved Form and Correctness with Modification(s)	Completed
A	City Commission	10/25/2018	Meeting	Completed
A	City Commission	10/25/2018	ADOPTED	Passed
A	Mayor's Office	11/2/2018	Signed by the Mayor	Completed



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A	City Clerk's Office	11/2/2018	Signed and Attested by the City Clerk	Completed
A	City Clerk's Office	11/2/2018	Rendered	Completed