

..Title

A RESOLUTION OF THE PLANNING, ZONING AND APPEALS BOARD RECOMMENDING APPROVAL OR DENIAL OF AN ORDINANCE OF THE MIAMI CITY COMMISSION TO AMEND APPENDIX J: NEIGHBORHOOD REVITALIZATION DISTRICTS OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, MORE SPECIFICALLY BY AMENDING SECTION 3.1 ENTITLED "OFF-STREET PARKING AND LOADING STANDARDS", SECTION 4, TABLE 2 ENTITLED "T5 – URBAN TRANSECT ZONE" AND SECTION 5, ILLUSTRATION 5.1 "URBAN CENTER TRANSECT ZONE", TO MODIFY STANDARDS FOR SMALL SCALE COMMERCIAL BUILDINGS AND APPLICABLE PARKING RELAXATIONS WITHIN THE NRD-1 BOUNDARIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, on 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 medium-scale development and promote the transition of Wynwood from an industrial district into a diverse, mixed-use, residential neighborhood; and

WHEREAS, the character of existing buildings in Wynwood 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 Wynwood; and

WHEREAS, it has been determined that modifying Section 3.1, entitled "Off-Street Parking and Loading Standards", Section 4, Table 2, entitled "T5-Urban Transect Zone" and Section 5, Illustration 5.1 "Urban Center Transect Zone" related to small scale development for Commercial Use and continued activation of retail frontages within the NRD-1, and additionally to facilitate small-scale additions to existing buildings located in NRD-1 boundaries through parking flexibility; and

WHEREAS, the Wynwood Business Improvement District ("BID"), at its meeting on _____, 201_, considered Item No. _____, and adopted Resolution No. _____ by a vote of ___ to ___ (___-___), and recommends the adoption of this item to the City Commission; and

WHEREAS, the Planning, Zoning and Appeals Board ("PZAB") has given full consideration to the Planning Director's recommendations; and

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FL, AS FOLLOWS:

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. Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida, should be amended by amending Section 3.1, entitled "Off-Street Parking and Loading Standards", Section 4, Table 2, entitled "T5-Urban Transect Zone" and Section 5, Illustration 5.1 "Urban Center Transect Zone" in the following particulars¹:

MIAMI 21 APPENDIX J: NEIGHBORHOOD REVITALIZATION DISTRICTS

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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

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 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

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.

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. Payment-in-lieu of providing Parking;

Parking may be satisfied through payment-in-lieu, 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 with total Building Capacity less than 80,000 square feet, 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.

4.-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. Parking shall be satisfied through payment-in-lieu, into the Wynwood Parking Trust Fund, permissible for each Use as provided in Section 4, Table 2 prior to any available Parking relaxations applied herein.

- b. Mechanical parking facilities within Parking Structures shall be allowed by Right within the NRD-1 boundaries. Parking spaces within these facilities shall be calculated based on the number of vehicles accommodated by said Parking Structure.
- c. Parking covenants as described in this Code and payment-in-lieu shall be processed as described within Chapter 35 of the City Code.
- d. Prior to the end of the three (3) years from the effective date of these NRD-1 Regulations, the Director and Zoning Administrator shall review the parking standard for Dwelling Units 650 square feet or less, based on a district-wide parking and transportation study and may make a recommendation to modify the parking standard if such a study demonstrates a different demand.

SECTION 5 - SPECIFIC TO ZONES

5.1 URBAN CENTER TRANSECT ZONE (T5)

a. 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:
 - i. Green Roof treatment no less than fifty percent (50%) of the roof area; or
 - ii. On-site Civic Space Type including landscaping consisting of pavement, lawn and trees as provided within Article 4, Table 7 of Miami 21 of an area no less than forty percent (40%) of the Development's Floor Area; or
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.

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Section 3. 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 4. This Resolution shall become effective immediately upon its adoption.