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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, D1, D2, CI and CS.

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 zones. Where lots are assembled into one ownership, the side or rear Setbacks sharing the property may be eliminated by Waiver. Lot assembly shall require a unity-of-title acceptable to the City Attorney.

3.3.2 Lot area shall be the area within the lot property lines, excluding any portions of street rights-of-way or other required dedications.

3.3.3 In Transect Zones T5, T6, D1, D2, CI and CS, buildable sites shall enfront a vehicular Thoroughfare or a pedestrian passage, with at least one Principal Frontage.

3.3.4 Lots facing streets 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 street 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. If two streets 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. 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 3.12.

3.3.5 For the purposes of this code, lots are divided into Layers which control development on the Lot.

3.3.6 Where the property to be developed abuts an existing Building, a Waiver may be granted so that the proposed Building matches or provides a transition to adjacent Setbacks.

3.3.7 For new Buildings in T6-80 zones, in the Design District and facing Brickell Avenue, where a dominant Setback pattern exists, the new Building shall provide a transition in setback to the adjacent existing Buildings or shall match that of one of the existing Abutting Buildings. In these cases, a Waiver shall not be required. The Design District for purposes of this paragraph is the area bounded on the east by Biscayne Boulevard, 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.

3.4 DENSITY CALCULATIONS

3.4.1 Lot Area is used for purposes of Density 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. 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 City 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, walls and hedges shall be measured in feet. The Height of Buildings, fences, walls and hedges 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, walls and hedges, 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 twenty-five (25) feet. A retail single floor level exceeding fourteen (14) feet, or twenty-five (25) feet at ground level, shall be counted as two (2) Stories. Where the first two stories are retail, their total maximum combined Height shall be thirty-nine (39) feet and the first floor shall be a minimum of fourteen (14) feet in Height. Mezzanines may be allowed in the Third Layer and may not exceed thirty-three percent (33%) of the floor area. Mezzanines extending beyond thirty-three percent (33%) of the floor area 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.

- 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 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 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 clear area shall only be granted by Exception. Construction of such facility is subject to the approval by the School Board of Miami-Dade County or any other appropriate authorities.

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

3.6.2 Off-street Parking Driveway Standards

- a. Parking should be accessed by an Alley when available, and otherwise only from the Secondary Frontage.
- b. The vehicular entrance at the Frontage Line:
 1. T6: shall be no wider than thirty (30) feet and the minimum distance between vehicular entrances shall be sixty (60) feet unless approved by Waiver.
 2. T5: shall be no wider than twenty-five (25) feet and the minimum distance between vehicular entrances shall be sixty (60) feet unless approved by Waiver.
 3. T4: shall be no wider than twelve (12) feet. Driveway separation at the Frontage Line shall be a minimum of ten (10) feet. Shared driveway width combining ingress and egress shall be a maximum of twenty (20) feet.
 4. T3: shall be no wider than twelve (12) feet for T3-R/L and shall be no wider than twenty (20) feet for T3-O. Driveway separation at the Frontage Line shall be a minimum of twenty (20) feet. Driveway separation on one lot width shall be a minimum of twenty (20) feet at the Frontage Line.

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 streets.
- 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 street or sidewalk.
- d. Off-street Parking spaces whose location requires that cars back into a street shall be permissible in T3 and T4 zones. Backing into Alleys shall be permissible in all 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, luggage; or the like shall not be permitted in any T3, T4, T5-R or T6-R Zone.

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- g. Inoperable vehicles shall be stored only in storage facilities or other approved place where it is 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 and D2 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. Parked vehicles on driveways may not encroach onto the public right of way.
- k. 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.
- l. Parking facilities on adjoining Lots may share access points and driveways 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 net 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; provided also 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 offsite through a parking management plan agreement with the Miami Parking Authority shall be as set forth in Chapter 35 of the City Code

3.6.7 Off-street Parking Reductions by Use**a. Parking reductions for elderly housing**

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.

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 only in an amount not to be less than one (1) parking space per every two (2) dwelling units.

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.

The following criteria shall apply:

- (a) Applicant shall submit written certification from the corresponding state or federal agency in charge of the program.
- (b) Off-street Parking reduction shall be permitted upon a finding 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

Off-street Parking requirements in connection with housing for low income families and individuals may be reduced by Waiver only in an amount not more than one-half (1/2) of the spaces generally required. Housing for low income families and individuals shall be qualified by the City of Miami Department of Community Development.

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.

The following criteria shall apply:

- (a) The project shall otherwise conform to the requirements of state or federal programs for this purpose.
- (b) The Planning, Zoning and Appeals Board, in its consideration of the application for Waiver, 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, 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 Waiver, specify that the City, upon notice and hearing as 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 shall have been issued, the premises shall not be used other than as low income housing, subject to the Waiver and limitations set forth in (a) above, unless and until any parking requirements and all other requirements or limitations of this code.

3.6.8 Deferral of Off-street Parking Standards

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

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.

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

A deferral may be allowed 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 Waiver.

All such permits shall be revocable, in whole or in part, and the conditions and safeguards attached thereto may be changed by the Planning Director, upon findings based upon evidence that continued deferral of required improvements for all or part of the spaces involved is no longer justified, or that changes in conditions and safeguards are required. Such permits shall contain notice of these provisions.

Prior to any consideration of revocation, the Planning Director shall give notice to the permit holder, but in the event of his failure to appear in person or by agent at the meeting at which the matter is acted upon, the Director may proceed in the matter.

Revocation of any such permit in whole or in part, or changes in conditions and safeguards, shall be made effective within less than thirty (30) days after the determination of the Planning Director, but a longer period may be established by the Planning Director where there is adequate justification.

3.6.9. Off-street Loading Requirements

- a. Off-street vehicular loading shall be required for all T5, T6, and D Transect zones, as shown in Article 4, Table 5.

3.7 FENCES AND WALLS**3.7.1 General**

- a. For all Commercial and Industrial Uses, a six-foot (6) solid masonry wall shall be provided along all property lines which abut T3, T4-R, T5-R and T6-R, except in the First Layer and along Primary Frontages.

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 and D2, 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 SUSTAINABILITY**3.8.1 General**

- a. Landscape requirements are as required in the Miami-Dade County Landscape Ordinance and the City of Miami Tree Protection Ordinance, except that where this code is more restrictive than the Ordinances, this code shall apply.
- b. All new Buildings of more than 50,000 square feet in the T5, T6, CI and CS districts shall be certified at a minimum for the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) silver certification or equivalent standards adopted 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:

- Two percent (2%) of the total cost of construction for a 50,000 – 100,000 square foot Building.
- Three percent (3%) of the total cost of construction for a 100,001 – 200,000 square foot Building.
- 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, 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.

3.9 THOROUGHFARES

3.9.1 General Principles

- a. The Thoroughfares are intended for use by vehicular, transit, bicycle, and pedestrian traffic and to provide access to Lots and Open Spaces.
- b. The Thoroughfares consist of vehicular lanes and Public Frontages. The lanes provide the traffic and parking capacity. Thoroughfares 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.
- 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 Lanes.
- 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 automobiles 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.

3.9.2 Thoroughfares

- a. The guidelines for vehicular lanes are as described in Article 8.
- b. The Thoroughfare network should be designed to prioritize connectivity, defining Blocks not exceeding a perimeter length of 1320 feet. The size shall be measured as the sum of Lot Frontage Lines. Street 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 maintain the view unobstructed above street grade.
- 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.

3.9.3 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 Type of street trees and street lights should be as provided in Article 8.
- c. The Public Frontage in Transect Zones T1, T2 and T3 shall include trees of various species, and may include low maintenance understory landscape. The introduced landscape shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance as described further in Article 8.
- d. The Public Frontage in Transect Zones T4, T5, T6 and D1 shall include trees planted in a regularly-spaced Allée pattern of single or alternated species with shade canopies of a height that, at maturity, clears the first Story. The introduced landscape shall consist primarily of durable species tolerant of soil compaction as described further in Article 8.

3.9.4 Vision Clearance

3.9.4.1 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. In light of 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 streets, 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 street 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.
- b. At intersections of driveways with streets 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.
- c. At street 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.

3.9.4.2. Variances prohibited.

No Variances from the provisions of Section 3.9.4 are permitted.

3.10 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 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 of this code expressed in Article 2.

3.10.1 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 Functions, 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 Lot Area to Civic Space. Civic Building sites are to be located within or adjacent to Civic Spaces 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 Spaces 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 Spaces and Building Area among the Building Sites, and the creation and retention of the public benefits.
- g. A Warrant shall be required for any Building included within a Special Area Plan unless the Building is specifically approved as part of the Special Area Plan process.
- 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 Waivers allowing automobile-oriented standards. 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 First and Second Layers.
 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 shall 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 Cross Block 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, excluding density, 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.

3.11 HISTORIC PRESERVATION STANDARDS

See Chapter 23 of the City Code.

3.12 WATERFRONT STANDARDS

In addition to the Miami City Charter requirements, the following Setback and Waterfront Standards shall apply to all waterfront properties within the City of Miami.

1. Waterfront Setbacks
 - a. Waterfront Setbacks shall be a minimum of fifty (50) feet 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 and D2 transect zones where a minimum Setback of twenty (20) feet shall be provided. Within D1 and D2 transect zones Marine-related facilities may span across man-made slips with a structure to conduct commercial Marine-related activities.
 - b. 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, and D2 transect zones.

2. Waterfront Walkways Design Standards:

- a. Waterfront walkways shall be designed and constructed within the waterfront setbacks in accordance with the following 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 and D2 unless the site is a new commercial retail, office or restaurant use.
- b. Waterfront walkways shall feel public, meet all Americans with Disabilities Act (A.D.A.) requirements and provide unobstructed visual access to the water.
- c. 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.
- d. 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.
- e. 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 Appendix B: Waterfront Design Guidelines.

For additional details, refer to the Baywalk/ Riverwalk Design Standards and Guidelines, which may be obtained through the Planning Department.

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

3.13 AREA DESIGN GUIDELINES

This section lists additional regulations defining elements to protect and promote Neighborhood or area character, which may be obtained through the Planning Department:

- Baywalk/Riverwalk Design Standards and Guidelines
- Arts and Entertainment District Guidelines
- Brickell Promenade Guidelines
- Flagler Streetscape Guidelines

3.14 PUBLIC BENEFITS PROGRAM

3.14.1 The intent of the public benefits program established in this section is to allow bonus Building capacity in T6 Zones in exchange for the developer's contribution to specified programs that provide benefits to the public. The bonus shall not be available to properties in a T6 Zone if the property abuts a T3 Zone. The bonus capacity shall be permitted if the proposed development contributes toward the specified public benefits, above that which is required by this code, in the amount and in the manner as set forth herein.

- T6-8: eight Story maximum; bonus to twelve (12) Stories, FLR 5; bonus of twenty-five (25%)
- T6-12: twelve (12) Story maximum; bonus to twenty (20) Stories, FLR 8, bonus of thirty percent (30%)
- T6-24: twenty-four (24) Story maximum; bonus to forty-eight (48) Stories, FLR 6, bonus of thirty percent (30%)
- T6-36a: thirty-six (36) Story maximum; bonus to sixty (60) Stories, FLR 12, bonus of forty percent (40%)
- T6-60a: sixty (60) Story maximum, bonus up to unlimited Stories, FLR 11, bonus to fifty percent (50%)
- T6-60b: sixty (60) Story maximum, bonus up to unlimited Stories, FLR 18, bonus to fifty percent (50%)
- T6-36b: thirty-six (36) Story maximum; bonus up to sixty (60) Stories, FLR 22, bonus of forty percent (40%)
- T6-80: eighty (80) Story maximum; bonus to unlimited Stories, FLR 24; bonus unlimited

Transect Zone Heights are fully described in Article 5.

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

- 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.
- In T6 zones, additional capacity for LEED certified Silver, Gold or Platinum Buildings as described in Section 3.14.4.
- An additional Story in any zone for development of a Brownfield as described in Section 3.14.4.
- In T6 zones additional capacity for development that donates a Civic Space or Civil Support Space 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 capacity as established in this Section. The only square footage allowed above the maximum Height is that achieved through the bonus Height program.

3.14.3 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 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

- 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 Article 4, Table 7 of this code.
- Green Building shall mean a Building certified by the United States Green Building Council (USGBC) as 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.

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 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 approved by the city manager, the development shall be allowed an equivalent square footage of additional area up to the bonus capacity 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 area up to the bonus capacity described in Section 3.14.1. The cash contribution 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

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based on market conditions. The methodology for determining the value of land per square foot of Building shall be maintained in the Planning Department.

- 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 capacity of provided land up to the bonus capacity 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 capacity up to the bonus capacity 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) streets, 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 square footage up to the bonus capacity as described in Section 3.14.1. The cash contribution 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 calculating the value shall be maintained in the Planning Department.
- c. Historic Preservation. Bonus capacity to the maximum bonus capacity 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 capacity shall be allowed for Buildings certified by the U.S. Green Building Council as follows:
 - Silver: For Buildings under 50,000 sf, 2.0% of the floor lot ratio (FLR)
 - Gold: 4.0% of the floor lot ratio (FLR)
 - 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 capacity, shall be allowed.
- 3.14.5.** No Building permit shall be issued for bonus capacity 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.