

CITY COMMISSION FACT SHEET

File ID: 13804

Title: AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY AMENDING ARTICLE 1, SECTION 1.2, TITLED "DEFINITIONS OF TERMS", AMENDING ARTICLE 3, SECTION 3.11, TITLED "WATERFRONT SETBACKS", AND ADDING DIAGRAM 1 IN ARTICLE 3, SECTION 3.11, TITLED "WATERWAYS & WATERBODIES WITH WATERFRONT PROPERTIES"; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

APPLICANT(S): Emilio T. Gonzalez, Ph.D., City Manager, on behalf of the City of Miami.

PURPOSE: This ordinance will amend Article 1, Section 1.2 entitled, "Definitions", and Article 3 Section 3.11 "Waterfront Standards" of the Zoning Ordinance.

FINDING(S):

PLANNING DEPARTMENT: Recommended approval.

WATERFRONT ADVISORY BOARD: Recommended approval on June 12, 2018, by a vote of 6 - 1.

PLANNING, ZONING AND APPEALS BOARD: Recommended approval on July 18, 2018, by a vote of 9 – 0.



**City of Miami
Legislation
Ordinance
Enactment Number:13804**

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

File Number: 2773

Final Action Date: 1/24/2019

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY AMENDING ARTICLE 1, SECTION 1.2, TITLED "DEFINITIONS OF TERMS", AMENDING ARTICLE 3, SECTION 3.11, TITLED "WATERFRONT SETBACKS", AND ADDING DIAGRAM 1 IN ARTICLE 3, SECTION 3.11, TITLED "WATERWAYS & WATERBODIES WITH WATERFRONT PROPERTIES"; 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 ("Miami 21 Code"); and

WHEREAS, pursuant to Resolution No. 07-0290 adopted on May 24, 2007, the City Commission approved, in principle, the Miami Parks and Public Spaces Master Plan, which establishes goals and objectives for waterfronts throughout the City of Miami ("City") to be part of a linear park system network that links different parts of the City together; and

WHEREAS, publicly accessible linear parkways along waterfronts provide for a safe off-street network of pedestrian and bicycle paths for alternative transportation needs throughout the City; and

WHEREAS, the City wishes to increase public access between Biscayne Bay and the East-West Trail via the Miami River, the Underline, the Ludlum Trail, and various canals and lagoons in between; and

WHEREAS, the City also wishes to increase public access between Biscayne Bay, the Little River, and various canals and lagoons in between; and

WHEREAS, such increased access will provide interconnectedness and mobility opportunities from surrounding recreation spaces and provide residents and visitors with additional access to waterfronts; and

WHEREAS, waterfronts beyond the Miami River and Biscayne Bay, such as canals and lagoons, can operate as secondary water retention systems receiving stormwater from neighborhoods; and

WHEREAS, waterfronts beyond the Miami River and Biscayne Bay, such as canals and lagoons, can store excess water or move excess water to the regional flood control system managed by the South Florida Water Management District; and

WHEREAS, living shorelines and coastal structures along waterways and waterbodies can provide opportunities for future sea level rise mitigation strategies to accommodate increased water level demands into the City's existing system; and

WHEREAS, it has been identified that additional clarification should be provided to the applicable boundaries and standards associated with the term "Waterfront" as used in Article 3, Section 3.11 of the Miami 21 Code, titled "Waterfront Standards"; and

WHEREAS, it has been determined that amending Article 1, Section 1.2 of the Miami 21 Code, titled "Definitions," and Article 3, Section 3.11 of the Miami 21 Code, titled "Waterfront Standards," is needed to promote appropriate standards for various waterways within the City; and

WHEREAS, this amendment will clarify standards applied to Biscayne Bay, the Miami River, and other smaller waterbodies throughout the City as identified within Exhibit "A," attached and incorporated; and

WHEREAS, upon adoption of this Ordinance, the Planning Department will continue to study enhancements to Waterfront Design Standards to be applied to properties along all waterfronts; and

WHEREAS, the Miami Waterfront Advisory Board ("WAB") at its meeting on June 12, 2018, recommended approval of the Waterfront Setback language as presented herein by a vote of six to one (6 - 1); and

WHEREAS, the Planning, Zoning and Appeals Board ("PZAB") at its meeting on July 18, 2018, recommended approval of the Waterfront Setback language as presented herein by a vote of nine to zero (9 - 0); and

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

WHEREAS, the City Commission has considered the need and justification for the proposed change, including changed or changing conditions that make the passage of this ordinance necessary; and

WHEREAS, the City Commission finds that it is in the best interest of the City and its residents to amend the Miami 21 Code for the purposes stated herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY 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. The Miami 21 Code is amended by amending Article 1 in the following particulars:¹

"ARTICLE 1. DEFINITIONS

* * *

1.2 DEFINITIONS OF TERMS

¹ Words 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.

* * *

Frontage: The area between a Building Façade and the vehicular lanes of a Thoroughfare, Mean High waterline of a Waterfront, or the pavement of a Pedestrian Passage Frontage Line of a Civic Space Type.

* * *

Waterbody: Any body of water separated by a salinity dam from Biscayne Bay including, but not limited to, Comfort Canal, Little River, Blue Lagoon, and the like. Properties along a Waterbody have been depicted in Article 3, Diagram 1, titled “Waterways & Waterbodies with Waterfront Properties”.

Waterfront: The area of a property that fronts a Waterway or Waterbody and is improved to preserve the City’s natural shoreline and to guarantee Open Space along the water’s edge.

Waterway: Biscayne Bay and any body of water navigable to Biscayne Bay; Miami River and its tributaries from Biscayne Bay to salinity dams or termini, whichever comes first; and the Little River from Biscayne Bay to the salinity dam. Properties along a Waterway have been depicted in Article 3, Diagram 1, titled “Waterways & Waterbodies with Waterfront Properties”.

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Section 3. The Miami 21 Code is further amended by amending Article 3 in the following particulars:¹

“TABLE OF CONTENTS

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ARTICLE 3. GENERAL TO ZONES

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TABLE OF CONTENTS

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SECTION 3.11 WATERFRONT STANDARDS III.21
DIAGRAM 1: WATERWAYS & WATERBODIES WITH WATERFRONT PROPERTIES.

* * *

In addition to the Miami City Charter Section 3, (mm), (ii) requirements, the following Setback, walkways and Wwaterfront standards shall apply to all Wwaterfront properties within the City of Miami, except as modifications to these standards for all Wwaterfront properties may be approved by the City Commission pursuant to the procedures established in the City Charter.

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

a. Waterfront Setbacks

1. Waterfront Setbacks For properties fronting a Waterway, the Setback shall be a minimum of fifty (50) feet measured from the mean high water line provided along any Waterfront, except where the depth of the Lot is less than two-hundred (200) feet the Setback shall be a minimum of twenty-five percent (25%) of the Lot depth; and except for T3, T4-R, D1, D2 and D3 Transect Zones where a minimum Setback of twenty (20) feet shall be provided, except where the depth of the Lot is less than eighty (80) feet the Setback shall be a minimum of twenty-five percent (25%) of the Lot depth. These requirements shall not apply to Marine Related Industrial Establishments along the Miami River. Within D1, D2 and D3 Transect Zones facilities may span across man-made slips with a Structure to conduct marine-related commercial and industrial activities.
2. For properties fronting a Waterbody, the Setback shall be a minimum of twenty-five (25) feet measured from the mean high water line provided along any Waterfront, except for the following:
 - a. Where the depth of the Lot is less than one-hundred (100) feet, the Setback shall be a minimum of twenty-five percent (25%) of the Lot depth; and
 - b. For T3, T4-R, D1, D2, and D3 Transect Zones, a minimum Setback of twenty (20) feet shall be provided, except where the depth of the Lot is less than eighty (80) feet, the Setback shall be a minimum of twenty-five percent (25%) of the Lot depth.

For other Lot configuration conflicts, the Setback may be reduced a maximum of fifty percent (50%) by process of Waiver.

3. Side Setbacks shall be equal in aggregate to at least twenty-five percent (25%) of the water Ffrontage of each Lot based on average Lot Width, to allow View Corridors open from ground to sky and to allow public access to the wWaterfront; except for T3, T4-R, D1, D2 and D3 Transect Zones.

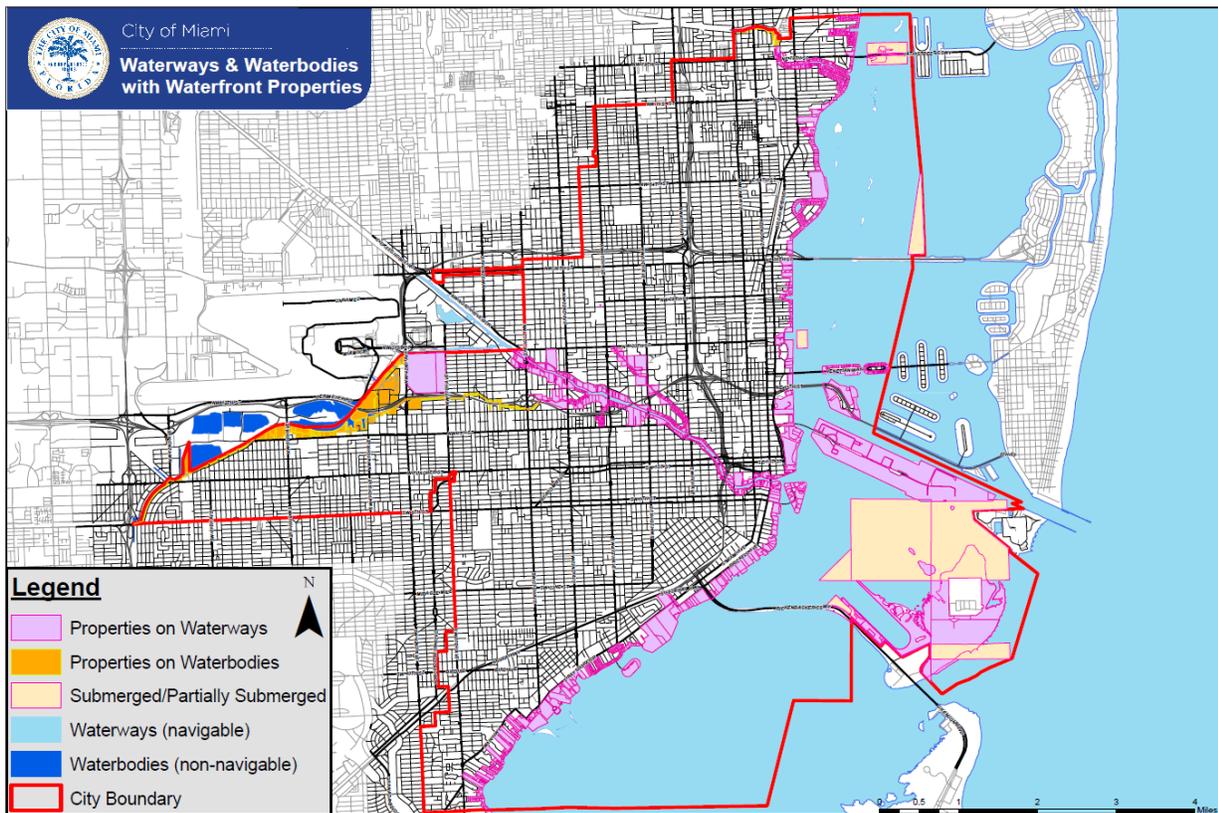
b. Waterfront Walkways Design Standards:

1. Waterfront walkways shall be designed and constructed within the wWaterfront Setbacks in accordance with these Waterfront Walkway Design Standards and should remain open to public access during all times, but at a minimum, shall remain open to the public between 6am through 10pm. Waterfront walkways are not required within Transect Zones T3, T4-R, D1, D2 and D3 unless the site is a new Commercial retail, Office or restaurant Use. Properties along a Waterbody shall only require a Waterfront walkway if it has been identified within the Miami River Greenway Action Plan or other Waterfront Master Plans as a component of a publicly accessible Greenway and Blueway network system within the City and Miami-Dade County.
2. Waterfront walkways shall feel public, meet all Americans with Disabilities Act (A.D.A.) requirements throughout the entire length of the wWaterfront walkway and provide unobstructed visual access to the water.
3. Waterfront walkways shall connect to abutting public walkways, neighboring walkways, and Open Space at a consistent A.D.A. compliant width and grade to allow clear pedestrian circulation along the water's edge. Properties abutting a Thoroughfare or Public Frontage shall coordinate with the appropriate agency or

organization on improvements and connections to Waterfront walkways required on those properties.

4. The ~~w~~Waterfront walkway surface shall remain at a constant elevation and be accessible to handicapped persons throughout the entire length of the ~~w~~Waterfront walkway. Walkways should have a slight grade away from the bulkhead edge for stormwater retention within the transition zone.
5. All Waterfront walkways shall be built to the standards and guidelines outlined within the Miami River Greenway Regulatory Design Standards, Miami River Greenway Action Plan, and Waterfront Design Guidelines, Appendix B of this Code.
56. The total width of a ~~w~~Waterfront walkway shall be a minimum of twenty-five (25) feet and ~~built to the standards and guidelines outlined in Waterfront Design Guidelines, on Appendix B. per Appendix B, unless the Setback is reduced when the depth of the Lot requires it. Waterfront walkway Design Standards shall apply in the entirety of the Setback when properties are set back less than twenty-five (25) feet. Standards may be adjusted by process of Waiver, but shall not diminish the Circulation Zone identified within Appendix B, with a clear path no less than twelve (12) feet in total width provided.~~
6. Waterfront Properties that do not provide a Waterfront walkway within the Waterfront Setback area shall remain unimproved by any permanent Structure or other Structures permitted under Section 62-528 or Section 62-535 of the City Code.

Diagram 1: Waterways & Waterbodies with Waterfront Properties.



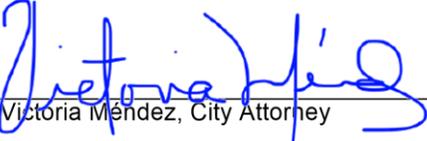
* * **

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 shall not be affected.

Section 5. 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, 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 6. This Ordinance shall be effective immediately upon its adoption.²

APPROVED AS TO FORM AND CORRECTNESS:


 Victoria Mendez, City Attorney 9/19/2018

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.