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**Miami
FL**

Recommended Approval
- Passed
Feb 19, 2020 6:30 PM

**PZAB Resolution
PZAB-R-20-012**

A RESOLUTION OF THE PLANNING, ZONING AND APPEALS BOARD ("PZAB" OR "BOARD") RECOMMENDING APPROVAL OF 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 A, TITLED "NEIGHBORHOOD CONSERVATION DISTRICTS," TO INCORPORATE ADDITIONAL HEIGHT ALLOWANCES AND FREEBOARD IN THE FLOODPLAIN; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Information

Department: Planning, Zoning and Appeals Board
Category: PZAB - Text Amendment
Sponsors:

Links

Link 13910 : AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21"); MORE SPECIFICALLY, AMENDING APPENDIX "A" OF MIAMI 21, TITLED "NEIGHBORHOOD CONSERVATION DISTRICT," TO INCORPORATE ADDITIONAL HEIGHT ALLOWANCES AND FREEBOARD IN THE FLOODPLAIN; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments

[Agenda Summary and Legislation](#)
[7057 - Freeboard NCD Map and Illustration](#)
[7057 - Signed Resolution](#)

Body/Legislation

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

WHEREAS, on March 23, 2017, the Miami City Commission passed Resolution R-17-0146, which recommended the City of Miami ("City") formally join the Southeast Florida Regional Climate Change Compact ("SFRCCC"); and

WHEREAS, the SFRCCC establishes the Unified Sea Level Rise projection for Southeast Florida, which is currently projected at 14 to 34 inches by 2060; and

WHEREAS, the City will consider and incorporate future sea level rise projections from the SFRCCC; and

WHEREAS, on October 13, 2016, the City Commission adopted Ordinance No. 13640, which established the Sea Level Rise Committee to study the effects of sea level rise; and

WHEREAS, twenty-four percent (24%) of the City is within the Coastal High Hazard Area ("CHHA"), as defined in Coastal Management Policy CM-4.1.2 of the Miami Comprehensive Neighborhood Plan and Section 163.3178(2)(h), F.S.; and

WHEREAS, the City has over 12,000 properties within the CHHA, comprising roughly 5,716 acres within the City; and

WHEREAS, the majority of properties within the CHHA are designated "T3," Sub-Urban Transect, and "T6," Urban Core Transect; and

WHEREAS, for the safety, well-being, and long-term sustainability of life and property, the City is pursuing changes to the Miami 21 Code to address sea level rise; and

WHEREAS, the Federal Emergency Management Agency ("FEMA") encourages the incorporation of Freeboard into the construction and reconstruction of properties within areas prone to flooding, with consideration of future risk due to sea level rise; and

WHEREAS, the addition of Freeboard to height requirements has many benefits, including reducing the amount of at-risk properties from flood damage and reducing National Flood Insurance Program ("NFIP") premiums for property owners; and

WHEREAS, on March 28, 2019, the City Commission adopted Ordinance No. 13831, which allowed Freeboard and additional flood resilience measures in other parts of the City; and

WHEREAS, an additional amendment is required so that Freeboard is applied to the areas located in Neighborhood Conservation Districts ("NCDs"); and

WHEREAS, the Planning, Zoning and Appeals Board ("PZAB") has conducted a public hearing on the proposed text amendment; and

WHEREAS, the 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; and

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

WHEREAS, the PZAB finds that there is substantial competent evidence in the record to recommend approval of the Miami 21 Code text amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING, ZONING AND APPEALS BOARD OF THE CITY OF MIAMI, FLORIDA, AS FOLLOWS:

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

Section 2. It is recommended that Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida, as amended, be amended by amending Appendix A, titled "Neighborhood Conservation Districts," in the following particulars:[1]

"Appendix A - Neighborhood Conservation District

* * *

A.1. CORAL GATE (NCD-1)

* * *

1.7 Height

Height is limited to a maximum of twenty-five (25) feet from ~~flood level~~ Base Flood Elevation with a minimum of one (1) foot to a maximum of five (5) feet of Freeboard or average sidewalk elevation, whichever is higher. No variances for height shall be allowed.

* * *

A.2. VILLAGE WEST ISLAND DISTRICT AND CHARLES AVENUE (NCD-2)

* * *

2.4.2 Single Family Residential District

* * *

d. Height

Height is limited to a maximum of twenty-five (25) feet measured to the midpoint between the eave and roof top and is measured from ~~flood level~~ Base Flood Elevation with a minimum of one (1) foot to a maximum of five (5) feet of Freeboard or average sidewalk elevation, whichever is higher. In addition to the maximum height of twenty-five (25) feet measured to the mid-point of the roof top and eave, chimneys, cupolas or other non-habitable architectural features of twenty-five (25) square feet in area or less may reach a maximum height of thirty (30) feet or as required by the fire code. For Lots with less than ten thousand (10,000) square feet in area, the height limitation for accessory structures shall be thirteen (13) feet.

* * *

A.3. COCONUT GROVE NEIGHBORHOOD CONSERVATION DISTRICT NCD-3

* * *

3.6 Single-Family Residential District

* * *

d. Height

Height is limited to a maximum of twenty-five (25) feet measured to the midpoint between the eave and roof top and is measured from ~~flood level~~ Base Flood Elevation with a minimum of one (1) foot to a maximum of five (5) feet of Freeboard or average sidewalk elevation, whichever is higher. In addition to the maximum height of twenty-five (25) feet measured to the mid-point of the roof top and eave, chimneys, cupolas or other non-habitable architectural features of twenty-five (25) square feet in area or less may reach a maximum height of thirty (30) feet or as required by the fire code. For Lots with less than ten thousand (10,000) square feet in area, the height limitation for accessory structures shall be thirteen (13) feet.

* * *

k. Single Family Estate Lot Residential designation

* * *

4. Height

Height is limited to two full stories from grade or ~~minimum FEMA elevation as defined within this code~~ Base Flood Elevation with a minimum of one (1) foot to a maximum of five (5) feet of Freeboard, whichever is higher. Height is measured to the bottom of the eave. Variations to the Height requirement may be allowed for skylights or solar panels not exceeding three (3) feet above the roof. Such structures shall not cover more than ten (10) percent of the roof structure.

* * **

Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Resolution is declared invalid, the remaining provisions of this Resolution should not be affected.

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

[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.

Meeting History

Jan 29, 2020 6:30 PM	Planning, Zoning and Appeals Board	Regular Meeting
RESULT: NO QUORUM		<i>Next: 2/19/2020 6:30 PM</i>
Feb 19, 2020 6:30 PM	Planning, Zoning and Appeals Board	Regular Meeting
RESULT: RECOMMENDED APPROVAL - PASSED [UNANIMOUS]		
MOVER: Juvenal Pina, Board Member (Dist. 1)		
SECONDER: Melody Torrens, Vice Chair (Dist. 1)		
AYES: Charles Garavaglia, Melody Torrens, Andres Althabe, Adam J Gersten, Anthony Parrish, Juvenal Pina, Aaron Zeigler		
EXCUSED: Alex Dominguez, Manuel Vadillo, Chris Collins		

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