

# Miami21: Good to Great

## Adapting Miami's Form-Based Code

A ULI Focus Group Report  
April 2019



**Urban Land  
Institute**

Southeast Florida/Caribbean



# Miami21

**IN 2008, AFTER EIGHT YEARS** of development and deliberation, the City of Miami approved Miami21, the first New Urbanist Smart Code to be applied to a large existing city in the United States. Miami21 replaced the city's antiquated code that encouraged haphazard, poorly-scaled growth and created an unfriendly urban environment that prioritized vehicular traffic over pedestrians.

The new code established a logical, comprehensive, and practical framework for the city guided by the tenets of Smart Growth, setting walkable urbanism as the default pattern citywide and improving cohesion, connectivity, appearance, and the pedestrian experience.

Miami21 clarified and simplified the development process, establishing consistency and increasing predictability, which has spurred growth and infill development.



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**Facing Page:** The 50 Biscayne condominium complex and One Biscayne office tower on Biscayne Boulevard in Downtown Miami's central business district.

**Right:** The 2017 Biscayne Green pop-up park project in Downtown Miami.



John Stewart

## Introduction

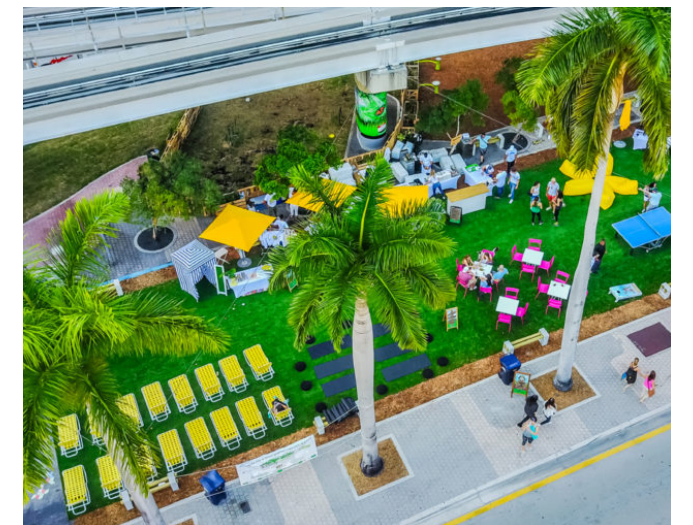
**MIAMI21 WAS A GREAT LEAP FORWARD** in urban zoning for the City of Miami. Its best attribute is that it greatly reduced complexity, creating four basic zoning categories with very few overlays or exceptions, thus creating predictability for residents and developers, and enabling the city's development to better achieve its goals and create a more cohesive, consistent environment.

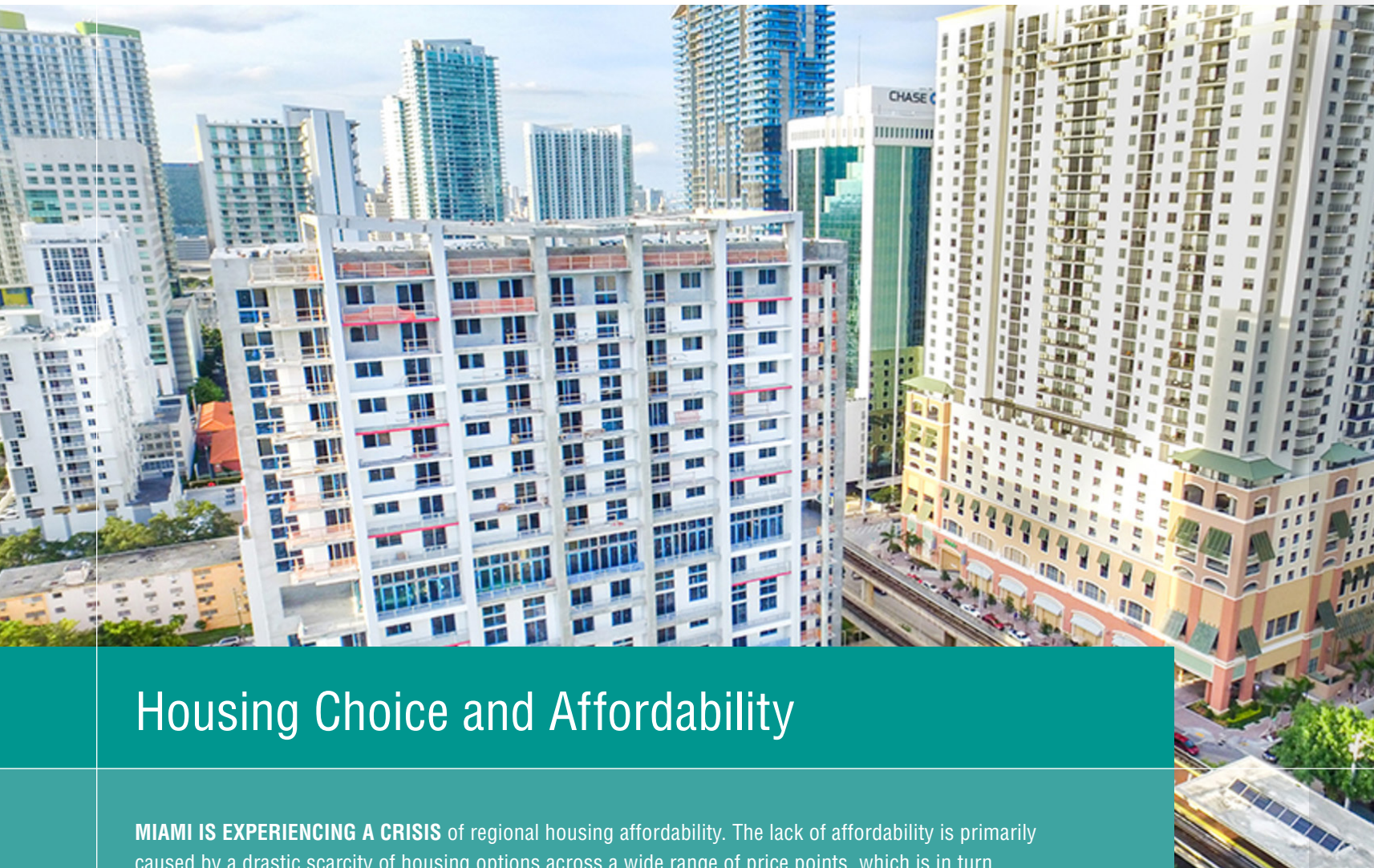
But no code so large and comprehensive is without glitches, and Miami21 was intended to be constantly refined. Ten years after its adoption, The Urban Land Institute Southeast Florida / Caribbean District Council brought together local experts to discuss and prioritize fixes for Miami21 that incorporate new best practices, address new challenges, and remove obstacles in the way of the city's evolving goals and vision.

## Background

In early 2018, ULI Southeast Florida / Caribbean's Advisory Board recommended an evaluation of Miami21 to assist and inform efforts currently underway by the city to revisit and revamp the code. The Focus Group convened for this purpose identified aspects of the current code that inhibit progress. This report focuses on the housing choice & affordability and mobility topic areas, and addresses easy fixes to improve clarity and predictability.

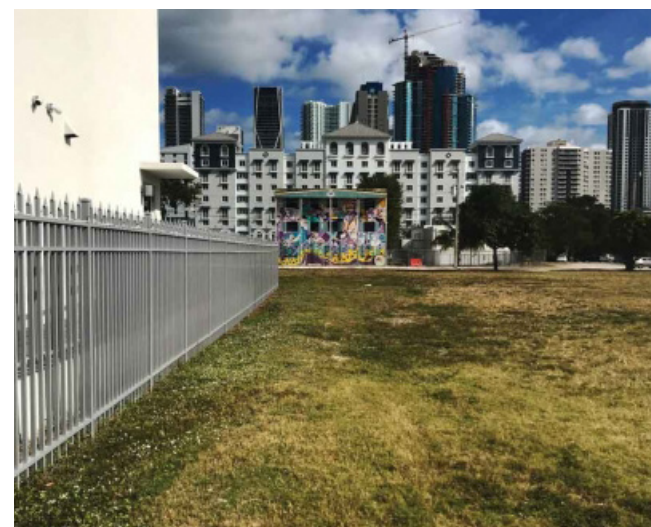
More information on the Focus Group process and participants is available at the end of this document.





## Housing Choice and Affordability

**MIAMI IS EXPERIENCING A CRISIS** of regional housing affordability. The lack of affordability is primarily caused by a drastic scarcity of housing options across a wide range of price points, which is in turn caused partially by pervasive artificial restrictions on housing supply imposed by local governments. Despite the other ways that it reduces regulatory costs, Miami 21 is no exception in contributing to this problem.



**Above:** Brickell View Terrace at 117 SW 10th Street was Miami's first mixed-income housing development.

**Right:** An empty lot in Overtown overlooks the Downtown Miami skyline.

### Lot Size Minimums

Successful urban neighborhoods around the world are typically made up of narrow but extremely dense housing types: townhouses, rowhouses, brownstones, etc. But Miami 21 does not allow new narrow lots, except in extremely rare situations.

**WE RECOMMEND** deleting lot size minimums in T4, T5, and T6 transects.

### Floorplate Area & Length

Miami 21 specifies maximums for floorplate area and floorplate length, with such maximums include balconies. These maximums reduce available building envelope for housing supply and create an incentive for apartments without balconies, contrary to household preferences across all income levels.

**WE RECOMMEND** deleting floorplate area and length maximums from Section 5.6. Or excluding balconies from these maximums.

### Allowed Density

Density maximums – particularly in T4 and T5 – reduce housing supply and increase housing prices. Allowing more units while retaining existing allowed building envelopes (lot coverage, setbacks, height) will allow developers to provide more apartments sized for a more mid-market price range.

The city has fixed this problem for select areas like Wynwood (custom T5 zoning with density increased from 65 to 150 units per acre) and has allowed other areas to pay their way out of the problem (near train stations you can buy density from historic properties). However, such select area exceptions undermine the fundamental purpose and benefits of Miami 21: to create predictability for residents and developers. We believe all neighborhoods of Miami deserve right-size density and shouldn't be forced to pay for it.

**WE RECOMMEND** deleting density maximums for T4, T5, and T6 in Article 4 Table 4 and Article 5 or significantly increasing such density maximums city-wide, e.g.: T4 to

100 units per acre and T5 to 150. We also recommend removing any requirement to pay to increase density.

### Live-Work and Work-Live Terminology

Miami 21 uses the terms “live-work” and “work-live” but does not define them in a way that has proven workable. This causes uncertainty that discourages these housing options, options that promote jobs and reduce commutes.

#### WE RECOMMEND

1. Deleting terms “live-work” and “work-live” and extend the zoning benefits for “live-work” and “work-live” to all multi-family housing.
2. Allowing more non-residential uses for T4, T5, and T6 in Article 4 Table 3.

### Affordable & Workforce Housing

Miami 21 uses the terms “affordable” and “workforce”, but its definitions do not match state and county definitions. It also uses terms like “attainable” and “mixed-income”, which have no analog in state and county regulations or funding sources. This creates confusion and reduces the production of various kinds of rent-controlled housing.

**WE RECOMMEND** changing definitions to match state definitions and deleting other terms.

### TOD vs. Transit Corridor Terminology

Miami 21 gives certain flexibility for housing supply – increased density and smaller allowed apartment size – near train stations (“TOD”) but not along bus corridors (“Transit Corridors”). In addition to reducing housing supply, different treatment of Transit Corridors reduces bus ridership potential, which hinders investment in public transportation.

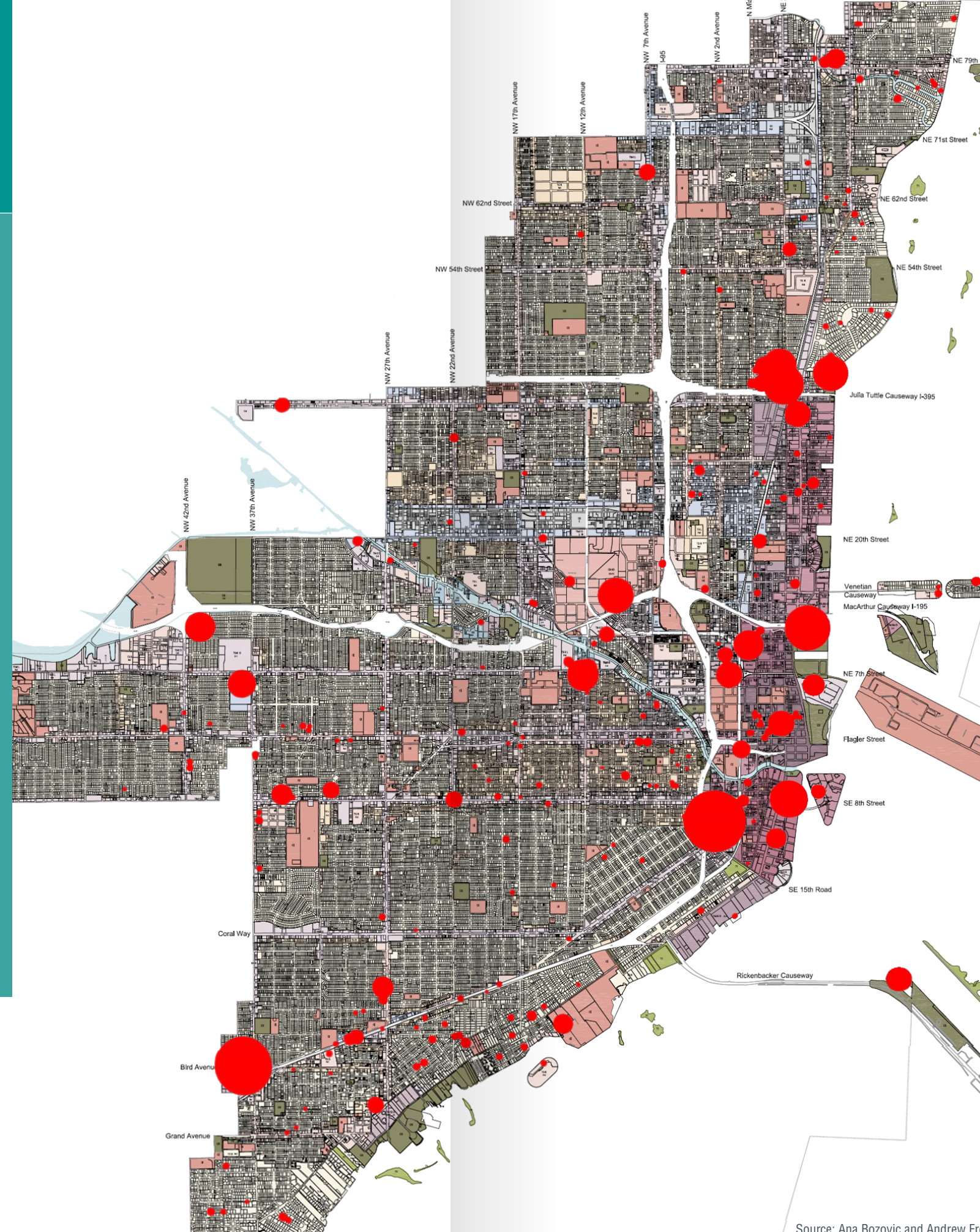
**WE RECOMMEND** extending TOD zoning benefits to Transit Corridors.

# Miami's Residential Construction Activity

**MIAMI21 HAS CONTINUED** the previous zoning code's facilitation of extremely high-density condo and apartment construction in the urban core, but has not unlocked housing and other development opportunities for small lot owners in the city's first- and second-ring neighborhoods, areas that provide opportunities to solve Miami's "missing middle" housing problem through the creation of smaller-scale, more affordable options.

This map shows new construction activity in one recent year (2018), with a red circle marking any property where the assessed value of the building increased 3x from 2017 to 2018 (proxy for new construction) and the resulting 2018 building value was greater than \$400,000 (proxy for projects larger than single-family houses and duplexes). The size of the circle is based on the assessed value of the resulting 2018 building. The map shows new construction activity (and tax base increase) mostly limited to a few large projects.

The map was created with data from the County Property Appraiser regarding assessed values in 2017 and 2018.



**ATLAS**

	T1	NATURAL
	T3	SUB-URBAN
	T4	GENERAL URBAN
	T5	URBAN CENTER
	T6-8*	URBAN CORE
	T6-12*	URBAN CORE
	T6-24*	URBAN CORE
	T6-36*	URBAN CORE
	T6-48*	URBAN CORE
	T6-60*	URBAN CORE
	T6-80*	URBAN CORE
	D1	WORK PLACE
	D2	INDUSTRIAL
	D3	MARINE
	CS	CIVIC SPACE/PARKS
	CI	CIVIC INSTITUTION
	CI-HD	CIVIC INSTITUTION - HEALTH DISTRICT

NEW CONSTRUCTION FROM 2017-2018\*  
(size of circle indicates assessed value)  
\*excludes duplexes and single-family residential

Source: Ana Bozovic and Andrew Frey

## Mobility

**SINCE MIAMI 21 WAS ADOPTED**, the world has seen many advances in mobility, including electric cars; sharing of cars, scooters, and bikes; and the re-birth of private passenger rail. Transit-oriented development is trendy, but ultimately the goal is to build neighborhoods where people do not need a car or train or bus to accomplish most of their daily activities. Such people-oriented neighborhoods also support investments in public transportation.

**Above:** An Uber waits to pick up passengers at a pick-up and drop-off area.

**Right:** A new train funded by surtax funds from People's Transportation Plan arrives at the Metrorail station at the Miami Intermodal Center in December 2017.



### Thoroughfares

Other sections of city law – not Miami 21 – control streets and streetscapes and give exclusive oversight of them to the Public Works Department. Yet Miami 21 purports to control streetscapes through Article 8 Thoroughfares. This places property owners in an unnecessary conflict between the City's Planning and Zoning and Public Works Departments. Even within Miami 21, certain streetscape provisions conflict with other sections of the code. For example, Article 8 includes diagrams that are labeled "ideal" (creating uncertainty about what is required) and that conflict with other provisions of Miami 21, such as Article 4 Table 6 Frontages.

**WE RECOMMEND** deleting Article 8 Thoroughfares and direct Planning and Zoning Departments to work with Public Works to continue to improve streetscape standards with ideas from Miami 21 and otherwise (such as recent Public Works guidelines to locate all new street trees in bump-outs, creating more space for pedestrians).

### Parking

Parking is a lingering issue with Miami 21, since new transit patterns in car-sharing, mobility, and the proliferation of alternatives to private car ownership are vastly changing urban environments in major cities across the US.

Miami 21 retained standard parking minimums from the previous code, but added provisions for reduced parking minimums in key areas and situations. However, these allowances are not widespread enough throughout the city, and are preventing desired infill development in many of Miami's residential areas.

#### WE RECOMMEND

1. Working with Miami Parking Authority to make on-street parking in T3 areas "resident only" at no cost to residents
2. After establishing this "resident only" initiative, changing all parking minimums for T4, T5, and T6 in Article 4 Table 4 into maximums or deleting/ significantly reduce parking requirements. For example: further reductions near train stations and bus corridors. Or further reductions for shared parking. Or change parking requirements per apartment size (measured by bedrooms or square feet).

3. Deleting all existing parking impact fees ("fees in lieu") and do not require payment to reduce parking.
4. Requiring a parking demand study to renew Business Tax Receipt for projects larger than 200,000 square feet.

### Parking Garages

With the fast rise of automated vehicles, many parking garages may become obsolete. Designs should be encouraged to create flexibility of use.

**WE RECOMMEND** adding requirement that parking garages maximize flat level areas and increase ceiling heights.

### Loading Bays

Loading bay requirements – including turning movements – are excessive and outdated, particularly with the rise of the on-demand economy and the decline of traditional retail. On-site loading bays create pedestrian conflicts and degrade quality of pedestrian area while enshrining vehicular dependence.

#### WE RECOMMEND

1. Working with Public Works to create more areas for on-street loading (and ride-share drop-off) and require such loading after normal business hours.
2. Deleting loading requirements in Article 4 Table 5 for T4, T5, and T6.
3. Allowing on-street turning movements.

### Use Restrictions

Miami 21 prohibits certain non-residential uses in areas intended for high-density urbanism. This causes suburban-style segregation of residents and workers from other uses they need, reduces walkability, reduces convenience, and increases cost of living.

**WE RECOMMEND** changing all T4, T5, T6, "R" and "L" to "O"



## Increasing Predictability

**ZONING PROVISIONS CAN OFTEN** conflict or leave gaps, or become defunct as they outlive their purpose or are eclipsed by new priorities. These situations cause uncertainty – in either the letter or spirit of the law, or both – which in turn creates risk. Because all risk must be compensated in development, this also increases the cost of housing and space for businesses. The changes recommended here would help reduce these risks, lowering development costs.



**Above:** 250 Wynwood, an 11-unit live/work condominium complex in Miami's Wynwood Arts District.

**Right:** The Area 31 rooftop bar at the Epic Hotel in downtown Miami.

### Primary & Secondary Frontages

Buildings should be designed to reflect the future, but Miami 21 definitions and interpretations of “primary frontage” and “secondary frontage” do not always track how city streets are currently used, let alone how they will be used after pedestrian and transit improvements.

**WE RECOMMEND** deleting text related to “primary frontage” and “secondary frontage” and instead add to zoning specific text directing developers to meet early in the process with Planning, Zoning, and Public Works to determine best orientation of multi-frontage buildings.

### Building Levels Terminology

Miami 21 uses different terms – “Floor”, “Level”, and “Story” – in different sections, causing uncertainty.

**WE RECOMMEND** choosing one defined term – e.g. “Level” – and delete others.

### Rooftop Uses

Miami 21 is unclear regarding whether and how much rooftop use is allowed in T4, T5, and T6.

**WE RECOMMEND** adding text to allow by right in T4, T5, and T6.

### Tree Preservation

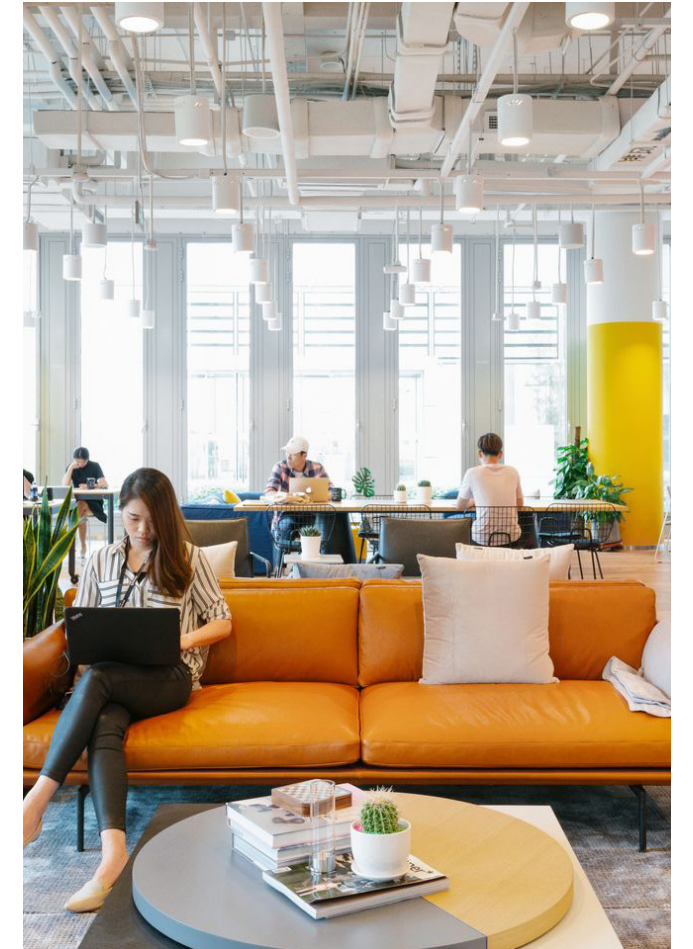
Tree protection in T3 (single-family house and duplex) areas remains a high priority. However, in T4, T5, and T6 areas, building dense urbanism is more helpful to the environment than the accidental, often suburban-style location of existing trees. In these areas, the priority of increasing Miami's tree canopy is better addressed through requirements for new landscape, not focusing on old.

**WE RECOMMEND** revising Section 9.4 not to apply to T4, T5, and T6. Study increasing requirements for new trees, on- or off-site in new construction.

### Office Level Height

New economy offices require taller ceilings. For example, high-tech equipment emits more heat and thus requires larger AC ducts.

**WE RECOMMEND** changing “Level” height maximum for office and industrial use from 14' to 17' up to level 8.



**Above:** The interior of WeWork's Dalian coworking space in Shanghai. New construction and renovation techniques and shifting tenant preferences are necessitating taller ceiling heights in office buildings worldwide.

# About This Report

This report originated in the ULI Southeast Florida/Caribbean's District Council Advisory Board, a group of top industry leaders that give direction to the organization's leadership and staff. In early 2018, the Advisory Board recommended an evaluation of Miami21 to identify fixes to improve the code's ability to address key priority areas in the region: housing affordability and mobility.

The district council invited contributors with vast experience working with Miami21 to join a focus group to determine priority fixes for the code.

After several months of developing a list of potential changes by conference call and written drafts, the focus group's final recommendations were determined by general consensus at a members workshop moderated by Former District Chair Dr. Charles C. Bohl. Please note that the recommendations presented in this report reflect the consensus of the overall focus group, and may not reflect the opinions of individual members.

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# About the Urban Land Institute

**THE URBAN LAND INSTITUTE** is a global nonprofit land use and real estate development organization dedicated to providing leadership in the responsible use of land and in creating a sustainable and thriving future for communities worldwide.

The extraordinary impact that ULI makes on land use decision making is based on its members' sharing expertise on a variety of factors affecting the built environment, including urbanization, demographic and population changes, new economic drivers, technology advancements, and environmental concerns.

More information is available at [uli.org](http://uli.org). Follow ULI on Twitter, Facebook, LinkedIn, and Instagram.







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