

Sec. 3. - Powers.

The City of Miami shall have the governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services and may exercise any power for municipal purposes, except when expressly prohibited by law.

The city shall have the extraterritorial powers granted to the city by general and special law and including Laws of Florida, ch. 10847 (1925), as amended.

The City of Miami shall have power to:

(a)—(e). [Reserved.]

(f) *Acquisition and disposition of property and services:*

- (i) To acquire by purchase, gift, devise, condemnation or otherwise, real or personal property or any estate or interest therein, inside or outside the city, for any of the purposes of the city; and to improve, sell, lease, mortgage, pledge, or otherwise dispose of such property or any part thereof.
- (ii) To acquire or dispose of services inside or outside the city, by purchase, gift, or otherwise for any purposes of the city.
- (iii) To lease to or contract with entities for the management of any of the city's waterfront property, but only in compliance with the other requirements of this charter and on condition that:
 - (A) the terms of the contract allow reasonable public access to the water and reasonable public use of the property, and comply with other charter waterfront setback and view-corridor requirements; and
 - (B) the terms of the contract result in a fair return to the city based on two independent appraisals; and
 - (C) the use is authorized under the then existing master plan of the city;
 - (D) the procurement methods prescribed by ordinances are observed;
 - (E) the contract does not exceed five years and does not contain an automatic renewal or termination penalty.

Any such lease or management agreement or proposed extension or modification of an existing such lease or management agreement which does not comply with each of the above conditions shall not be valid unless it has first been approved by a majority of the voters of the city.

Nothing herein contained shall in any manner affect or apply to any project the financing of which has been provided by the authorization of bonds to be issued by the city.

(g)—(l). [Reserved.]

(m) *Harbor and shipping facilities:* To establish, construct, maintain, and operate, both inside and outside the city, public landings, wharves, docks, and warehouses; to dredge or deepen harbors and rivers, or any branch or portion thereof; to install turning basins, build jetties, and otherwise improve the harbor and shipping facilities of the city, inside and outside the city and inside and outside harbor lines where such improvements outside of harbor lines are approved by the United States Government or its proper agencies; to acquire by condemnation or otherwise all lands, riparian, and

other rights and easements [necessary for the purposes aforesaid; to lay and collect] reasonable duties or fees on vessels coming through or using said landings, wharves, docks or warehouses; to regulate the manner of using other landings, wharves, docks, and warehouses within the city; to prescribe and enforce reasonable rules and regulations for the protection and use of said property; to advance to the Government of the United States, with or without interest, funds to be expended in harbor improvements to be made by the government in or near the city, or directly affecting the city within Miami Harbor and the approaches thereto, if such work has been duly authorized by laws of the United States; and to issue bonds or notes to obtain funds for such advances.

(n)—(ll). [Reserved.]

(mm) *Building and zoning:*

- (i) To provide by ordinance building, planning, and zoning regulations and restrictions governing the height, number of stories, method of construction, type, and size of buildings and other structures; the percentage and portion of the lot or site that may be occupied; the size of the front, rear, and side yards, courts, and other open spaces; the location, use of buildings, structures, and land for trade, industry, residences, apartment houses, and other purposes; and the widening and future widening of streets in zoned street areas that the city may establish. Such regulations may provide that a board of appeals or the city commission may determine and vary the application of building, planning, or zoning ordinances in harmony with their general purpose and intent.
- (ii) In order to preserve the city's natural scenic beauty, to guarantee open spaces, and to protect the waterfront, anything in this Charter or the ordinances of the city to the contrary notwithstanding, neither the city nor any of its agencies shall issue building permits for any surface parking or enclosed structures located on Biscayne Bay or the Miami River from its mouth to the N.W. 5th Street Bridge,
 - (A) which are not set back at least 50 feet from the seawall (where the depth of the lot is less than 200 feet, the setback shall be at least 25 percent of the lot depth), and
 - (B) which do not have average side yards equal in aggregate to at least 25 percent of the water frontage of each lot based on average lot width.
- (iii) The above setback and side-yard requirements may be modified by the city commission after design and site-plan review and public hearing only if the city commission determines that the modifications requested provide public benefits such as direct public access, public walkways, plaza dedications, covered parking up to the floodplain level, or comparable benefits which promote a better urban environment and public advantages, or which preserve natural features. Wherever setback, side-yard, or site-plan review requirements of zoning ordinances are greater than the foregoing requirements, such greater requirements shall govern.
- (iv) These requirements shall not apply to docks and appurtenant structures, single-family residences and appurtenant structures, and waterfront industrial uses along the Miami River and at the Port of Miami. Nothing herein contained shall in any manner affect or apply to: the City of Miami/University of Miami James L. Knight International Center and hotel facility, including all improvements thereon, or to lands and projects which the city commission has approved prior to September 18, 1979, by development order pursuant to F.S. ch. 380 of a planned area development pursuant to article XXI-1, City of Miami Comprehensive Zoning ordinance or which

have received site and development plan approval, including Plaza Venetia, Phase II, Resolution No. 72-113, April 20, 1972; Resolution No. 72-114, April 20, 1972; and Resolution No. 72-416, July 20, 1972.

(Res. No. 01-841, § 2, 8-9-01; Res. No. 01-843, § 2, 8-9-01)

Editor's note— The department of neighborhood rehabilitation of the city and all functions involved therein were abolished pursuant to Ord. No. 7576, § 1, adopted July 17, 1967, and effective on the date of transfer of said department to Dade County. At the direction of the city, § 3(vv), added to the charter by Char. Amend. No. 2, effective Jan. 1, 1963, is not set forth herein.