



City of Miami  
Legislation  
Ordinance

City Hall  
3500 Pan American  
Drive  
Miami, FL 33133  
www.ci.miami.fl.us

File Number: 05-00221a

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, BY AMENDING ARTICLE 8, SECTION 803, NCD-3 COCONUT GROVE NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT; IN ORDER TO MODIFY SECTION 803.6 AND RELATED SUBSECTIONS TO ADD AN INTENT STATEMENT FOR THE UNDERLYING C-1, SD-2 AND SD-13 DISTRICTS AND TO ADD PROVISIONS AND LIMITATIONS ESTABLISHING A MAXIMUM RETAIL SQUARE-FOOTAGE IN C-1 DISTRICTS WITHIN NCD-3; ALLOWING LARGE SCALE RETAILING AS DEFINED HEREIN BY SPECIAL EXCEPTION ONLY; ESTABLISHING APPLICABLE REGULATIONS AND CRITERIA FOR SAID USE, INCLUDING CERTAIN SITE REQUIREMENTS, PARKING AND LOADING REQUIREMENTS AND BUFFER REQUIREMENTS; AND PROVIDING A DEFINITION OF "LARGE SCALE RETAILING"; CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Miami Planning Advisory Board, at its meeting of July 6, 2005, Item No. 6, following an advertised hearing, adopted Resolution No. PAB 78-05 by a vote of five to zero (5-0), recommending APPROVAL of amending Zoning Ordinance No. 11000 as hereinafter set forth; and

WHEREAS, the City Commission after careful consideration of this matter deems it advisable and in the best interest of the general welfare of the City of Miami and its inhabitants to amend Ordinance No. 11000 as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings 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. Ordinance No. 11000, as amended, the Zoning Ordinance of the City of Miami, Florida, is hereby amended by amending the text of said Ordinance as follows: {1}

"ARTICLE 8. NEIGHBORHOOD CONSERVATION DISTRICTS

\* \* \*

Sec. 803. NCD-3. Coconut Grove Neighborhood Conservation District.

\* \* \*

803.6. ~~Reserved for Coconut Grove NCD-3 Commercial Districts.~~  
803.6.1. ~~Maximum retail square footage.~~

~~803.6.1.1. Intent.~~

~~The intent of this section is to preserve the neighborhood retail character of commercially zoned areas within the NCD-3 District. This provision seeks to protect the architectural variety and the quality of the architecture within the underlying commercially zoned districts within NCD-3. It is also the intent of this provision to protect adjacent low density neighborhoods from the negative impacts that can accompany large-scale retailing within the NCD-3 commercial districts.~~

**Sec . 803.6.1. Large Scale Retail Establishments**

803.6.1.1. Intent.

It is the general intent of these regulations that large-scale retail establishment, as herein defined, shall be permissible within the C-1 zoned areas in the NCD-3 zoning district by Special Exception approval only, in a form that will tend to minimize their impacts on the local environment and the local economy. Such impacts may include, but not be limited to: the disruption of the existing or planned urban scale; traffic generation; residential street cut-through traffic; overflow parking; alteration of established commercial patterns; and environmental impacts by way of increase in impervious land area or reduction of tree canopy.

It is also intended that within the SD-2 and SD-13 commercial districts, that individual retail establishments also be limited in size as specified herein.

803.6.1.2. Effect.

~~The square footage of individual retail establishments within the underlying C-1 zoning districts shall have a maximum size of 55,000 square feet in total floor area used for retail and related services providing, however, that a retail establishment may exceed 55,000 square feet in total floor area used for retail and related services by Class II Special Permit pursuant to Article 13.~~

The square footage of individual retail establishments within underlying C-1, SD-2 and SD-13 zoning districts shall be limited to a maximum size of 20,000 square feet in total floor area used for retail and related services except as may be modified below for Large-Scale Retail establishments within only the underlying C-1 zoning districts and upon compliance with the special limitations, criteria and considerations specified in Section 803.6.2 through 803.6.7 below.

803.6.2. Large-Scale Retail establishment defined.

A large-scale retail establishment is defined as a retail establishment, including membership establishments with any commercial retail use or combination of such commercial retail for which any single establishment is comprised of over twenty thousand (20,000) square feet in gross floor area. The gross floor area includes building gross floor area and ancillary outdoor storage or merchandise display areas. For the purposes of this definition, the floor area does not include motor vehicle parking or loading areas. For the purpose of determining the applicability of the 20,000 square feet of floor area, the aggregate square footage of all adjacent stores or retail tenants that share common check out stands or a controlling interest, or storage areas, shall be considered one establishment. Retail specialty centers as defined in City Code Sec. 4-2 within underlying SD-2 Districts, as may be approved by a separate Class II permit, and special event Class I permits are exempted.

803.6.3. Special Exception required.

A large-scale retail establishment shall be permitted only within C-1 zoned areas within the NCD-3

zoning district, and only after receiving Special Exception review and approval by the zoning board pursuant to the standards and criteria contained herein and in Articles 13 and 16 of this zoning ordinance.

803.6.4. Site requirements.

In addition to all requirements in the C-1 zoning district, large-scale retail establishments must meet the following criteria and limitations:

803.6.4.1. Maximum size of retail establishment.

The maximum size of any individual retail establishment permitted in the C-1 zoned areas within the NCD-3 zoning overlay district shall be 70,000 square feet. No individual retail establishment within a Large-scale retail establishment shall be permitted which exceeds 70,000 square feet.

803.6.4.2. Minimum lot dimensions.

Large-scale retail establishments may be permitted exclusively in lots having a minimum net area of two (2) acres. Properties which do not meet the 2 acre size limitation shall be limited to individual establishments of 20,000 square feet or less.

803.6.4.3 Minimum setbacks and build-to lines

Large-scale retail establishments shall have the following minimum setbacks:

1. Any front or side abutting a public right-of-way or non-residentially zoned property: build-to line is 20 feet. The area from the build-to line to the right-of-way line shall be used for permanent sidewalks with illumination, pedestrian amenities, or landscaping, except in areas as required for emergency access, or where driveway entrances are located. Landscaping in this setback area shall count toward the green space requirements. This area may not be used for parking or loading at any time.
2. Side or rear lot line abutting a residentially zoned property: setback is 50 feet. The setback shall include a 20-foot heavily landscaped buffer area. If an access alley, parking, loading door, delivery area, or inventory storage area is present along this side of the property, then the setback area shall also include an 8-foot-high masonry wall inside of the 20-foot landscape buffer.

803.6.4.4 Building orientation and façades

Building facades and elevations shall be designed to minimize the visual impacts of the scale of the building. Large-scale retail structures may be oriented with their entrances toward arterial or collector roadways, as defined in the City's Comprehensive Plan. Any side with regular public ingress / egress point(s) is to be considered a front. Regular public ingress / egress to the building shall not be located facing residential uses. There may be more than one front. Front and side façade design shall include the following design features to minimize scale impacts and promote activated street frontages:

1. Building design variations at intervals no greater than 50 feet.
2. Storefront windows, with interior spaces visible and lit from within at night, equal to at

least 50% of the linear length of ground-floor wall on building front elevations as defined herein. Window spacing should be such that no more than 20% of the length of the wall may have an uninterrupted length without storefront windows

803.6.4.5. Vehicular access.

Primary ingress and egress to the site must be provided from the arterial(s) and not from secondary roads or collectors and subject to the following:

1. Except as required for emergency access, vehicular driveways shall not be along local roadways as defined in the City's Comprehensive Plan.
2. Except where required for emergency access or other compelling public safety reasons, vehicular driveways shall not be located within 100 feet of residentially-zoned land along the same side of the street, as measured from the nearest point of the driveway.
3. Delivery vehicle access/egress shall be clearly defined in the site plan, and shall only be from arterial roadways, and located no less than 100 feet from residentially-zoned land along the same side of the street, as measured from the nearest point of the driveway.
4. Where large and bulk merchandise sales are expected, customer pick-up access/egress shall be clearly defined in the site plan, and shall only be from arterial roadways, and located no less than 100 feet from residentially-zoned land along the same side of the street, as measured from the nearest point of the driveway.

803.6.4.6. Parking and loading requirements.

1. One (1) space per every two hundred (250) square feet of gross floor area shall be required for a large-scale retail establishment. All required parking must be provided onsite.
2. Along collector roads as defined by the City's Comprehensive Plan, setback buffers, building design or other features shall screen parking such that no more than 30% of the parking lot or facilities are visible from the roadway.
3. Along local roads as defined by the City's Comprehensive Plan, setback buffers, building design or other features shall completely screen parking such that the parking lot or facilities are not visible from the roadway, except for distances as required by driveways or emergency access.
4. All loading and deliveries shall be adjacent to an arterial roadway. Said loading and delivery areas shall be screened from public view by an eight (8) foot wall.

803.6.4.6. Green space.

A large-scale retail establishment shall implement landscaping in an area equal in size to, or greater than, fifteen (15) percent of the gross lot area. Landscaping shall be implemented generally so as to provide ample shade areas in the parking lot and abutting sidewalks and to minimize the visual impact of the structure and parking space on the streetscape. To this end, a landscape plan for the site shall be submitted to the planning department for review and approval by the zoning board as part of the required Special Exception Permit.

803.6.4.7. Buffer

Wherever the property abuts another property with a more restrictive zoning designation, a large-scale retail establishment shall provide a twenty-foot wide heavily landscaped buffer. This buffer shall include Florida native trees at no less than 15 to 20 feet in height with a diameter at breast height of no less than 4 to 5 inches spaced on 15-foot centers. Also included in this buffer shall be hedging and ground cover. This buffer shall be included in the required landscape plan.

803.6.4.9. Fences and walls.

Notwithstanding contrary provisions of this zoning Ordinance fences and walls shall be erected to a minimum height of eight (8) feet wherever the property abuts another property with a more restrictive zoning designation.

803.6.5. Location of large-scale retail establishment.

Large-scale retail establishment shall be located exclusively on lots having frontage on one (1) or more arterial roads.

803.6.6. Hours of operation.

Except for special events pursuant to Article 9, requiring Class I permits, large-scale retail establishment shall open no earlier than 7:00 a.m. on weekends and 8:00 a.m. on weekdays and close no later than 11:00 p.m. on weekends and 10:00 p.m. on weekdays. Deliveries to or from large-scale retail establishment shall be limited to the hours of 10:00 a.m. through 3:00 p.m. Monday through Saturday.

803.6.7. Variances prohibited.

No variances from the provisions set forth in section 803.6 are permitted.

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Section 3. All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. This Ordinance shall become effective immediately after final reading and adoption thereof. {2}

APPROVED AS TO FORM AND CORRECTNESS:

JORGE L. FERNANDEZ  
CITY ATTORNEY



Footnotes :

{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.

{2} This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten 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.