



City of Miami

Legislation

Ordinance

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

File Number: 04-01283

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING ORDINANCE 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, BY AMENDING ARTICLE 11, SECTION 1102. NONCONFORMING LOTS, IN ORDER TO MODIFY LANGUAGE PERTAINING TO EXCEPTIONS TO THE DIVISION OF CONTIGUOUS NONCONFORMING LOTS UNDER THE SAME OWNERSHIP; CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami Planning Advisory Board, at its meeting of November 3, 2004, Item No. 7, following an advertised hearing, adopted Resolution No. PAB 130-04 by a vote of seven to zero (7-0), 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; {1}

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 11. NONCONFORMITIES.

* * *

Sec. 1102. Nonconforming lots.

1102.1. Use of nonconforming lots.

Except as limited or provided for below, lots platted, or having legal status prior to the effective date of this ordinance and becoming nonconforming by passage of this ordinance are considered legal building sites. All buildings proposed for such sites shall meet all requirements and limitations of the zoning district in which they are located.

When a legally platted nonconforming lot requires replatting due to a street or alley closure, such nonconformity may be modified pursuant to an approval by the Director of the Public Works Department as long as the degree of nonconformity is reduced or remains the same, even if the

proposed lot still remains nonconforming.

1102.2. Rules concerning combinations of contiguous lots in the same ownership and with common frontage for R-1 and R-2 Zoning Districts only.

Sec. 1102.2.1. Combinations required where nonconformity was created at time of passage or amendment of this Section. Except as provided below in Section 1102.2.2; if two (2) or more lots, or combinations of lots and portions of lots with continuous frontage in the same ownership exist at the time of passage or amendment of this Section, and if all or part of the lots do not meet the requirements for lot width and area, the lands involved shall be considered an undivided parcel for the purposes of these regulations, and no portion of such parcel shall be used or sold in a manner diminishing compliance with general district requirements on lot width and area. For the purposes of this Section, the following definition shall apply for the term "Undivided parcel": An undivided parcel shall mean a parcel of land made up of two or more nonconforming lots, which, for the purposes of this Section shall be considered one lot for which only one single family residence or duplex may be constructed regardless of how many nonconforming platted lots make up the parcel. A unity of title or covenant in lieu of unity of title, as applicable, shall be required on all such parcels prior to the issuance of any building permits, including demolition permits. However, two or more adjoining nonconforming duplex (R-2) lots shall not be deemed an "undivided parcel" when the owner of such lots by covenant (in a form acceptable to the City Attorney) and pursuant to Class II Special Permit restricts the use of the lots to the development of no more than two single-family detached homes (one home per lot) which comply with all other City zoning requirements except for minimum lot width.

Sec. 1102.2.2. Exceptions for nonconforming lots with continuous frontage in the same ownership that comply with a 90% rule. Irrespective of Section 1102.2.1, where nonconforming lots with continuous frontage in the same ownership exist at the time of passage or amendment of this Section, such lots may be developed individually in accordance with the applicable zoning regulations pursuant to a Class II Special Permit if such lots individually comply with 90% of the requirements for lot width and area under the city's subdivision regulations.

Sec.1102.2.3. Other exceptions for nonconforming lots with continuous frontage in the same ownership. Irrespective of Section 1102.2.1, where nonconforming lots with continuous frontage in the same ownership exist at the time of passage or amendment of this Section, such lots may be developed individually in accordance with the applicable zoning regulations pursuant to a Class II Special Permit if the width or size of such lots are equal to or larger than the majority of the existing individually built upon lots (i.e. building sites) of the same zoning designation within a minimum one thousand (1000) foot radius of the perimeter of the subject properties or extending no further than the immediate vicinity, whichever is less. "Building site" shall be defined as a lot, group of lots or parcel upon which a single family home or duplex is located. "Immediate vicinity" shall be defined as an area in which a parcel of land is located, that is physically, functionally or geographically identifiable as a distinct realm, place or neighborhood, or an area within a radius of one-half (1/2) mile from the subject property, whichever is smaller.

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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 thirty (30) days 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.

