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City of Miami

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Legislation

Ordinance: 12594

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

File Number: 04-00673

Final Action Date: 9/27/2004

AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING ORDINANCE NO. 11000, OF THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6, SPECIAL DISTRICTS, IN ORDER TO AMEND SECTION 609, SD-9 BISCAYNE BOULEVARD NORTH OVERLAY DISTRICT, TO MODIFY SPECIAL DISTRICT REQUIREMENTS, INCLUDING REQUIREMENTS RELATED TO HEIGHT, SETBACK AND PARKING LIMITATIONS; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami Planning Advisory Board, at its meeting of June 2, 2004, Item No. 11, following an advertised hearing, adopted Resolution No. PAB 70-04 by a vote of seven to one(7-1), 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 6. Special Zoning Districts"

* * *

Sec. 609. SD-9 Biscayne Boulevard North Overlay District.

* * *

Sec. 609.8. Limitations on sign. Additional Limitations.

For purposes of interpreting the SD-9 requirements as to building envelope and height, Biscayne Boulevard shall be considered the front, regardless of site orientation and configuration.

Irrespective of the underlying zoning requirements, the following special limitations as to height, footprint and setbacks shall apply to all properties with an SD-9 Overlay designation:

609.8.1. Height Limitations.

Garage Height:

40 feet Maximum. Garages are intended to be located at the back of the lot, away from public view at the Boulevard. Heights of parking structures and garages may not exceed 40 feet, measured from grade; all such structures shall also comply with additional height limitations as may apply pursuant to Sec. 609.8.2 when such properties are abutting R-1 or R-2 zoning districts.

Building Height:

For properties located on the west side of Biscayne Boulevard from NE 39th Street, in a northerly direction, up to a line which runs in a westerly direction from the southerly right-of-way line of NE 50th Terrace, as extended to the west: 120 feet maximum;

For properties located on the west side of Biscayne Boulevard from NE 79th Street, in a northerly direction, up to the City Limits: 120 feet maximum;

For properties with over 150 feet in depth as of April 29, 2004 (as measured from Biscayne Boulevard and providing for Biscayne Boulevard to be considered the front regardless of lot configuration): 120 feet maximum. Such properties shall have a maximum height limitation of 25 feet at the rear setback point from which no building height shall be allowed above a 45 degree angle line; such line shall commence at the 25 foot height and sloping slope in a direction towards Biscayne Boulevard.

For all remaining properties:

Nonresidential: 85 feet (7 floors) maximum.

Residential and mixed use structures containing a residential component: 95 feet (8 floors) maximum.

* * *

609.8.2. Building Envelope Limitations.

Structures located within the district shall comply with the following building envelope limitations:

1. Rear envelopes where abutting other districts.

Where properties within the SD-9 District abut R-1 or R-2 zoning districts, such properties shall have a maximum height limitation of 25 feet at the rear setback point (or whatever property line abuts the R-1 or R-2 zoning district) from which no building height shall be allowed above a 45 degree angle line; such line shall commence at the 25 foot height and slope in a direction towards Biscayne Boulevard.

Where properties within the SD-9 District abut R-3 or more intense zoning districts, such properties shall have a maximum height limitation of 40 feet at the rear setback point (or whatever property line abuts the R-3 or more intense zoning district) from which no building height shall be allowed above a 45 degree angle line; such line shall commence at the 40 foot height and slope in a direction towards Biscayne Boulevard.

2. Setbacks:

A. BUILDING ENVELOPE REQUIREMENTS FROM GRADE TO 40 feet ABOVE GRADE

Boulevard Setback: 10 feet minimum; Buildings shall be setback a minimum of ten (10) feet from the Biscayne Boulevard base building line, except if an arcade is provided at the ground floor; in such cases, encroachments of usable active space (including liner uses), whether enclosed or unenclosed, may be provided up to the property line or base building line, subject to compliance with all visibility requirements. Walls constructed along Biscayne Boulevard need not be continuously located along the 10 foot setback line; additional setbacks to allow for pedestrian entranceways, café uses and plazas shall be permitted, however, 100% of the ground floor frontage along Biscayne Boulevard (whether enclosed or unenclosed) shall be required to consist of usable active spaces.

* * *

B. BUILDING ENVELOPE REQUIREMENTS FROM 40 feet ABOVE GRADE TO MAXIMUM BUILDING HEIGHT

* * *

REAR PROPERTY LINE SETBACK: minimum of 20 feet above a height of 40 feet from grade, and also subject to the requirements of Section 907.3.2 (which requires an additional setback of one foot in the horizontal for two additional feet in the vertical dimension); building walls may be placed no less than 20 feet from the rear property line. Plantings and other landscaping which serves to assist in screening the view of parking areas are encouraged, and may be placed in the rear setback.

* * *

Sec. 609.9. Additional Parking Regulations.

Parking requirements shall be as for the underlying district except as follows:

1. Reductions in overall nonresidential parking of up to 10% may be granted pursuant to a Class II Special Permit if metered parking is located along any street frontage adjacent to the proposed establishment.
2. 100% of nonresidential parking may be located offsite, pursuant to a Class II Special Permit, as long as such parking is located no more than one thousand (1000) feet from the subject establishment to be served by such parking; the 1000-foot distance limitation is to be measured from the nearest point of the subject establishment to the nearest point of the property on which the parking is located. In order to locate such parking offsite as described above, a lease for such parking will be required for a minimum of three (3) years. The Class II Special Permit will run for the same time period as the lease and may be renewed upon appropriate lease extensions being granted. Such parking area may be on a surface lot or a garage structure, as long as such spaces are excess and not otherwise required for another use.
3. For restaurant/food service establishments, as adaptive re-use of an existing structure, any square footage utilized for kitchen and/or storage areas will not be counted towards parking requirements.

* * **

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}

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.



City of Miami

Master Report

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

Enactment Number: 12594

File Number: 04-00673	File Type: Ordinance	Status: Passed
Version: 2	Reference:	Controlling Body: Planning & Zoning
File Name: Modify SD-9 Special Distrcit Requirements		Introduced: 6/15/2004
Requester:	Cost:	Final Action: 9/27/2004

Title: AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING ORDINANCE NO. 11000, OF THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6, SPECIAL DISTRICTS, IN ORDER TO AMEND SECTION 609, SD-9 BISCAYNE BOULEVARD NORTH OVERLAY DISTRICT, TO MODIFY SPECIAL DISTRICT REQUIREMENTS, INCLUDING REQUIREMENTS RELATED TO HEIGHT, SETBACK AND PARKING LIMITATIONS; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors:

Notes:

Indexes:

Attachments: 04-00673 SR Fact Sheet.pdf,04-00673 PAB Reso.PDF,04-00673 Legislation - Modif.PDF,04-00673 Legislation.PDF,04-00673 FR Fact Sheet.pdf,

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Commission	7/22/2004	PASSED ON FIRST READING				Pass
2	Law Department	8/16/2004	Reviewed and Approved				
2	City Commission	9/27/2004	ADOPTED				Pass
2	Mayor's Office	9/30/2004	Signed by the Mayor				
