



# City of Miami

## Legislation

### Ordinance

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

File Number: 04-01181

Final Action Date:

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, MORE PARTICULARLY BY AMENDING SECTIONS 623 AND 625 IN ORDER TO ALLOW EXCEPTIONS TO SETBACK AND USE LIMITATIONS CONDITIONALLY; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami Planning Advisory Board, at its meeting on October 6, 2004, Item No. 6, following an advertised hearing, adopted Resolution No. PAB 115-04 by a vote of eight to zero (8-0), 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 6.SPECIAL DISTRICTS

\* \* \*

Sec. 623. SD-23 Coral Way Special Overlay District.

\* \* \*

Sec. 623.3. Class II Special Permit and other special considerations.

\* \* \*

623.3.2. Consideration in making Class II Special Permit determinations.

The purpose of the Class II Special Permit shall be to ensure conformity of the application with the

expressed intent of this district, with the general considerations listed in section 1305, and with the special considerations listed below. In making determinations concerning construction of new principal buildings or substantial exterior alterations of existing principal buildings, the director of the planning, building and zoning department may obtain the recommendation of the Urban Development Review Board and consider applicable City of Miami design standards and guidelines.

(1) Along Coral Way, the pedestrian open space at the ground floor frontage shall be so designed, improved and located to provide an attractively landscaped appearance that compliments the existing banyan trees and its gateway role.

(2) Offstreet parking shall not be placed in required yards or required open space adjacent to Coral Way, and vehicular entrances shall be discouraged along Coral Way when access from other public rights-of-way is available; depending on the nature of the proposed use.

(3) Interim landscape. Prior to demolition and removal of existing structures, pavement and/or vegetation from a development site, the owner or developer shall be required to obtain all demolition approvals and tree removal permits as necessary. The zoning official may require as a condition of approval for a demolition permit, that sites of demolition shall not be left in a barren, undeveloped state without commencement of vertical construction or revegetation within sixty (60) days of clearing. Revegetation shall include sodding with grasses or other ground cover to prevent soil erosion and blowing of airborne particulate matters and debris. Owner will be required to maintain- the landscape.

#### 623.3.3. Limitation of use of chain link fence.

Chain link fence shall not be placed in required open space adjacent to Coral Way unless it is of a temporary nature to secure an unsafe structure prior to demolition or has been visually screened with landscape material.

#### 623.4 Permitted principal uses and structures.

\* \* \*

##### 623.4.1 Exceptions to setback and use limitations along Coral Way frontage.

1. For projects that have frontage along Coral Way, the Coral Way setback provisions may be reduced to zero (0) by Class II Special Permit for the provision of an arcade. In order to apply for such Class II, the proposed arcade shall comply with the following:

(a)The ground floor of such frontage shall comply with all "Primary Pedestrian Pathway" requirements, included, but not limited to the requirement that active habitable retail, service and restaurant uses must occupy at least 65% of the linear ground floor frontage along Coral Way and that such spaces be designed with a minimum of 50% transparency.

(b) No habitable uses or parking may be located above the arcade either on the ground or above the arcade within the setback area; all building program, except for open terraces, patios and other outdoor, unenclosed accessory uses, must be located behind the setback line.

2. For projects that have frontage along Coral Way with an underlying zoning designation of "O" Office, the ground floor of such frontage may, by Class II Special Permit, be designed to provide

principal retail, service and restaurant uses as components of a mixed use project; parking for such use shall be as for C-1.

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Sec. 625. SD-25 SW 8th Street Special Overlay District.

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Sec. 625.3. Class II Special Permit and other special considerations.

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625.3.2. Consideration in making Class II Special Permit determinations.

The purpose of the Class II Special Permit shall be to ensure conformity of the application with the expressed intent of this district, with the general considerations listed in section 1305, and with the special considerations listed below.

In making determinations concerning construction of new principal buildings or substantial exterior alterations of existing principal buildings, the director of the Department of Planning and Zoning may obtain the recommendation of the Urban Development Review Board and consider applicable City of Miami design standards and guidelines.

(1) Along SW 8th Street, the pedestrian open space at the ground floor frontage shall be so designed, improved and located to provide an attractively landscaped appearance which complements the existing urban character.

(2) Offstreet parking shall not be placed in required yards or required open space adjacent to SW 8th Street, and vehicular entrances shall be discouraged along SW 8th Street when access from other public rights-of-way is available, depending on the nature of the proposed use.

(3) Interim landscape. Prior to demolition and removal of existing structures, pavement and/or vegetation from a development site, the owner or developer shall be required to obtain all demolition approvals and tree removal permits as necessary. The zoning official may require, as a condition of approval for a demolition permit, that sites of demolition shall not be left in a barren, undeveloped state without commencement of vertical construction or revegetation within sixty (60) days of clearing. Revegetation shall include sodding with grasses or other ground cover to prevent soil erosion and blowing of airborne particulate matters and debris. Owner shall be required to maintain the landscape.

625.3.3. Limitation of use of chain link fence.

Chain link fence shall not be placed in required open space adjacent to SW 8th Street unless it is of a temporary nature to secure an unsafe structure prior to demolition or has been visually screened with landscape material.

625.3.4. Exceptions to setback limitations along SW 8th Street frontage.

1. For projects that have frontage along SW 8TH Street, the SW 8th Street setback provisions may

be reduced to zero (0) by Class II Special Permit for the provision of an arcade. In order to apply for such Class II, the proposed arcade shall comply with the following:

(a)The ground floor of such frontage shall comply with all "Primary Pedestrian Pathway" requirements, included, but not limited to the requirement that active habitable retail, service and restaurant uses must occupy at least 65% of the linear ground floor frontage along SW 8th Street and that such spaces be designed with a minimum of 50% transparency.

(b) No habitable uses or parking may be located above the arcade either on the ground or above the arcade within the setback area; all building program, except for open terraces, patios and other outdoor, unenclosed accessory uses, must be located behind the setback line. "

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:

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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.