

WHEREAS, on October 22, 2009, Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida was adopted as the City of Miami's ("City") Zoning Ordinance ("Miami 21 Code"); and

WHEREAS, Appendix A of the Miami 21 Code contains the Neighborhood Conservation District-2 ("NCD-2") and Neighborhood Conservation District-3 ("NCD-3"); and

WHEREAS, the intent of the NCD-2 is to identify and recognize areas in Coconut Grove that are historically significant; to promote gateways, gathering places and activities corresponding to its culture and heritage; to compliment the character of the entire community and promote the history of the Island District; and to promote its successful revitalization and restoration; and

WHEREAS, the intent of the NCD-3 is to establish a series of protective legislative elements to preserve the historic, heavily landscaped character of Coconut Grove's residential areas; enhance and protect Coconut Grove's natural features such as the tree canopy and green space; and protect the architectural variety within the unique single family neighborhood that comprises Coconut Grove; and

WHEREAS, Miami 21 Defines Lot as follows: *any individual Lot, tract or parcel of land, intended as a single Building site or unit, having an assigned number or numbers, letter or letters, or other name through which it may be identified for development purposes. A Lot may also be any combination of Lots, tracts, parcels or other areas of land established by acceptable legal joinder, delineated by a closed boundary and assigned a number, letter or other name through which it may be identified, intended as a single unit for development purposes; and*

WHEREAS, the historic development pattern in Coconut Grove has produced an assemblage of Lots into larger building sites, usually greater in area than the City's minimum Lot size of 5,000 square feet; and

WHEREAS, recent developments have disaggregated Lot assemblages and diminished large building sites via dissolution of unity of title, dissolution of covenants, re-platting, and, ultimately, demolition of structures built on sites created from previously aggregated Lots; a development pattern which deviates from the patterns established in Coconut Grove, and which the community desires to preserve; and

WHEREAS, the NCD-2 and NCD-3 may allow the diminishment of a Lot or building site through the approval of a Warrant; and

WHEREAS, the review standards to diminish Lot size within the NCD-2 and NCD-3 has been determined to require additional review criteria to protect the tree canopy and to vet the appropriateness of the diminishing Lots through the Warrant and platting process; and

WHEREAS, there is concern that the character of the NCD-2 and NCD-3 have been significantly altered by redevelopment that diminishes the special character of the overlay districts; and

WHEREAS, Article 3, Section 3.12.2. Neighborhood Conservation districts indicate that the SD-18 and The SD-18.1, as established by Zoning Ordinance 11000, as amended, were adopted and codified in Appendix A.3 of Miami 21, which provided specific Lot dimensions to be

maintained that included a minimum width of 100 feet and Lot sizes of 10,000 and 20,000 square feet respectively; and

WHEREAS, the Single Family Oversized Lot Residential designation in the NCD-3 requires a minimum Lot Size of 20,000 with a minimum width of 100 feet; and

WHEREAS, Single Family Estate Lot Residential designation in the NCD-3 requires a minimum lot of 43,560 square feet (one acre) and a minimum width of 100 feet; the intent of these regulations is to allow existing Estate Lots to be developed as single-family estates of a spacious character together with Botanical Gardens, private non-commercial recreational facilities and accompanying structures compatible with residential surroundings. This district is designed to protect and preserve the existing character of estates and allow the building of vacant land considered appropriate for such development in the future; and

WHEREAS, the intent of the NCD-2 and NCD-3 is to preserve and retain variety and a mix of Lot sizes; and

WHEREAS, the existing definitions of lots and building sites provide room for interpretation, and lack the clarity expected from the NCD-2 and NCD-3 Overlays; and

WHEREAS, it has been determined that modifications to Miami 21 Appendix A are required to provide this clarity, and provide an enforcement mechanism that enacts the clearly established legislative intent of the NCD-2 and the NCD-3.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING, ZONING AND APPEALS BOARD OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The Miami 21 Code should be amended by making modifications to Appendix A, Section A.2 and Appendix A, Section A.3 in the following particulars:¹

This ordinance will amend Appendix A, Section A.2.4.2.g, entitled "Additional Limitations and Requirements" and amend Appendix A, Section A.3.6. entitled, "Effect of District Design Single Family Residential" of the Zoning Ordinance* * *

"APPENDIX A, SECTION A.2.4.2 ENTITLED "SINGLE FAMILY RESIDENTIAL" AND AMEND APPENDIX A, SECTION A.3.6 ENTITLED, "SINGLE FAMILY RESIDENTIAL" OF THE ZONING ORDINANCE. AMENDMENT TO THE MIAMI 21 CODE

* * *

2.4.2 Single-Family Residential District

g. Additional Limitations and requirements

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.

1. Diminishment of Lots and building sites:

The intent of the NCD-2 is to preserve and retain a variety of Lot sizes. However there are property owners who want to diminish an existing building site or Lot; therefore, the Planning Department has created minimum standards and criteria that must be adhered to. The first step in a request to diminish a Lot or building site is to understand how these terms are defined.

A Lot is described as any individual Lot, tract or parcel of land, intended as a single building site or unit, having an assigned number or numbers, letter or letters, or other name through which it may be identified for development purposes. A Lot may also be any combination of Lots, tracts, parcels or other areas of land established by acceptable legal joinder, delineated by a closed boundary and assigned a number, letter or other name through which it may be identified, intended as a single unit for development purposes.

A building site is one or more Lots, including vacant Lots in which residential structures and all permissible accessory uses and structures may be developed. Criteria identifying a building site may include: tax records, folio assignment, covenants, unity of title, deeds, permits, City of Miami Municipal Atlas, and maintenance of site.

Wherever an existing single-family residence or lawful accessory building(s) or structure(s) is located on one or more platted lots or portions thereof, such lots shall thereafter constitute only one building site and No permit shall be issued for the construction of more than one a new single-family residence except by Warrant, subject to the criteria specified in Article 4, Table 12 Design Review Criteria and any other criteria in this Section, Miami 21 Code, and City Code. Such structures shall include but not be limited to swimming pools, tennis courts, walls, and fences or other at grade or above ground improvements. No building sites in existence prior to September 24, 2005 shall be diminished in size except by Warrant, subject to the criteria specified in Article 4, Table 12 Design Review Criteria and the criteria as outlined below:

- (a) Any diminishment of Lots of less than one acre must result in Lots with a minimum area of 10,000 square feet with a minimum Lot width of 100 feet.
- (b) Any diminishment of Lots of one acre or more must result in Lots with a minimum area of 20,000 square feet with a minimum lot width of 100 feet.
- (c) Identification of Lot sizes and street frontages within a 500-foot radius of the Lot to be diminished, measured from the edge of the site. Lots resulting from a diminishment shall not be smaller than the average Lot size
- (d) Review of original plat in the City of Miami Municipal Atlas.
- (e) All Warrants and platting submittals for the diminishment of a Lot shall contain the required documents set forth in Sec. 17-4 (c) of the City Code, which include but are not limited to a Tree Disposition Plan, Tree Boundary Survey prepared by a licensed Surveyor, a Tree Protection Plan and a Certified Arborist Report prepared by an ISA (International Society of Arboriculture) Certified Arborist. Photographs of the site (including all structures and flora) shall be required and keyed to a site plan.
- (f) Variances and Waivers to the minimum Lot area and Lot width requirements stated in this sections are prohibited.

3.6 Single-Family Residential District

g. Additional Limitations and requirements

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(f) Variances and Waivers to the minimum Lot area and Lot width requirements stated in this sections are prohibited.

* * *

Section 3. If any section, part of a section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Miami 21 Code, which provisions may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or other appropriate word to accomplish such intention.

Section 5. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof.²

APPROVED AS TO FORM AND CORRECTNESS:

² This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) 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.