



# City of Miami

## Legislation

### Ordinance

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

File Number: 05-01090

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING THE FUTURE LAND USE ELEMENT OF ORDINANCE NO. 10544, AS AMENDED, THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, BY AMENDING CERTAIN POLICIES OF THE FUTURE LAND USE ELEMENT, HOUSING ELEMENT, PARKS, RECREATION, AND OPEN SPACE ELEMENT, COASTAL MANAGEMENT ELEMENT, AND CAPITAL IMPROVEMENTS ELEMENT TO INCORPORATE LANGUAGE NECESSARY FOR THE IMPLEMENTATION OF THE MIAMI21 PROJECT; CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; PROVIDING FOR TRANSMITTAL TO STATE AGENCIES AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, the City of Miami (the "City") proposes to amend the Miami Comprehensive Neighborhood Plan (the "Comprehensive Plan"); and

WHEREAS, the Comprehensive Plan, pursuant to Part II, Chapter 163, Florida Statutes, was adopted and found to be in compliance by the State of Florida; and

WHEREAS, the City is engaged in a planning and zoning process known as "Miami21" applicable to the entire City and involving the planning for enhancement of the public health, safety and welfare of the community and the enactment of a new form-based land development code; and

WHEREAS the City Commission finds that these text amendments are necessary to further the vision created by the Miami21 Project and facilitate the implementation of the Miami21 Project, including the development of a new form-based land development code; and

WHEREAS, the Miami Planning Advisory Board, at its meeting of September 21, 2005, Item No. 5, following an advertised hearing, adopted Resolution No. PAB 98-05 by a vote of eight to zero (8-0), recommending APPROVAL of text amendments to the Future Land Use Element; Housing Element; Parks, Recreation, and Open Space Element; Coastal Management Element; and Capital Improvement Element of Ordinance No. 10544 as hereinafter set forth; and

WHEREAS, on October 27, 2005, the City Commission held a duly noticed public hearing, at which time it voted to transmit the Amendments for review by state, regional and local agencies as required by law; 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. 10544 as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY 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. 10544, as amended, the Miami Comprehensive Neighborhood Plan, is hereby amended by amending the text of the Policies of said Ordinance as follows: {1}

**Future Land Use Element**

- Policy LU-1.3.1:** The City will continue to provide incentives for commercial redevelopment and new construction in the Edison Center, Latin Quarter, Little Haiti, Little River Industrial District, River Corridor, Design District, Grand Avenue, Flagler Street, the River Quadrant, the Omni Area Redevelopment District, and Southeast Overtown/Park West (N.W. 3 Avenue) and other areas where such redevelopment will contribute to the improvement in the built environment. Such incentives may be offered through the building facade treatment program, Community Development Block Grant (CDBG) funds, and other redevelopment assistance programs
- Policy LU-1.3.5:** The City will continue to promote through land development regulations the creation of high intensity activity centers which may be characterized by mixed-use and specialty center development, particularly in, but not limited to, the Edison Center, Grove Center, Latin Quarter, Little Haiti, River Corridor, Design District and the Civic Center. The extension of commercial land uses along the entire length of significantly traveled roadways will be discouraged.
- Policy LU-1.3.6:** The City will continue to encourage a diversification in the mix of industrial and commercial activities and tenants through strategic and comprehensive marketing and promotion efforts so that the local economy is buffered from national and international cycles. Particular emphasis is on, but not limited to, Southeast Overtown/Park West, Latin Quarter, Little Haiti, Little River Industrial District, River Corridor, the Garment District and the Omni Area.
- Policy LU-1.4.1:** The City will continue to identify special use districts and direct public sector regulatory, financial and promotional efforts toward reinforcing the identity and cohesiveness of each district.
- Policy LU-1.4.6:** Stimulate the growth of seaport related services in the area west of Omni.
- Policy LU-1.6.5:** The City will ~~will~~ may continue to use special district designations as a land development regulation instrument for the purpose of accomplishing specific development objectives in particular areas of the city.
- Policy LU-1.3.14:** The City will continue to enforce urban design guidelines for public and private projects, in order to reinforce, for example, Edison Center's black-cultural heritage, the Latin heritage of the Latin Quarter, Grove Center's village atmosphere and the Creole character of Little Haiti.
- Policy LU-1.4.11:** The City will continue to streamline the development application for

~~development approvals the application procedures for Major-Use Special Permits to simplify and standardize the process, while ensuring that the regulatory intent of the approvals permits is maintained.~~

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**Housing Element**

**Policy HO-1.1.8:** ~~Through the land development regulations, the City will To protect and enhance existing viable neighborhoods, the City's zoning ordinance will retain residential zoning in those areas suitable for housing.~~

**Policy HO-1.1.10:** ~~The City will continue to develop policies and procedures, including the provision of zoning bonuses, which aid the private sector in assembling land for major residential projects, and develop informational programs that promote the awareness of redevelopment opportunities.~~

**Policy HO-2.1.1:** ~~Through the land development regulations, the City will continue to protect and enhance existing viable neighborhoods in downtown, by retaining existing residential zoning.~~

**Policy HO-2.1.4:** ~~The City will continue to promote development of new, high quality, dense urban neighborhoods along the Miami River, in the City Center, in Central Brickell and in Southeast Overtown/Park West, through Special District (SD) zoning.~~

**Policy HO-2.1.8:** ~~Through changes in the City's land development regulations, the City will continue to expand the areas in which new commercial development may receive floor incentives area bonuses for Housing Trust Fund contributions.~~

~~\* \* \*~~

**Parks, Recreation, and Open Space Element**

**Policy PR-1.5.7:** ~~As specified in the City of Miami Charter And Related Laws, and more specifically the Waterfront Charter Amendment and Ordinance 11000 (Zoning Ordinance for the City of Miami) all new development and redevelopment along the downtown waterfront is required to provide a waterfront setback, and those developments within Special Districts (SD's) that require publicly accessible shoreline walkways will design them in conformance with the "Baywalk/Riverwalk Design Standards." (See Coastal Management Policy CM - 2.1.8.)~~

~~\* \* \*~~

**Coastal Management Element**

**Policy C-2.1.8:** ~~As specified in the City of Miami Charter and related laws, and more specifically the Waterfront Charter Amendment and Zoning Ordinance 9500~~

~~(Zoning Ordinance for the city of Miami)~~ all new development and redevelopment along the Downtown waterfront is required to provide special setbacks; and those developments within the Special Districts that require publicly accessible standards. (See Parks, Recreation and Open Space PR-1.5.7)

**Policy CM-4.1.5:** Each proposed future land use map and ~~land development regulation~~ change within the Coastal High Hazard area of the city will require an analysis of its potential impact on evacuation times and shelter needs in the event of a hurricane.

\* \* \*

**Capital Improvements Element**

**Policy CI-1.2.1:** The impact of proposed future land use map changes ~~development regulations and policies~~ on LOS, public capital facilities needs, and the City's financial ability to provide required facilities will be assessed before such proposals are adopted.

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Section 3. All laws and ordinances applying to the City of Miami in conflict with any provisions of this ordinance are hereby repealed.

Section 4. Should any section or provision of this Ordinance or any portion thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Ordinance.

Section 5. The City Manager is directed to immediately transmit a certified copy of this Ordinance after adoption at first reading to: the Secretary, Florida Department of Community Affairs; the Executive Director, South Florida Regional Planning Council, Hollywood, Florida; the Executive Director, South Florida Water Management District, West Palm Beach, Florida; the Secretary, Department of Transportation, Tallahassee, Florida; the Executive Director, Department of Environmental Protection, Tallahassee, Florida; the Clerk, Miami-Dade County, and any government agency that has filed a written request with the City for such copy.

Section 6. This Ordinance shall become effective forty-five (45) days after final reading and adoption thereof.

APPROVED AS TO FORM AND CORRECTNESS:

JORGE L. FERNÁNDEZ  
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.

