



City of Miami

Legislation

Ordinance

City Hall
3500 Pan American
Drive
Miami, FL 33133
www.miamigov.com

File Number: 05-00410ap

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING WITH CONDITIONS, PURSUANT TO ARTICLES 3, AND ARTICLE 7, OF THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, THE REZONING OF CERTAIN PARCELS FOR THE DEVELOPMENT OF APPROXIMATELY 8.14 ACRES FOR THE **RIVER LANDING** SPECIAL AREA PLAN ("SAP"), A MIXED-USE DEVELOPMENT LOCATED AT APPROXIMATELY 1400, 1420 AND 1500 NORTHWEST NORTH RIVER DRIVE, MIAMI, FLORIDA, CONSISTING OF APPROXIMATELY 2,147,331 SQUARE FEET OF DEVELOPMENT; INCLUDING: A) APPROXIMATELY 444 RESIDENTIAL UNITS; B) APPROXIMATELY 1,618,383 SQUARE FEET OF COMMERCIAL USE; C) APPROXIMATELY 130,732 SQUARE FEET OF OPEN SPACE; AND D) APPROXIMATELY 2,418 PARKING SPACES; AMENDING THE ZONING ATLAS OF ORDINANCE NO 13114, BY CHANGING THE ZONING CLASSIFICATION OF THE ABOVE-REFERENCED PROPERTIES FROM "T6-8-O" URBAN CORE ZONE TO "T6-24-O" URBAN CORE ZONE; THE SQUARE FOOTAGES ABOVE ARE APPROXIMATE AND MAY INCREASE OR DECREASE AT TIME OF BUILDING PERMIT, NOT TO EXCEED A TOTAL OF 2,147,331 SQUARE FEET OF DEVELOPMENT; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the "River Landing" Special Area Plan ("SAP") consists of approximately 8.14 acres of selected parcels; as described in Exhibit "A", qualifying as a SAP, subject to Waiver #13-0002 and pursuant to Article 3, Section 3.9 of the Miami 21 Code, ("Zoning Ordinance"), and

WHEREAS, the proposed SAP consists of approximately 2,147,331 square feet of development including: A) Approximately 444 residential units; B) Approximately 1,618,383 square feet of proposed commercial space; C) Approximately 130,732 square feet of open space; and D) Approximately 2,418 parking spaces; and

WHEREAS, the proposed SAP will change the underlying zoning classification from "T6-8-O" Urban Core Zone to "T6-24-O" Urban Core Zone; and

WHEREAS, the proposed SAP will allow for much-needed retail and residential uses in and in close proximity to the Miami-Dade County Criminal Court to the north, the Health District and urban core; and

WHEREAS, the proposed SAP location on the Miami River will allow for use and enjoyment of the Miami River by not only the residents and patrons, but the general public as well, and

WHEREAS, the proposed SAP will create certain recurring fiscal benefits for the City of Miami's tax base as well as much needed temporary and permanent jobs; and

WHEREAS, the Miami Planning, Zoning and Appeals Board, at its meeting on April 17, 2013, following an advertised public hearing, adopted Resolution No. PZAB-R-13-025 by a vote of ten to zero (10-0), item no. 2, recommending APPROVAL with conditions of the SAP as 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 citizens to amend its Zoning Ordinance 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 Resolution are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

Section 2. The SAP attached hereto, is approved subject to the conditions specified herein.

Section 3. The findings of fact set forth below are made with respect to the subject SAP:

- a. The SAP is consistent with the adopted Miami Comprehensive Neighborhood Plan, as amended.
- b. The City Commission further finds that:
 - (1) The SAP will have a favorable impact on the economy of the City;
 - (2) The SAP will efficiently use public transportation facilities;
 - (3) Any potentially adverse effects of the development will be mitigated through compliance with the conditions of this SAP;
 - (4) The SAP will efficiently use existing public or civic spaces;
 - (5) The SAP will not negatively impact the environment and natural resources of the City;
 - (6) The SAP will not adversely affect living conditions in the neighborhood;
 - (7) The SAP will not adversely affect public safety;
 - (8) Based on the record presented and evidence presented, the public welfare will be served by the SAP; and
 - (9) Any potentially adverse effects arising from this development not limited to safety and security, fire protection, solid waste, heritage conservation and trees will be mitigated through compliance with the conditions of this SAP.

Section 4. The SAP, inclusive of the Regulating Plan Exhibit "C" and Concept Document Exhibit "D", as approved, shall be binding upon the Applicant and any successors in interest.

Section 5. The application for this SAP, which was submitted on January 17, 2013 and on file with the Hearing Boards Section of the Planning and Zoning Department, shall be relied upon generally for administrative interpretations and is incorporated by reference.

Section 6. The City Manager is directed to instruct the Planning Director to transmit a copy of this Ordinance and attachments to the Applicant upon final approval.

Section 7. The Findings of Fact and Conclusions of Law are made with respect to the SAP as described herein and in documents incorporated hereto.

Section 8. In the event that any portion or section of this Ordinance or the SAP is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall

in no manner affect the remaining portions of this Ordinance or SAP which shall remain in full force and effect.

Section 9. The provisions for this SAP, as approved, shall commence and become operative thirty (30) days after the final adoption of the Ordinance.

Section 10. This Ordinance shall become effective immediately upon its final adoption and signature of the Mayor, following any applicable appeal period. {1}

Section 11. The Zoning Ordinance is hereby amended by adding "Appendix F: RIVER LANDING SAP" to said Ordinance, as follows:

APPENDIX F: "RIVER LANDING SAP"

CONDITIONS

Based on analyses and findings, the Planning Department recommends approval of the SAP with the following conditions:

- 1) Meet all applicable building codes, land development regulations, ordinances and other laws and pay all applicable fees due prior to the issuance of any building permit.
- 2) Allow the Miami Police Department to conduct a security survey, at the Department's discretion, and to make recommendations concerning security measures and systems; further submit a report to the Planning Department, prior to commencement of construction, demonstrating how the Police Department recommendations, if any, have been incorporated into the SAP security and construction plans, or demonstrate to the Planning Director why such recommendations are impractical.
- 3) Obtain approval from, or provide a letter from the Department of Fire-Rescue indicating applicant's coordination with members of the Fire Plan Review Section at the Department of Fire-Rescue in the review of the scope of the SAP, owner responsibility, building development process and review procedures, as well as specific requirements for fire protection and life safety systems, exiting, vehicular access and water supply.
- 4) Obtain approval from, or provide a letter of assurance from the Department of Solid Waste that the SAP has addressed all concerns of the said Department prior to the obtaining a shell permit.
- 5) Comply with the Minority Participation and Employment Plan (including a Contractor/Subcontractor Participation Plan) submitted to the City as part of the Application for Development Approval, with the understanding that the Applicant must use its best efforts to follow the provisions of the City's Minority/Women Business Affairs and Procurement Program as a guide, as applicable.
- 6) Record the following in the Public Records of Miami-Dade County, Florida, prior to the issuance of any building permit:
 - a. Declaration of Covenants and Restrictions providing that the ownership, operation and

- maintenance of all common areas and facilities will be by the property owner or a mandatory property owner association in perpetuity; and
- b. Record in the Public Records a Unity of Title or a covenant in lieu of a Unity of Title, if applicable, subject to the review and approval of the Office of the City Attorney.
- 7) Prior to the issuance of a shell permit, provide the Planning Department with a recorded copy of the documents mentioned in condition (6) above.
 - 8) Provide the Planning Department with a temporary construction plan that includes the following:
 - a. Temporary construction parking plan, with an enforcement policy;
 - b. Construction noise management plan with an enforcement policy; and
 - c. Maintenance plan for the temporary construction site; said plan shall be subject to the review and approval by the Planning Department prior to the issuance of any building permits and shall be enforced during construction activity. All construction activity shall remain in full compliance with the provisions of the submitted construction plan; failure to comply may lead to a suspension or revocation of this SAP.
 - 9) Prior to the issuance of any building permit, the applicant shall provide the Planning and Zoning Department for review and approval:
 - a. Environmental Impact Statement and final reports for lots included in SAP site.
 - b. Sufficiency Letter from the City of Miami, Office of Transportation.
 - c. Final determination of Public School Concurrency and Capacity Reservation.
 - d. Conservation Assessment Report (project location is within an high Archeological Probability Zone).
 - e. Revised final set of plans.
 - f. Maintain a minimum sidewalk width of 9' with a 4' clear landscape verge along the western site perimeter of the proposed development.
 - g. Seek approval from corresponding agency/(ies) to revise the 80' right-of-way on NW North River Drive cross section in order to provide a 15' clear sidewalk dimension.
 - h. Pedestrian ingress and egress to ground floor retail shall be achieved through sliding doors when foyers or indentations are not a desired condition.
 - i. Re-platting is required to close and vacate NW 15 Avenue between North River Drive and the Miami River (City Code Section 54-4).
 - 10) The River Landing Special Area Plan includes a Development Review Process which addresses the build out of the project as identified in the Regulating Plan. All development

within the SAP area shall be by SAP Permit.

- 11) If the project is to be developed in phases and/or individual specific projects, the Applicant shall submit an interim plan, including a landscape plan, which addresses design details for the land occupying future phases of this Project in the event that the future phases are not developed, said plan shall include a proposed timetable and shall be subject to review and approval by the Planning Director.
- 12) The applicant shall meet conditions identified in this Ordinance, with the SAP and all applicable regulations from local, state and federal agencies.
- 13) Within 90 days of the effective date of this Ordinance, record a certified copy of the Development Agreement specifying that the Development Agreement runs with the land and is binding on the Applicant, its successors, and assigns, jointly or severally.
- 14) As applicable, River Landing Development LLC., as defined in the approved SAP, shall be responsible for securing the City's approval for any change or modification to the approved temporary construction plan. Request for approval of any change or modification to the previously approved temporary construction plan shall be submitted for review and approval no later than two weeks prior to implementation of requested change or modification.
- 15) Prior to the issuance of any building permit, the applicant shall provide the Planning and Zoning Department for review and approval:
 - Sufficiency Letter from the City of Miami, Office of Transportation.
 - Final determination of Public School Concurrency and Capacity Reservation.
 - Proof of compliance with conditions established by the following departments or agencies, specifically:
 - City and County Public Works Departments
 - Miami-Dade County Water and Sewer
 - Miami-Dade County Traffic Engineering Division
 - Florida Department of Transportation (FDOT)
- 16) The SAP includes a Development Review Process, which addresses the build out of the individual Buildings as identified in the Regulating Plan. All development within this SAP shall be submitted for review and approval by the Planning and Zoning Director prior to the issuance of any building permit consistent with the requirements of Sec. 3.9.1.g of Miami 21 and the SAP.
- 17) The applicant shall meet conditions identified in this Ordinance, with the SAP and all applicable local, state and federal regulations.
- 18) Within 90 days of the effective date of this Ordinance, record a certified copy of the Development Agreement specifying that the Development Agreement runs with the land and is binding on the Applicant, its successors, and assigns, jointly or severally.

THE CITY OF MIAMI SHALL:

Establish the operative date of the Development Agreement as being thirty (30) days from the date of its final adoption; the final adoption date shall constitute the commencement of the thirty (30) day

period to appeal the provisions of the Development Agreement.

CONCLUSIONS OF LAW:

The SAP, as approved, complies with the Miami Comprehensive Neighborhood Plan as amended, is consistent with the orderly development and goals of the City of Miami, and complies with local land development regulations pursuant to the Zoning Ordinance Code.

The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the City of Miami.

APPROVED AS TO FORM AND CORRECTNESS:

JULIE O. BRU
CITY ATTORNEY

Footnotes:

{1} 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.