



# City of Miami

## Legislation

### Ordinance

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

File Number: 15-00977ap

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), PURSUANT TO ARTICLES 3 AND 7 OF THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA ("MIAMI 21 CODE"), AS AMENDED, APPROVING THE REZONING OF CERTAIN PARCELS FOR THE DEVELOPMENT OF APPROXIMATELY 23.46 ACRES (1,022,917 SQUARE FEET) FOR THE MANA WYNWOOD SPECIAL AREA PLAN ("MANA WYNWOOD SAP"), A MIXED USE DEVELOPMENT COMPRISED OF SELECTED PARCELS, BOUNDED APPROXIMATELY BY NORTHWEST 24TH STREET TO THE NORTH INCLUDING SPECIFIC PARCELS FRONTING NORTHWEST 24TH STREET TO THE NORTH, NORTHWEST 6TH AVENUE TO THE WEST, NORTHWEST 22ND STREET TO THE SOUTH, AND NORTHWEST 2ND AVENUE TO THE EAST, MIAMI, FLORIDA, AS DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED; THE MANA WYNWOOD SAP CONSISTS OF A PHASED PROJECT DIVIDED INTO SIX (6) PARTS WHICH INCLUDES APPROXIMATELY 9,719,083 SQUARE FEET OF DEVELOPMENT CONSISTING OF THE FOLLOWING: A) APPROXIMATELY 3,482 RESIDENTIAL UNITS; B) APPROXIMATELY 8,483 PARKING SPACES; C) APPROXIMATELY 51,146 SQUARE FEET OF CIVIC SPACE; AND D) APPROXIMATELY 168,287 SQUARE FEET OF OPEN SPACE; THE MANA WYNWOOD SAP WILL MODIFY THE TRANSECT ZONE REGULATIONS THAT ARE APPLICABLE TO THE SUBJECT PARCELS, WHERE A SECTION IS NOT SPECIFICALLY MODIFIED, THE REGULATION AND RESTRICTION OF THE MIAMI 21 CODE SHALL APPLY; THE SQUARE FOOTAGES ABOVE ARE APPROXIMATE AND MAY INCREASE OR DECREASE AT TIME OF BUILDING PERMIT BUT SHALL NOT EXCEED 9,719,083 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 Mana Wynwood Special Area Plan ("Mana Wynwood SAP") consists of approximately 23.46 ± acres of selected parcels, as described in Exhibit "A", attached and incorporated, qualifying as a Special Area Plan ("SAP") as per Article 3, Section 3.9 of the Miami 21 Code, the Zoning Ordinance of the City of Miami, Florida, as amended ("Miami 21 Code"); and

WHEREAS, the aforementioned location for the proposed Mana Wynwood SAP currently contains underutilized buildings and vacant lots, and the entire development will consist of approximately 9,719,083 square feet of development with A) approximately 3,487 residential units; B) approximately 8,483 parking spaces; C) approximately 51,146 square feet of Civic Space; and D) approximately 168,287 square feet of open space; and

WHEREAS, the proposed Mana Wynwood SAP will facilitate the redevelopment and benefit the area by creating residential units, flex space and commercial uses as well as civic and open space for the enjoyment of the general public; and

WHEREAS, the requested Mana Wynwood SAP will integrate public improvements and infrastructure while providing greater flexibility resulting in a higher quality of specialized building and streetscape design; and

WHEREAS, projects such as this are critically important to the economic revitalization and enhancement of the City of Miami ("City") in general, and specifically the Wynwood Neighborhood; and

WHEREAS, the Mana Wynwood SAP will create certain recurring and non-recurring financial benefits as well as temporary and permanent jobs; and

WHEREAS, the Miami Planning, Zoning and Appeals Board ("PZAB"), at its meeting on March 2, 2016, following an advertised public hearing, adopted Resolution No PZAB-R-16-013 by a vote of eleven to zero (11-0), item No. PZAB.1, recommending APPROVAL, with conditions, of the Mana Wynwood SAP; and

WHEREAS, the City Commission, after careful consideration of the matter, deems it advisable and in the best interest of the general welfare of the City and its citizens to amend the Miami 21 Code 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. The Mana Wynwood SAP, attached hereto, is approved subject to the conditions specified herein, and as amended in the Miami 21 Code.

Section 3. The Mana Wynwood SAP includes lower ranking SAP Permits as set forth in the Regulating Plan of the SAP, attached hereto as "Exhibit B", which shall be reviewed for approval by the Department of Planning and Zoning.

Section 4. The findings of fact set forth below are made with respect to the subject Mana Wynwood SAP:

- a. The Mana Wynwood SAP is consistent with the adopted Miami Comprehensive Neighborhood Plan, as amended ("MCNP");
- b. The City Commission further finds that:
  - (1) The Mana Wynwood SAP will have a favorable impact on the economy of the City;
  - (2) The Mana Wynwood 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 Mana Wynwood SAP;
  - (4) The Mana Wynwood SAP will efficiently use existing public or civic spaces;
  - (5) The Mana Wynwood SAP will not negatively impact the environment and natural resources of the City;
  - (6) The Mana Wynwood SAP will not adversely affect living conditions in the neighborhood;
  - (7) The Mana Wynwood SAP will not adversely affect public safety;
  - (8) Based on the record presented and evidence presented, the public welfare will be served by the Mana Wynwood 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 Mana Wynwood SAP.

Section 5. The Mana Wynwood SAP, inclusive of the Regulating Plan, attached and incorporated as Exhibit "B", Concept Book, attached and incorporated as Exhibit "C", and Executive Summary, attached and incorporated as Exhibit "D", as approved, shall be binding upon the Mana Wynwood Applicant Entities ("Applicant") and any successors in interest.

Section 6. The application for Mana Wynwood SAP, which was submitted on June 17, 2015, and on file with the Hearing Boards Section of the Department of Planning and Zoning, shall be relied upon generally for administrative interpretations and is incorporated by reference.

Section 7. The City Manager is directed to instruct the Director of Planning and Zoning to transmit a copy of this Ordinance and attachments to the Applicant upon final approval.

Section 8. The Findings of Fact and Conclusions of Law are made with respect to the Mana Wynwood SAP as described herein and in documents incorporated hereto.

Section 9. The Mana Wynwood SAP is granted and approved.

Section 10. In the event that any portion or section of this Ordinance or the Mana Wynwood 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 Mana Wynwood SAP which shall remain in full force and effect.

Section 11. The provisions for this Mana Wynwood SAP, as approved, shall commence and become operative thirty (30) days after the final adoption of the Ordinance. {1}

#### CONDITIONS:

Based on analysis and findings, the Department of Planning and Zoning recommends approval of the Mana Wynwood SAP with the following conditions which are adopted and approved by the City Commission:

1) Comply with 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 ("MPD") to conduct a security survey, at MPD's discretion, and make recommendations concerning security measures and systems; and to submit a report to the Department of Planning and Zoning, prior to commencement of construction, demonstrating how the MPD recommendations, if any, have been incorporated into the Mana Wynwood SAP security and construction plans, or demonstrate to the Director of Planning and Zoning why such recommendations are impractical.

3) Obtain approval from, or provide a letter from, the Fire-Rescue Department indicating Applicant's coordination with members of the Fire Plan Review Section at the Fire-Rescue Department in the review of the scope of the Mana Wynwood 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 Solid Waste Department ("Solid Waste") that the Mana Wynwood SAP has addressed all the concerns of Solid Waste prior to obtaining a building 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, subject to the review and approval of the City Attorney's Office, 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. A Unity of Title or a Covenant in Lieu of a Unity of Title, if applicable, subject to the review and approval of the Department of Planning and Zoning and the City Attorney's Office.

7) Prior to the issuance of any building permit, provide the Department of Planning and Zoning with a recorded copy of the documents mentioned in condition (6) above.

8) Provide the Department of Planning and Zoning with a temporary construction plan that addresses construction phasing and includes the following elements:

- 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 which shall be subject to the review and approval by the Department of Planning and Zoning 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 Mana Wynwood SAP.

As applicable, the Applicant 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 (2) weeks prior to the implementation of such a requested change or modification.

(9) Prior to the issuance of any building permit for the Mana Wynwood SAP, the Applicant shall provide the Department of Planning and Zoning for review for compliance and further approval:

- a. Sufficiency Letter from the City's Office of Transportation;
- b. Final determination of Public School Concurrency and Capacity Reservation;
- c. Conservation Assessment Report as portions of the project are located within a High Archeological Probability Zone; and
- d. Proof of compliance with conditions established by the following departments or agencies, specifically:
  - i. City Public Works Departments;
  - ii. Miami-Dade County Water and Sewer Department;
  - iii. Miami-Dade County Traffic Engineering Division;

- iv. Miami-Dade County Transportation and Public Works Department; and
- v. Florida Department of Transportation.

10) The Mana Wynwood SAP includes a Development Review Process which addresses the build out of the individual buildings as identified in the Regulating Plan. All development within the Mana Wynwood SAP shall be submitted for the review and approval by the Director of Planning and Zoning prior to the issuance of any building permit consistent with the requirements of Article 3, Section 3.9.1(g) of the Miami 21 Code and the Mana Wynwood SAP.

11) Within ninety (90) days of the effective date of this Ordinance, record a certified copy of the Development Agreement, in a form acceptable to the City Attorney, specifying that the Development Agreement runs with the land and is binding on the Applicant, its successors, and assigns, jointly or severally.

12) The Applicant shall comply with the conditions identified in the Miami 21 Code, the Mana Wynwood SAP and all applicable local, state, and federal regulations.

THE CITY OF MIAMI SHALL:

Establish the operative date of the associated Development Agreement as being thirty (30) days from the date of its final adoption of the Development Agreement.

CONCLUSIONS OF LAW:

The Mana Wynwood SAP, as approved, complies with the MCNP as amended, is consistent with the orderly development and goals of the City, and complies with local land development regulations pursuant to the Miami 21 Code.

APPROVED AS TO FORM AND CORRECTNESS:

  
VICTORIA MÉNDEZ  
CITY ATTORNEY

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Footnotes:

{1} 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.