

A RESOLUTION OF THE MIAMI PLANNING, ZONING AND APPEALS BOARD RECOMMENDING APPROVAL OR DENIAL OF AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TO AMEND APPENDIX A, ENTITLED "NEIGHBORHOOD CONSERVATION DISTRICTS" BY REPLACING SECTION A-2: "VILLAGE WEST ISLAND DISTRICT AND CHARLES AVENUE (NCD-2)" AND SECTION A-3: ENTITLED "COCONUT GROVE NEIGHBORHOOD CONSERVATION DISTRICT (NCD-3)" WITH NEW REGULATIONS, STANDARDS, AND GUIDELINES FOR FUTURE DEVELOPMENT WITHIN THE COCONUT GROVE NEIGHBORHOOD CONSERVATION DISTRICT; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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 entitled "Village West Island District and Charles Avenue" ("NCD-2") and the Neighborhood Conservation District entitled "Coconut Grove Neighborhood Conservation District" ("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; to enhance and protect Coconut Grove's natural features such as the tree canopy and green space; and to protect the architectural variety within the unique single family neighborhood that comprises Coconut Grove; and

WHEREAS, it has been determined that modifications to the Miami 21 Code, Appendix A are required to provide clarity and enforcement mechanisms that further advance the intent of the NCD-2 and the NCD-3 regulations; and

WHEREAS, staff has identified the need to reformat NCD-2 and the NCD-3 to match the Miami 21 Code format, providing further clarity and enforcement ease; and

WHEREAS, the proposed regulations have resulted from an extensive public outreach process, which engaged the community to identify specific regulations in need of modification to ensure neighborhood conservation of physical and social character; and

WHEREAS, the proposed regulations further advance the original intent of NCD-2 and NCD-3 to preserve the social and physical character unique to Coconut Grove; and

WHEREAS, the proposed regulations introduce additional protections for green areas, which will help to maintain the physical character of natural, lush, heavily landscape residential areas; and

WHEREAS, the proposed regulations also protect the physical character by regulating residential lot sizes, building footprints, frontage treatments, and other site disposition requirements; and

WHEREAS, the proposed regulations introduce development incentives to facilitate and encourage the development of affordable and attainable housing units within the commercial corridors; and

WHEREAS, the proposed regulations ease restrictions on Ancillary Dwelling Units, which will help to increase housing affordability by increasing housing stock while maintaining neighborhood character; and

WHEREAS, the proposed language replaces Section A.2. entitled "Village West Island District and Charles Avenue" ("NCD-2") and Section A.3. entitled "Coconut Grove Neighborhood Conservation District" ("NCD-3") of the Miami 21 Code; and

WHEREAS, the Miami Planning, Zoning and Appeals Board ("PZAB") has considered whether the proposed change will further the goals, objectives and policies of the Comprehensive Plan, the Miami 21 Code, and other City regulations; and

WHEREAS, the PZAB has considered the need and justification for the proposed change, including changed or changing conditions that make the passage of the proposed change necessary; and

WHEREAS, the PZAB, after careful consideration of this 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 RESOLVED BY THE MIAMI PLANNING, ZONING AND APPEALS BOARD OF THE CITY OF MIAMI, FLORIDA:

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

Section 2. The PZAB recommends that the City Commission amend the Miami 21 Code by replacing Appendix A: Neighborhood Conservation District-2 ("NCD-2") and Neighborhood Conservation District-3 ("NCD-3") with the following particulars:¹

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.

APPENDIX A: NEIGHBORHOOD CONSERVATION DISTRICTS

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A.2. ~~VILLAGE WEST ISLAND DISTRICT AND CHARLES AVENUE (NCD-2)~~

2.1 ~~Boundaries~~

Generally described as bounded by Douglas Road on the west, US 1 and Bird Road on the North, McDonald Street and Abitare Way on the east, and Franklin Avenue and a portion of Marler Avenue along the south. More specifically depicted on the Miami 21 Atlas.

2.2 ~~Intent~~

Village West Island District is of special and substantial public interest due to the unique role of Grand Avenue and Douglas Road as the “Main Streets” for the surrounding Village West Island District Community and the unique Caribbean and Bahamian character and heritage of the Village West Island District in general. On Charles Avenue this NCD-2 will help define the uses and designs of buildings and help maintain the scale and character of the existing neighborhood. Both Village Island West and Charles Avenue illustrate the incomparable legacy of the African-American community to the City of Miami. The intent of NCD-2 is to identify and recognize this historical significance; 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.

~~Charles Avenue (originally Evangelist Street) has historically housed some of the original Bahamian settlements within the Village West Island District that occupies the neighborhoods around the intersection of Douglas Road and Grand Avenue. This street has been degraded through demolition, abandonment and redevelopment and thereby diminishing the historic integrity to become a historic district; however, it is of special and substantial public interest due to its historic identity and remaining historic structures. This designation will encourage appropriate infill to preserve the context of historic sites on Charles Avenue, including: the Mariah Brown House, home of the first Bahamian settler; the Historic Black Cemetery; the E.F. Stirrup House, home of the first black doctor; historical churches, and several other historic homes.~~

~~2.3 Effect of NCD-2 district designation.~~

~~The effect of these NCD-2 regulations shall be to modify transect regulations included within the NCD boundaries to the extent indicated herein.~~

~~Nothing in these regulations shall be construed as to prohibit additional structures or neighborhoods to become Historic Preservation Overlays.~~

~~All demolition permits shall require a Waiver and be referred to the Planning Department for review under the Tree Preservation Ordinance. All submittals shall contain a tree survey by a certified arborist.~~

~~2.4 Residential~~

~~All T3, Single-Family Residential zoning regulations shall apply within the Village West Island District and Charles Avenue, hereafter referred to as NCD-2, except as modified below. If any such requirements conflict, NCD-2 requirements shall apply.~~

~~2.4.1 Charles Avenue~~

- ~~a. All new construction, major alterations, and additions on Charles Avenue shall be required to be reviewed by the process of Waiver. To ensure the compatibility of new construction on Charles Avenue, the design for any new construction shall also be reviewed by the Urban Development Review Board for its compatibility of scale, materials, roof slope, general form, massing and ornamental details.~~
- ~~b. Any requests for the demolition of structures that are over fifty (50) years in age along Charles Avenue shall be referred to the Historic Preservation Officer for review of historical significance.~~
- ~~c. The architectural guidelines contained in the Village West Island District are intended to produce visual compatibility among the buildings on Charles Avenue and throughout the District representing building traditions of early South Florida, the Caribbean, and the early African-American settlers.~~

~~2.4.2 Single Family Residential District~~

- ~~a. Adjacent lots or lots in the same subdivision under single ownership, or developed by a single builder or developer shall not employ the same, similar or duplicate~~

~~architectural plans. Adjacent buildings under such conditions shall be substantially differentiated in massing, footprint, and exterior detailing.~~

~~b. Front yards~~

~~All front yards in the NCD-2 shall be designed in a way that minimizes the impact of garage fronts and off-street parking. Front yards shall provide a more permeable surface and use abundant landscaping and tree canopy throughout.~~

~~c. Building Envelope~~

~~For the purpose of this section, a building site shall be defined as one or more lots or portions of lots that are aggregated to form a single family residential site including vacant lots and all permissible accessory uses and structures. Building sites shall not include any portions of land under a different zoning transect.~~

~~d. Height~~

~~Height is limited to a maximum of twenty-five (25) feet measured to the midpoint between the eave and roof top and is measured from flood level or average sidewalk elevation, whichever is higher. In addition to the maximum height of twenty-five (25) feet measured to the mid-point of the roof top and eave, chimneys, cupolas or other non-habitable architectural features of twenty-five (25) square feet in area or less may reach a maximum height of thirty (30) feet or as required by the fire code. For Lots with less than ten thousand (10,000) square feet in area, the height limitation for accessory structures shall be thirteen (13) feet.~~

~~e. Green Space~~

~~The minimum green space requirement shall be three-tenths (0.3) times the Lot area. The use of permeable material for surfaces in the required yard may allow a 25% reduction in the required green space.~~

~~f. Permitted Accessory Uses and Structures~~

~~Accessory uses and structures are as permitted in the underlying transect zone, except that detached garages or car shelters on lots ten thousand (10,000) square feet or larger may include a second story as long as the allowable floor lot ratio and building footprint are not exceeded. Said second story may only be used as an owner-occupied accessory structure. Two-story accessory structures shall have the same setback requirements as specified for two-story principal buildings.~~

~~g. Additional Limitations and requirements~~

~~1. Lots and building sites:~~

~~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 single-family residence except by Warrant. 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.~~

~~2. Garages and Driveways:~~

- ~~(a) On new construction or garage additions, no garage shall be located along the same front setback line as the front wall of a residential structure unless the garage door(s) does not face the street. Garage structures with access openings that face the street shall be set back a minimum of twenty (20) feet from the front wall of the principal residential structure.~~
- ~~(b) Garage structures with access openings that face the street on corner lots which have a maximum depth of less than sixty (60) feet, may be set back a minimum of fifteen (15) feet from the front wall of the principal residential structure.~~
- ~~(c) Notwithstanding the requirements of the Public Works Department, driveways shall have a maximum width of ten (10) feet within the first five (5) feet of all street-front required setbacks.~~
- ~~(d) Driveways within a single building site shall not be located closer than twenty-five (25) feet to each other.~~
- ~~(e) Except as required for the driveway approach, no portion of any driveway in a required yard adjacent to a street shall be within five (5) feet of any property line other than as may be required to allow for turnaround maneuver, in which case said driveway shall be constructed of permeable materials in its entirety.~~
- ~~(f) Tandem parking shall be allowed.~~
- ~~(g) Garage doors which are more than nine (9) feet wide shall not be allowed.~~

3. Fences:

~~All fences located within any street-front setback area shall be covered from the public right-of-way view by plant material except when said fence is faced or constructed with oolitic limestone.~~

4. Landscaping:

~~All landscape shall comply with the City's landscape and tree protection ordinances.~~

h. Setbacks

1. Principal Building:

~~Setbacks are variable to allow for a variety in architecture and placement of the building footprint. Projections of buildings into required setbacks shall be permitted subject to the criteria and requirements specified herein.~~

~~(h) Minimum Front Setbacks:~~

~~The minimum front setback shall be thirty (30) feet. The structure may project a maximum of ten (10) feet into the minimum required setback of thirty (30) feet provided said projection does not exceed thirty (30) feet in width along the front of the building. Unenclosed porches, entries, or loggias may project a maximum of fifteen (15) feet into the minimum required setback of thirty (30) feet. On corner lots the structure may project a maximum of fifteen (15) feet into the minimum required setback of thirty (30) feet.~~

~~(i) Minimum Side Setbacks:~~

~~The minimum side setback shall be five (5) feet, except for corner lots where the minimum side setback adjacent to the street shall be ten (10) feet. The minimum total side setbacks to be distributed shall be as established in the following table:~~

TABLE INSET:

Building Site Size in Square Feet	Interior Lots First Story of Structure	Interior Lots Second Story of Structure	Corner Lots First Story of Structure	Corner Lots Second Story of Structure
Less than 7,500	10 feet	15 feet	15 feet	20 feet
7,500 -- 10,000	15 feet	25 feet	15 feet	25 feet
More than 10,000	25 feet	35 feet	25 feet	35 feet

~~(j) Minimum Rear Setbacks:~~

~~The minimum rear setback shall be twenty (20) feet.~~

~~(k) Accessory Buildings:~~

~~The minimum side setbacks shall be ten (10) feet. The minimum rear setback shall be ten (10) feet.~~

~~The maximum width of said connection shall be ten (10) feet.~~

2.5 Village West Island Commercial Districts

~~a. Limitation.~~

~~The square footage of individual retail establishments within Coconut Grove Corridors defined in Appendix A, section 3.5 shall be limited to a maximum size of twenty thousand (20,000) square feet in total floor area used for retail and related services, except as may be modified below for "large-scale retail establishments." Retail specialty centers as defined in City Code Sec. 4-2 located adjacent to Coconut Grove Corridors listed in Appendix A, section 3.5, may be approved by a Warrant. Special event Class I permits are exempted from the limitations of this section.~~

~~b. "Large-scale retail establishment" defined.~~

~~A "large-scale retail establishment" for the purposes of NCD-2 is defined as a retail establishment or combination of commercial retail establishment(s), including membership establishments with any commercial retail use, of over twenty thousand (20,000) square feet in gross floor area. The gross floor area includes building gross floor area and ancillary outdoor storage or merchandise display areas. For the purposes of this definition, the floor area does not include motor vehicle parking or loading areas. For the purpose of determining the applicability of the twenty thousand (20,000) square feet of floor area, the aggregate square footage of all adjacent stores or retail tenants that share~~

~~common checkout stands or a controlling interest, or storage areas, shall be considered one establishment.~~

~~c. Exception required for Large Scale Retail establishments.~~

~~A "large-scale retail establishment" within the Coconut Grove Corridors listed in Appendix A, section 3.5 shall be permitted only by Exception.~~

~~d. Site requirements.~~

~~In addition to all requirements in the applicable zoning district, "large-scale retail establishments" must meet the following site criteria and limitations:~~

~~1. Maximum size of retail establishment.~~

~~The maximum size of any individual retail establishment within any Coconut Grove Corridor shall be seventy thousand (70,000) square feet. No individual retail establishment within a Large Scale Retail establishment shall be permitted which exceeds seventy thousand (70,000) square feet.~~

~~2. Minimum lot dimensions.~~

~~"Large-scale retail establishments" may be permitted exclusively in lots having a minimum net area of two (2) acres. Properties which do not meet the two-acre size limitation shall be limited to individual establishments of twenty thousand (20,000) square feet or less.~~

~~3. Minimum setbacks and build-to lines~~

~~Large Scale Retail establishments shall have the following minimum setbacks:~~

~~(a) Any front or side setback abutting a public right-of-way or non-residentially zoned property build-to line is twenty (20) feet. The area from the build-to line to the right-of-way line shall be used for permanent sidewalks with illumination, pedestrian amenities, or landscaping, except in areas as required for emergency access, or where driveway entrances are located. Landscaping in this setback area shall count toward the green space requirements. This area may not be used for parking or loading at any time.~~

~~(b) Side or rear lot line abutting a residentially zoned property: setback is fifty (50) feet. The setback shall include a 20-foot heavily landscaped buffer area. If an access alley, parking, loading door, delivery area, or inventory storage area is present along this side of the property, then the setback area shall also include an eight-foot-high masonry wall inside of the 20-foot landscape buffer.~~

~~4. Building orientation and facades.~~

~~(a) Building facades and elevations shall be designed to minimize the visual impacts of the scale of the building.~~

~~(b) Large-scale retail structures may be oriented with their entrances toward arterial or collector roadways as defined in the City Comprehensive Plan.~~

~~(c) Any side with regular public ingress/egress point(s) is to be considered~~

a front. Regular public ingress/egress to the building shall not be located facing residential uses. There may be more than one (1) front. Front and side facade design shall include the following design features to minimize scale impacts and promote activated street frontages:

- (i) Building design variations at intervals no greater than fifty (50) feet.
- (ii) Storefront windows, with interior spaces visible and lit from within at night, equal to at least fifty (50) percent of the linear length of ground-floor wall on building front elevations as defined herein. Window spacing should be such that no more than twenty (20) percent of the length of the wall may have an uninterrupted length without storefront windows.

5. Vehicular access.

Primary ingress and egress to the site must be provided from the arterial(s) and not from secondary roads or collectors and subject to the following:

- (a) Except as required for emergency access, vehicular driveways shall not be along local roadways as defined in the City Comprehensive Plan.
- (b) Except where required for emergency access or other compelling public safety reasons, vehicular driveways shall not be located within one hundred (100) feet of residentially-zoned land along the same side of the street, as measured from the nearest point of the driveway.
- (c) Delivery vehicle access/egress shall be clearly defined in the site plan, and shall only be from arterial roadways, and located no less than one hundred (100) feet from residentially-zoned land along the same side of the street, as measured from the nearest point of the driveway.
- (d) Where large and bulk merchandise sales are expected, customer pick-up access/egress shall be clearly defined in the site plan, and shall only be from arterial roadways, and located no less than one hundred (100) feet from residentially-zoned land along the same side of the street, as measured from the nearest point of the driveway.

6. Parking and loading requirements.

- (a) One (1) space per every two hundred (250) square feet of gross floor area shall be required for a "large-scale retail establishment." All required parking must be provided onsite.
- (b) Along collector roads as defined by the City Comprehensive Plan, setback buffers, building design or other features shall screen parking such that no more than thirty (30) percent of the parking lot or facilities are visible from the roadway.
- (c) Along local roads as defined by the City Comprehensive Plan, setback buffers, building design or other features shall completely screen parking such that the parking lot or facilities are not visible from the roadway, except for distances as required by driveways or emergency access.
- (d) All loading and deliveries shall be adjacent to an arterial roadway. Said loading and delivery areas shall be screened from public view by an eight-foot wall.

~~7. Green space.~~

~~A “large-scale retail establishment” shall implement landscaping in an area equal in size to, or greater than, fifteen (15) percent of the gross lot area. Landscaping shall be implemented generally so as to provide ample shade areas in the parking lot and abutting sidewalks and to minimize the visual impact of the structure and parking space on the streetscape. To this end, a landscape plan for the site shall be submitted to the Planning Department for review and approval by the Planning and Zoning Advisory Board as part of the required Exception.~~

~~8. Buffer.~~

~~Wherever the property abuts another property with a more restrictive zoning designation, a “large-scale retail establishment” shall provide a twenty-foot wide heavily landscaped buffer. This buffer shall include Florida native trees at no less than fifteen (15) to twenty (20) feet in height, with a diameter at breast height of no less than four (4) to five (5) inches spaced on 15-foot centers. Also included in this buffer shall be hedging and ground cover. This buffer shall be included in the required landscape plan.~~

~~9. Fences and walls.~~

~~Fences and walls shall be erected to a minimum height of eight (8) feet wherever the property abuts another property with a more restrictive zoning designation.~~

~~e. Location of “large-scale retail establishment.”~~

~~A “large-scale retail establishment” shall be located exclusively on a lot having frontage on one (1) or more arterial roads.~~

~~f. Hours of operation.~~

~~Except for special events requiring Class I permits, a “large-scale retail establishment” shall open no earlier than 7:00 a.m. on weekends and 8:00 a.m. on weekdays and shall close no later than 11:00 p.m. on weekends and 10:00 p.m. on weekdays. Deliveries to or from any “large-scale retail establishment” shall be limited to the hours of 10:00 a.m. through 3:00 p.m. Monday through Saturday.~~

~~g. Variances prohibited.~~

~~No variances from the provisions set forth in the site requirements or hours of operation are permitted.~~

~~2.5.1 Mixed Use Cultural District~~

~~Boundaries: all properties located on Grand Avenue between Margaret Street on the east and the City limits on the west, and Douglas Road between Grand Avenue on the south and Day Avenue on the north.~~

~~The Mixed Use Cultural District is intended to give a distinctive cultural character to retail and commercial uses on Grand Avenue and Douglas Road. The intent is to enhance these corridors as a tourist destination, encourage heritage retail and~~

~~cultural/historic businesses, support current resident-owned businesses, promote a cultural facade, provide more culturally themed businesses, establish a critical mass of retail and provide a culturally themed bridge to all other parts of the District by promoting the culture of the community in this short corridor and entranceway to the commercial main street. To this end, the district is dedicated primarily to culturally themed boutiques, gift shops and book stores, hair salons, apparel, restaurants and cafes, music shops and outdoor plazas, straw markets, cultural facilities, art and upscale cultural entertainment that reflect a Caribbean culture.~~

~~a. Use Regulations~~

~~The Mixed Use Cultural District shall permit the following Uses in addition to those which are permitted in the underlying transect zones:~~

- ~~1. Permanent structures providing for a Straw Market with Caribbean crafts, foods, apparel, souvenirs, and other goods attractive to tourists, subject to a Waiver with a mandatory referral to the district NET Administrator, and limited to the following items for sale: Heritage retail foods, apparel, souvenirs; bookstores and gift shops with cultural themes; hair salons, including outdoor hair braiding; and music and entertainment reflective of that found in the Caribbean.~~
- ~~2. "Large-scale retail establishments" exclusively for the sale of groceries and not exceeding forty thousand (40,000) square feet shall be permitted within the Mixed Use Cultural District only for properties with an underlying T5 Transect Zone by process of Warrant. "Groceries" are defined as food products, dry groceries (such as meats, poultry, seafood, sushi, dairy products, frozen foods, fruits, vegetables, deli items, prepared foods, baked goods, health and beauty products, pharmaceuticals, and alcoholic beverages) or services commonly provided in a grocery store in Miami-Dade County.~~
- ~~3. Other permissible uses along ground floor locations include: Bars, saloons, taverns, private clubs, supper clubs, including those with dancing and live entertainment are permitted in such ground floor locations along primary streets or elsewhere within the district only by Warrant, and only subject to limitations on buffer overlay districts.~~
- ~~4. Sales display and outdoor dining within open or partially open space.~~
- ~~5. Vending in open space as per the City of Miami's Vending in Open Space Regulations.~~

~~b. Height~~

~~In order to ensure appropriate scale of infill development along Grand Avenue and Douglas Road, irrespective of the underlying zoning limitations, new single-Use structures shall be limited to a maximum of fifty (50) feet and mixed-use structures shall be limited to sixty-two (62) feet to be accommodated in no more than five (5) stories.~~

~~c. Architectural Guidelines~~

~~All establishments and businesses in the Mixed Use Cultural District shall conform to the Village Island West and Grand Avenue Architectural and Urban~~

~~Design Guidelines and shall maintain a facade that is consistent with Caribbean architectural facades as described and as examples are shown within the guidelines.~~

~~d. Additional Regulations~~

- ~~1. Existing businesses established prior to the adoption of this code shall be allowed to remain in the Mixed Use Cultural District regardless of their cultural theme without being considered nonconformities.~~
- ~~2. Underground parking shall be permitted in T3 Transect Zones by Warrant for those properties which abut T5 Transect Zones along Grand Avenue between SW 37th Avenue and SW 32nd Avenue. Any T3 designated properties which have underground parking shall be required to be developed with Residential Structures for Residential Use on the surface of the underground parking structure. No replat is required if the T3 Transect Zone properties are tied to the property abutting Grand Avenue by a covenant-in-lieu of Unity of Title. Density limitations shall apply as per the underlying Transect Zone without the limitation of one (1) unit per lot of record for T3-R and two (2) units per lot of record for T3-O and the following minimum setbacks shall apply:~~
 - ~~(a) T3-R Properties~~
 - ~~(i) Front: twenty (20) feet~~
 - ~~(ii) Side: five (5) feet~~
 - ~~(iii) Rear: zero (0) feet~~
 - ~~(b) T3-O Properties~~
 - ~~(i) Front: ten (10) feet~~
 - ~~(ii) Side: Zero (0) feet~~
 - ~~(iii) Rear: Zero (0) feet~~
 - ~~(c) Minimum required setbacks may be reduced through the Warrant process.~~

2.5.2 — Market District

~~Boundaries: all properties fronting on Grand Avenue between Commodore Plaza Street to the east and Elizabeth Street to the west.~~

~~The Market District is intended to foster community markets along a portion of Grand Avenue relating to the sale of fruits, vegetables and other crafts indigenous of the Caribbean Islands. The Caribbean Market allows for a tourism destination similar to those found throughout Caribbean nations and heritage of the surrounding community.~~

~~a. Use Regulations.~~

~~The Market District area shall permit the following uses, in addition to those which are permitted in the underlying transect zone:~~

- ~~1. Farmer's markets and Caribbean crafts and food markets that specialize in the sale of crafts and fresh fruits and vegetables are permitted within this district, subject to a Warrant with a mandatory referral to the district NET~~

~~Administrator. All regulations contained in this code are applicable, and further subject to the following limitations:~~

- ~~(a) Any outdoor market must be located on a parcel of no less than fifteen thousand (15,000) square feet of lot area.~~
- ~~(b) An outdoor market shall be limited to no more than sixty-five (65) percent of the area of the subject parcel in display area.~~
- ~~(c) An outdoor market may not include any permanent structures. All display tables and other such material must be removed at the end of the permitted time of operation.~~
- ~~(d) The outdoor market display area shall be located along the Grand Avenue frontage and beset back no less than twenty-five (25) feet from any abutting residentially zoned property.~~
- ~~(e) No outdoor market may be located closer than one thousand five hundred (1,500) feet from another outdoor market.~~
- ~~(f) Only handmade crafts, fresh fruits and vegetables, prepared raw foods and drinks derived from fresh fruits and vegetables may be sold in an outdoor market within this district.~~

~~b. Additional Regulations~~

- ~~1. All establishments and businesses in the Market District shall conform to the Village Island West and Grand Avenue Architectural and Urban Design Guidelines and shall maintain a facade that is consistent with Caribbean architectural facades as described and as examples are shown within the guidelines.~~
- ~~2. Existing businesses established prior to the adoption of this code shall be allowed to remain in the Market District regardless of their cultural theme without being considered nonconformities.~~

~~A.3 COCONUT GROVE NEIGHBORHOOD CONSERVATION DISTRICT NCD-3~~

~~3.1 Boundaries~~

~~Generally described as bounded by Douglas Avenue on the west, Franklin Avenue and a portion of Marler Avenue along the north (Douglas Road—Arbitare Way), Arbitare Way and McDonald Avenue along the west (Main Hwy—Bird Road), Bird Road on the south (McDonald Ave—US 1), US 1 on the north, Rickenbacker Causeway on the east, Biscayne Bay along the east and south, Prospect Drive and along the rear of properties on the south side of Battersea Road to Douglas Road. More specifically depicted on the Miami 21 Atlas.~~

~~a. Coconut Grove Sub-Districts:~~

- ~~1. North Grove bounded by U.S. 1 on the north, Rickenbacker Causeway on the east, Biscayne Bay on the south and S.W. 27th Avenue on the west.~~
- ~~2. Center Grove bounded by U.S. 1 on the north, S.W. 27th Avenue on the east, Oak Street on the south, and S.W. 32nd Avenue on the west.~~
- ~~3. South Grove bounded by Loquat Avenue, Kumquat Avenue, Franklin Avenue, and Main Highway on the north, along the eastern edge of properties located east of Munroe Drive on the east, Biscayne Bay, and Prospect Drive, Battersea Road, and Le Jeune Road on the south, and Le June Road on the west.~~
- ~~4. Village Center bounded by Oak Street and Tigertail Avenue on the north, S.W. 27th Avenue on the east, Biscayne Bay, along the western edge of the Barnacle State Park, Main Highway, Via Abitare Way and SW 32nd Avenue on the west.~~

3.2 Intent

~~The intent of the Coconut Grove Neighborhood Conservation District NCD-3 is to establish a protective series of 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. The community of Coconut Grove predates the City of Miami, and is known for its character, derived from lush landscaping, and naturally occurring vegetation and trees, and its unique property sizes and shapes; bay views; geologic features; proximity to Biscayne Bay; public open space; recreational opportunities; commercial services; and a special character imparted by its tropical vegetation and historic structures.~~

~~Properties shall not be platted, re-platted or configured in any way that destroys a median, green space, landscape easement or road configuration that contributes to the character of the subdivision within the NCD-3 area.~~

3.3 Effect of district designation

~~The effect of these NCD-3 regulations shall be to modify transect regulations included within the NCD boundaries to the extent indicated herein.~~

~~Nothing in these regulations shall be construed as to prohibit additional structures or neighborhoods to become Historic Preservation Overlays.~~

~~All demolition permits shall require a Waiver and be referred to the Planning Department for review under the Tree Preservation Ordinance. All submittals shall contain a tree survey by a certified arborist.~~

3.4 Additional notice and review

- ~~a. Additional notice required for Exception and Variance applications.~~
~~All Coconut Grove neighborhood or homeowner associations that wish to~~

~~receive a courtesy notice of Exception or Variance applications in their areas shall register with their Neighborhood Enhancement Team (NET) Office on a yearly basis. Such registration shall consist of a letter to the Director of the Planning Department or to the Zoning Administrator, in which the association shall request such notification and shall specify the name, address and telephone number of the official representative of the association designated to receive said notice and a list of all the officers of said association. At the time of initial application for an Exception or Variance, the applicant shall obtain the list of all registered neighborhood and homeowner associations pertaining to the application in question from the Planning Director or the Zoning Administrator and shall notify in writing the official representative of all such registered associations in writing, by certified mail, of the application. The applicant shall submit with the application these certified receipts. If any such association have any comments or recommendations, such comments and recommendations shall be submitted in writing to the Planning Director or Zoning Administrator no later than fifteen (15) days from receipt of such notification. Late or misdelivered comments shall not be considered.~~

- ~~b. All properties located within the Village Center shall be reviewed by the Coordinated Review Committee.~~

3.5 — Coconut Grove Corridors

~~The sub-districts are demarcated, traversed or connected by important corridors subject to their own unique characteristics and considerations. The Coconut Grove corridors are as follows and include the rights-of way and the Lots immediately adjacent to the right-of-way:~~

- ~~• South Bayshore Drive~~
- ~~• Tigertail Drive~~
- ~~• S.W. 27th Avenue~~
- ~~• Bird Avenue~~
- ~~• MacDonald Street~~
- ~~• Main Highway~~
- ~~• Douglas Road~~
- ~~• Grand Avenue~~
- ~~• Le Jeune Road~~

- ~~a. Improvements and new development on these corridors shall conform to the following pedestrian safety and comfort standards:~~

- ~~1. Where sidewalks exist, the pedestrian shall be buffered from vehicular traffic with streetscape elements and landscaping.~~
- ~~2. Uses to be developed on these corridors shall promote pedestrian activity, such as porches, loggias, windows, entries, plazas, and ground floor retail uses where permissible.~~
- ~~3. The number and dimensions of curb cuts and driveways shall be minimized to reduce the pedestrian/vehicular conflicts up to the minimum permissible by the controlling jurisdiction.~~

3.6 — Single-Family Residential District

The single family residential district is intended to protect the low density residential and dominant tree canopy characteristics of Coconut Grove and prevent the intrusion of additional density, uses, and height.

All T3, Single-Family Residential zoning regulations shall apply within the Coconut Grove NCD-3 Single-Family Residential District, hereafter referred to as NCD-3, except as modified below. If any such requirements conflict, NCD-3 requirements shall apply.

a. ~~Adjacent lots or lots in the same subdivision under single ownership, or developed by a single builder or developer shall not employ the same, similar or duplicate architectural plans. Adjacent buildings under such conditions shall be substantially differentiated in massing, footprint, and exterior detailing.~~

b. ~~Front yards~~

~~All front yards in the NCD-3 shall be designed in a way that minimizes the impact of garage fronts and off-street parking. Front yards shall provide a more permeable surface and use abundant landscaping and tree canopy throughout.~~

c. ~~Building Envelope~~

~~For the purpose of this section, a building site shall be defined as one or more lots or portions of lots that are aggregated to form a single family residential site including vacant lots and all permissible accessory uses and structures. Building sites shall not include any portions of land under a different zoning transect.~~

d. ~~Height~~

~~Height is limited to a maximum of twenty-five (25) feet measured to the midpoint between the eave and roof top and is measured from flood level or average sidewalk elevation, whichever is higher. In addition to the maximum height of twenty-five (25) feet measured to the mid-point of the roof top and eave, chimneys, cupolas or other non-habitable architectural features of twenty-five (25) square feet in area or less may reach a maximum height of thirty (30) feet or as required by the fire code. For Lots with less than ten thousand (10,000) square feet in area, the height limitation for accessory structures shall be thirteen (13) feet.~~

e. ~~Green Space~~

~~The minimum green space requirement shall be three-tenths (0.3) times the Lot area. The use of permeable material for surfaces in the required yard may allow a 25% reduction in the required green space.~~

f. ~~Permitted Accessory Uses and Structures~~

~~Accessory uses and structures are as permitted in the underlying transect zone, except that detached garages or car shelters on lots ten thousand (10,000) square feet or larger may include a second story as long as the allowable floor lot ratio and building footprint are not exceeded. Said second story may only be used as an owner occupied accessory structure. Two-story accessory structures shall have the same setback requirements as specified for two-story principal buildings.~~

~~g. Additional Limitations and requirements.~~

~~1. Lots and building sites:~~

~~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 single-family residence except by Warrant. 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.~~

~~2. Garages and Driveways:~~

- ~~(a) On new construction or garage additions, no garage shall be located along the same front setback line as the front wall of a residential structure unless the garage door(s) does not face the street. Garage structures with access openings that face the street shall be set back a minimum of twenty (20) feet from the front wall of the principal residential structure.~~
- ~~(b) Garage structures with access openings that face the street on corner lots which have a maximum depth of less than sixty (60) feet, may be set back a minimum of fifteen (15) feet from the front wall of the principal residential structure.~~
- ~~(c) Notwithstanding the requirements of the Public Works Department, driveways shall have a maximum width of ten (10) feet within the first five (5) feet of all street front required setbacks.~~
- ~~(d) Driveways within a single building site shall not be located closer than twenty five (25) feet to each other.~~
- ~~(e) Except as required for the driveway approach, no portion of any driveway in a required yard adjacent to a street shall be within five (5) feet of any property line other than as may be required to allow for turnaround maneuver, in which case said driveway shall be constructed of permeable material in its entirety.~~
- ~~(f) Tandem parking shall be allowed.~~
- ~~(g) Garage doors which are more than nine (9) feet wide shall not be allowed.~~

~~3. Fences:~~

~~All fences located within any street front setback area shall be covered from the public right of way view by plant material except when said fence is faced or constructed with oolitic limestone.~~

~~4. Landscaping:~~

~~All landscape shall comply with the City's landscape and tree protection ordinances.~~

~~h. Single Family lots~~

1. ~~Setbacks:~~

(a) ~~Principal Building:~~

~~Setbacks are variable to allow for a variety in architecture and placement of the building footprint. Projections of buildings into required setbacks shall be permitted subject to the criteria and requirements specified herein.~~

~~(i) Minimum Front Setbacks:~~

~~The minimum front setback shall be thirty (30) feet. The structure may project a maximum of ten (10) feet into the minimum required setback of thirty (30) feet provided said projection does not exceed thirty (30) feet in width along the front of the building. Unenclosed porches, entries, or loggias may project a maximum of fifteen (15) feet into the minimum required setback of thirty (30) feet. On corner lots the structure may project a maximum of fifteen (15) feet into the minimum required setback of thirty (30) feet.~~

~~(ii) Minimum Side Setbacks:~~

~~The minimum side setback shall be five (5) feet, except for corner lots where the minimum side setback adjacent to the street shall be ten (10) feet. The minimum total side setbacks to be distributed shall be as established in the following table:~~

TABLE INSET:

Building Site Size in Square Feet	Interior Lots First Story of Structure	Interior Lots Second Story of Structure	Corner Lots First Story of Structure	Corner Lots Second Story of Structure
Less than 7,500	10 feet	15 feet	15 feet	20 feet
7,500 -- 10,000	15 feet	25 feet	15 feet	25 feet
More than 10,000	25 feet	35 feet	25 feet	35 feet

~~(iii) Minimum Rear Setbacks:~~

~~The minimum rear setback shall be twenty (20) feet.~~

~~(iv) Accessory Buildings:~~

~~_____ The minimum side setbacks shall be ten (10) feet.~~

~~_____ The minimum rear setback shall be ten (10) feet.~~

~~The maximum width of said connection shall be ten (10) feet.~~

i. ~~Single Family Large Lot Residential designation~~

1. ~~Lot size~~

~~Minimum lot size is limited to ten thousand (10,000) square feet and the minimum lot width is limited to one hundred (100) feet in order to preserve the large lot suburban character of certain neighborhoods within Coconut Grove.~~

~~2. Limitations on yards~~

~~All yards adjacent to South Bayshore Drive shall be a minimum of seventy (70) feet.~~

~~j. Single Family Oversized Lot Residential designation.~~

~~1. Lot Size~~

~~Minimum lot size shall be twenty thousand (20,000) square feet and minimum lot width shall be one hundred (100) feet.~~

~~2. Limitations on yards~~

~~All yards adjacent to South Bayshore Drive shall be a minimum of seventy (70) feet.~~

~~k. Single Family Estate Lot Residential designation.~~

~~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.~~

~~1. Lot Size~~

~~Minimum lot size shall be one (1) acre (43,560 square feet) and a minimum lot width of one hundred (100) feet.~~

~~2. Limitations on yards~~

~~All yards adjacent to South Bayshore Drive shall be a minimum of seventy (70) feet. Bay windows and balconies may project a maximum of three (3) feet into a yard setback.~~

~~3. Accessory Uses and Structures~~

~~(a) Accessory structures shall comply in all other aspects of the underlying single-family residential (T3) district unless stated otherwise. Enclosed accessory buildings shall be used only for occupancy of nonpaying guests of the owners of the primary residence or bona fide members of the family or household staff, and no kitchen or cooking facilities shall be constructed or used therein except by approval by the Planning Director of a written agreement with the City stating that such accessory structure will be used only by family members or household staff. The property owner must execute and record in the public records a Declaration of Restriction stating that the use of the site will be reserved for a single family residence. No accessory structure shall be used as or converted to a dwelling unit without the recorded Declaration of Restriction. Further, if any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of~~

~~such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.~~

~~(b) Attached or unattached accessory structures include: private garages, swimming pools, cabanas, bedrooms, household staff cottage. Nothing contained in this section shall prohibit the construction of an enclosed accessory building containing bedrooms with bath facilities to be used in connection with and as a part of the primary residence within the building lines as provided in this section.~~

~~(c) Open awnings or trellises must meet the setback requirements and applicable open space and lot coverage requirements. These structures may not be converted to permanent additions if such conversion would increase the lot coverage of the principal structure above the allowed percentage.~~

~~4. Height~~

~~Height is limited to two full stories from grade or minimum FEMA elevation as defined within this code. Height is measured to the bottom of the eave. Variations to the Height requirement may be allowed for skylights or solar panels not exceeding three (3) feet above the roof. Such structures shall not cover more than ten (10) percent of the roof structure.~~

~~5. Botanical Gardens~~

~~A Botanical Garden is allowed by Exception. A Botanical Garden shall require a minimum of 5 acres and may also include the following:~~

- ~~(a) Educational facilities including building for meeting and classrooms~~
- ~~(b) Scientific research laboratory~~
- ~~(c) Offices to serve the Botanical Garden~~
- ~~(d) Residential living units for visiting scholars~~
- ~~(e) Garden maintenance area~~
- ~~(f) Gift shop or bookstore area. Outdoor display of merchandise shall be limited to areas not visible from public streets~~

3.6 — Reserved for Coconut Grove NCD-3 (R-2) Two-Family Residential District

3.7 — Reserved for Coconut Grove NCD-3 (R-3) Multifamily Medium-Density Residential District

3.8 — Coconut Grove NCD-3 Commercial Districts

a. Limitation

~~The square footage of individual retail establishments within Coconut Grove Corridors defined in 3.5, and in the Village Center sub-district as defined in 3.1, shall be limited to a maximum size of twenty thousand (20,000) square feet in total floor area used for retail and related services, except as may be modified below for "large-scale retail establishments." Retail specialty centers as defined~~

~~in City Code Sec. 4-2 located adjacent to Coconut Grove Corridors listed in 3.5, may be approved by a Warrant. Special event Class I permits are exempted from the limitations of this section.~~

~~b. "Large-scale retail establishment" defined~~

~~A "large-scale retail establishment" is defined for the purposes of NCD-3 as a retail establishment or combination of commercial retail establishment(s), including membership establishments with any commercial retail use, of over twenty thousand (20,000) square feet in gross floor area. The gross floor area includes building gross floor area and ancillary outdoor storage or merchandise display areas. For the purposes of this definition, the floor area does not include motor vehicle parking or loading areas. For the purpose of determining the applicability of the twenty thousand (20,000) square feet of floor area, the aggregate square footage of all adjacent stores or retail tenants that share common checkout stands or a controlling interest, or storage areas, shall be considered one establishment.~~

~~c. Exception required for "large scale retail establishments."~~

~~A "large-scale retail establishment" within the Coconut Grove Corridors listed in 3.5 shall be permitted only by Exception.~~

~~d. "Large scale grocery stores."~~

~~Retail establishments exclusively for the sale of groceries and not exceeding forty thousand (40,000) square feet located within the underlying T5 or T6 Transect Zones abutting US-1 (Federal Hwy.) may be permitted by Warrant. "Groceries" is defined as food products, dry groceries (such as household products and paper goods), and other items typically sold (such as meats, poultry, seafood, sushi, dairy products, frozen foods, fruits, vegetables, deli items, prepared foods, baked goods, health and beauty products, pharmaceuticals, and alcoholic beverages) or services commonly provided in a grocery store in Miami-Dade County.~~

~~e. Site requirements~~

~~In addition to all requirements in the applicable zoning district, "large-scale retail establishments" must meet the following site criteria and limitations:~~

~~1. Maximum size of retail establishment~~

~~The maximum size of any individual retail establishment within any Coconut Grove Corridor shall be seventy thousand (70,000) square feet. No individual retail establishment within a Large Scale Retail establishment shall be permitted which exceeds seventy thousand (70,000) square feet.~~

~~2. Minimum lot dimensions~~

~~"large-scale retail establishments" may be permitted exclusively in lots having a minimum net area of two (2) acres. Properties which do not meet the two-acre size limitation shall be limited to individual establishments of twenty thousand (20,000) square feet or less.~~

~~3. Minimum setbacks and build-to lines~~

~~Large Scale Retail establishments shall have the following minimum~~

setbacks:

- ~~(a) Any front or side setback abutting a public right-of-way or non-residentially zoned property build-to-line is twenty (20) feet. The area from the build-to-line to the right-of-way line shall be used for permanent sidewalks with illumination, pedestrian amenities, or landscaping, except in areas as required for emergency access, or where driveway entrances are located. Landscaping in this setback area shall count toward the green space requirements. This area may not be used for parking or loading at any time.~~
- ~~(b) Side or rear lot line abutting a residentially zoned property: setback is fifty (50) feet. The setback shall include a 20-foot heavily landscaped buffer area. If an access alley, parking, loading door, delivery area, or inventory storage area is present along this side of the property, then the setback area shall also include an eight-foot-high masonry wall inside of the 20-foot landscape buffer.~~

~~4. Building orientation and facades~~

- ~~(a) Building facades and elevations shall be designed to minimize the visual impacts of the scale of the building.~~
- ~~(b) Large-scale retail structures may be oriented with their entrances toward arterial or collector roadways as defined in the City Comprehensive Plan.~~
- ~~(c) Any side with regular public ingress/egress point(s) is to be considered a front. Regular public ingress/egress to the building shall not be located facing residential uses. There may be more than one (1) front. Front and side facade design shall include the following design features to minimize scale impacts and promote activated street frontages.~~
- ~~(d) Building design variations at intervals no greater than fifty (50) feet.~~
- ~~(e) Storefront windows, with interior spaces visible and lit from within at night, equal to at least fifty (50) percent of the linear length of ground-floor wall on building front elevations as defined herein. Window spacing should be such that no more than twenty (20) percent of the length of the wall may have an uninterrupted length without storefront windows.~~

~~5. Vehicular access~~

~~Primary ingress and egress to the site must be provided from the arterial(s) and not from secondary roads or collectors and subject to the following:~~

- ~~(a) Except as required for emergency access, vehicular driveways shall not be along local roadways as defined in the City Comprehensive Plan.~~
- ~~(b) Except where required for emergency access or other compelling public safety reasons, vehicular driveways shall not be located within one hundred (100) feet of residentially zoned land along the same side of the street, as measured from the nearest point of the driveway.~~
- ~~(c) Delivery vehicle access/egress shall be clearly defined in the site plan, and shall only be from arterial roadways, and located no less than one hundred (100) feet from residentially zoned land along the same side of~~

- the street, as measured from the nearest point of the driveway.
- (d) ~~Where large and bulk merchandise sales are expected, customer pick-up access/egress shall be clearly defined in the site plan, and shall only be from arterial roadways, and located no less than one hundred (100) feet from residentially-zoned land along the same side of the street, as measured from the nearest point of the driveway.~~

~~6. Parking and loading requirements~~

- (a) ~~One (1) space per every two hundred (250) square feet of gross floor area shall be required for a "large-scale retail establishment." All required parking must be provided onsite.~~
- (b) ~~Along collector roads as defined by the City Comprehensive Plan, setback buffers, building design or other features shall screen parking such that no more than thirty (30) percent of the parking lot or facilities are visible from the roadway.~~
- (c) ~~Along local roads as defined by the City Comprehensive Plan, setback buffers, building design or other features shall completely screen parking such that the parking lot or facilities are not visible from the roadway, except for distances as required by driveways or emergency access.~~
- (d) ~~All loading and deliveries shall be adjacent to an arterial roadway. Said loading and delivery areas shall be screened from public view by an eight-foot wall.~~

~~7. Green space~~

~~A "large-scale retail establishment" shall implement landscaping in an area equal in size to, or greater than, fifteen (15) percent of the gross lot area. Landscaping shall be implemented generally so as to provide ample shade areas in the parking lot and abutting sidewalks and to minimize the visual impact of the structure and parking space on the streetscape. To this end, a landscape plan for the site shall be submitted to the Planning Department for review and approval by the Planning and Zoning Advisory Board as part of the required Exception.~~

~~8. Buffer~~

~~Wherever the property abuts another property with a more restrictive zoning designation, a "large-scale retail establishment" shall provide a twenty-foot wide heavily landscaped buffer. This buffer shall include Florida native trees at no less than fifteen (15) to twenty (20) feet in height, with a diameter at breast height of no less than four (4) to five (5) inches spaced on 15-foot centers. Also included in this buffer shall be hedging and ground cover. This buffer shall be included in the required landscape plan.~~

~~9. Fences and walls~~

~~Fences and walls shall be erected to a minimum height of eight (8) feet~~

~~wherever the property abuts another property with a more restrictive zoning designation.~~

~~f. Location of "large-scale retail establishment"~~

~~A "large-scale retail establishment" shall be located exclusively on a lot having frontage on one (1) or more arterial roads.~~

~~g. Hours of operation~~

~~Except for special events requiring Class I permits, a "large-scale retail establishment" shall open no earlier than 7:00 a.m. on weekends and 8:00 a.m. on weekdays and shall close no later than 11:00 p.m. on weekends and 10:00 p.m. on weekdays. Deliveries to or from any "large-scale retail establishment" shall be limited to the hours of 10:00 a.m. through 3:00 p.m. Monday through Saturday.~~

~~h. Variances prohibited~~

~~No variances from the provisions set forth in the site requirements or hours of operation are permitted.~~

~~A.3.8 Reserved. Coconut Grove NCD-3 Sub-District Architectural Guidelines.~~

* * * *

A.2. VILLAGE WEST ISLAND CONSERVATION DISTRICT (NCD-2)¹

Article 1. Definitions

1.1 Boundaries

1.2 Definitions of Terms

Article 2. General Provisions

2.1 Purpose and Intent

2.2 Applicability

Article 4. Standards & Tables

4.1 Parking Requirements

Article 5. Specific to Zones

5.3 Sub-Urban Transect Zones (T3)

Article 6. Supplemental Regulations

6.2 Village West Island Special Districts

¹ The referenced Articles and Sections correspond with the appropriate Miami 21 Code Articles and Sections.

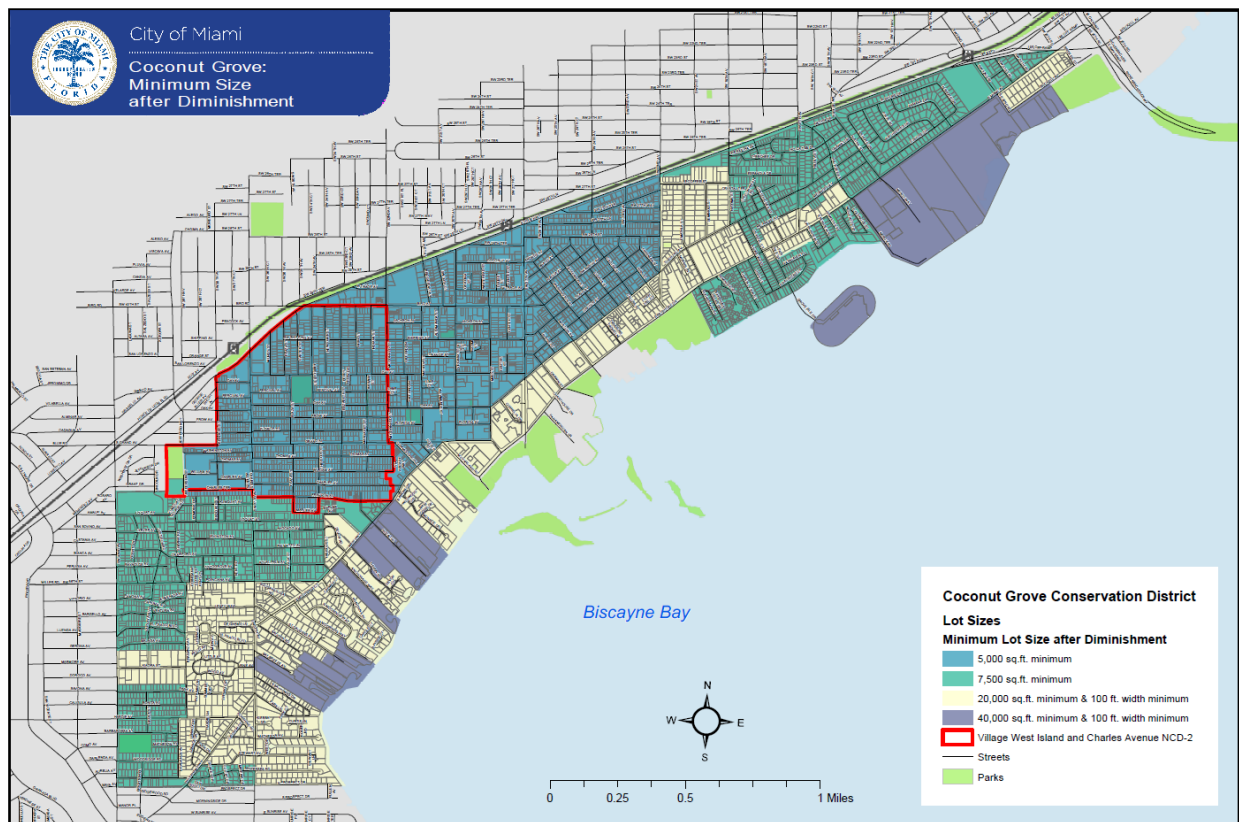
A.2. VILLAGE WEST ISLAND CONSERVATION DISTRICT (NCD-2)

ARTICLE 1. DEFINITIONS

1.1 BOUNDARIES

Generally described as bounded by City of Miami (“City”) limits to the west, US 1 on the west and north, Bird Avenue to the north, McDonald Street to the east, and Charles Terrace, Franklin Avenue, and Marler Avenue to the south. More specifically depicted on Diagram A2.1.

Diagram A2.1:



1.2 DEFINITIONS OF TERMS

Village West Island Design Guidelines: Architectural and urban design guidelines adopted by the City to protect and reinforce the Caribbean vernacular architectural style traditional of the area.

ARTICLE 2. GENERAL PROVISIONS

2.1 PURPOSE AND INTENT

Village West Island Neighborhood Conservation District honors the legacy of the African-American community in Miami's History with unique Caribbean and Bahamian character and heritage. Charles Avenue, Grand Avenue, and Douglas Road, north of Grand Avenue, shall maintain the scale and character of the existing neighborhood through sensible development, complementing historic resources including: the Mariah Brown House, home of the first Bahamian settler; the Historic Black Cemetery; the E.F. Stirrup House, home of the first black doctor; historical churches, and several others. The NCD-2 protects the history of the Village West Island District by promoting its revitalization and restoration of gateways, gathering places, and activities representative of its historic culture and heritage.

The Village West Island Neighborhood Conservation District emphasizes the conservation of heritage resources while also focusing on the objectives, goals, and policies included in the NCD-3.

2.2 APPLICABILITY

The effect of these regulations shall be to modify transect regulations included within the Village West Island Neighborhood Conservation District (NCD-2) boundaries to the extent indicated herein.

Where standards set forth in the Village West Island Neighborhood Conservation District (NCD-2) conflict with Coconut Grove Neighborhood Conservation District (NCD-3) or Miami 21 Code, the standards set forth in this Neighborhood Conservation District, NCD-2, shall control. Where the Village West Island Neighborhood Conservation District (NCD-2) is silent, the underlying Coconut Grove Neighborhood Conservation District (NCD-3) regulations shall apply. Where the Village West Island Neighborhood Conservation District (NCD-2) and Coconut Grove Neighborhood Conservation District (NCD-3) are silent, Miami 21 Code standards shall govern if applicable.

All new construction and renovations resulting in additional FLR within the Village West Island Neighborhood Conservation District (NCD-2) shall be developed in accordance with the Village West Island Design Guidelines. The architectural guidelines are intended to produce visual compatibility among the buildings on Charles Avenue and throughout the District representing building traditions of early South Florida, the Caribbean, and the early African-American settlers. All new construction shall require approval from the Historic and Environmental Preservation Board for its compatibility of scale, materials, roof slope, general form, massing and ornamental details per the guidelines.

Demolition permits shall require a Warrant and be referred to the Planning Department for review under the Tree Preservation Ordinance. All submittals shall contain a tree survey by a certified arborist and a buildable footprint diagram identifying the developable lot portions.

No Warrant shall be required if the proposed Demolition maintains more than fifty percent (50%) of the original structure; later additions shall be excluded from this calculation.

ARTICLE 4. STANDARDS & TABLES - ARTICLE 4. TABLE 3 BUILDING FUNCTION: USES

T 3
SUB-URBAN

DENSITY (UNITS PER ACRE)	9	9	18
RESIDENTIAL			
SINGLE FAMILY RESIDENCE	R	R	R
COMMUNITY RESIDENCE	R	R	R
ANCILLARY UNIT	R	R	R
TWO FAMILY RESIDENCE			R
MULTI FAMILY HOUSING			
DORMITORY			
HOME OFFICE	R	R	R
LIVE - WORK			
WORK - LIVE			
LODGING			
BED & BREAKFAST	EH	EH	EH
INN			
HOTEL			
OFFICE			
OFFICE			
COMMERCIAL			
AUTO-RELATED COMMERCIAL ESTAB.			
ENTERTAINMENT ESTABLISHMENT			
ENTERTAINMENT ESTAB. - ADULT			
FOOD SERVICE ESTABLISHMENT			
ALCOHOL BEVERAGE SERVICE ESTAB.			
GENERAL COMMERCIAL	EH	EH	EH
MARINE RELATED COMMERCIAL ESTAB.			
OPEN AIR RETAIL			
PLACE OF ASSEMBLY			
RECREATIONAL ESTABLISHMENT			
CIVIC			
COMMUNITY FACILITY			
RECREATIONAL FACILITY	E	E	E
RELIGIOUS FACILITY	E	E	E
REGIONAL ACTIVITY COMPLEX			
CIVIL SUPPORT			
COMMUNITY SUPPORT FACILITY			
INFRASTRUCTURE AND UTILITIES	W	W	W
MAJOR FACILITY			
MARINA			
PUBLIC PARKING			
RESCUE MISSION			
TRANSIT FACILITIES			
EDUCATIONAL			
CHILDCARE			
COLLEGE / UNIVERSITY			
ELEMENTARY SCHOOL	E	E	E
LEARNING CENTER			
MIDDLE / HIGH SCHOOL	E	E	E
PRE-SCHOOL	E	E	E
RESEARCH FACILITY			
SPECIAL TRAINING / VOCATIONAL			
INDUSTRIAL			
AUTO-RELATED INDUSTRIAL ESTBL.			

MANUFACTURING AND PROCESSING			
MARINE RELATED INDUSTRIAL ESTBL.			
PRODUCTS AND SERVICES			
STORAGE/ DISTRIBUTION FACILITY			

R Allowed By Right
W Allowed By Warrant: Administrative Process - CRC (Coordinated Review Committee)
E Allowed By Exception: Public Hearing - granted by PZAB (Planning, Zoning & Appeals Board)
EH – Allowed By Exception within Historically Designated Structures
Boxes with no designation signify Use prohibited.

4.1 PARKING REQUIREMENTS

- a. In T3 and T4 Zones, Ancillary Dwelling Units (“ADU”) shall not require additional parking spaces.
- b. In T4, T5, and T6 Transect Zones, including properties abutting T3 Transect Zones, the parking ratio may be reduced within a Transit Oriented Development (“TOD”) area or within a Transit Corridor area by up to thirty percent (30%) by process of Waiver; by up to fifty percent (50%) by process of Waiver and payment into a transit enhancement Trust Fund, as established by Chapter 35 of the City Code; or by one hundred percent (100%) for any Structure with a Floor Area of ten thousand (10,000) square feet or less.

ARTICLE 5. SPECIFIC TO ZONES

5.3 SUB-URBAN TRANSECT ZONES (T3)

5.3.1 Building Disposition (T3)

- e. In Zone T3-R and Zone T3-L, one (1) Principal Building consisting of one (1) Dwelling Unit at the Frontage and one (1) ADU may be built on each Lot. In Zone T3-O, one (1) Principal Building consisting of two (2) Dwelling Units at the Frontage and two (2) ADUs may be built on each Lot.

ARTICLE 6. SUPPLEMENTAL REGULATIONS

6.2 VILLAGE WEST ISLAND SPECIAL DISTRICTS

6.4.1 Charles Avenue

Charles Avenue (originally Evangelist Street) has historically housed some of the original Bahamian settlements within the Village West Island District that occupies the neighborhoods around the intersection of Douglas Road and Grand Avenue. This street has been degraded through demolition, abandonment and redevelopment diminishing the historic integrity to become a historic district; however, it is of special and substantial public interest due to its historic identity and remaining historic structures. This designation will encourage appropriate infill to preserve the context of historic sites on Charles Avenue, including: the Mariah Brown House, home of the first Bahamian settler; the Historic Black Cemetery; the E.F. Stirrup House, home of the first black doctor; historical churches; and several other historic homes.

- a. All new construction, major alterations, and additions on Charles Avenue shall be required to be reviewed by the process of Warrant. To ensure the compatibility of new construction on Charles Avenue, the design for any new construction shall also be reviewed by the HEPB for its compatibility of scale, materials, roof slope, general form, massing and ornamental details.
- b. Any requests for the demolition of structures that are over fifty (50) years in age along Charles Avenue shall be referred to the Historic Preservation Officer for review of historical significance.

6.4.2 Mixed Use Cultural District

Boundaries: all properties located on Grand Avenue between Margaret Street on the east and the City limits on the west, and Douglas Road between Grand Avenue on the south and Day Avenue on the north.

The Mixed Use Cultural District is intended to give a distinctive cultural character to retail and commercial uses on Grand Avenue and Douglas Road. The intent is to enhance these corridors as a tourist destination, encourage heritage retail and cultural/historic businesses, support current resident-owned businesses, promote a cultural facade, provide more culturally themed businesses, establish a critical mass of retail and provide a culturally themed bridge to all other parts of the District by promoting the culture of the community in this short corridor and entranceway to the commercial main street. To this end, the District is dedicated primarily to culturally themed boutiques, gift shops and book stores, hair salons, apparel, restaurants and cafes, music shops and outdoor plazas, straw markets, cultural facilities, art and upscale cultural entertainment that reflect a Caribbean culture.

a. Use Regulations

The Mixed Use Cultural District shall permit the following Uses in addition to those which are permitted in the underlying transect zones:

1. Permanent structures providing for a Straw Market with Caribbean crafts, foods, apparel, souvenirs, and other goods attractive to tourists, subject to a Warrant, and limited to the following items for sale: Heritage retail foods, apparel, souvenirs; bookstores and gift shops with cultural themes; hair salons, including outdoor hair braiding; and music and entertainment reflective of that found in the Caribbean.

2. "Large-Scale Grocery Stores" - Retail Establishments exclusively for the sale of groceries and not exceeding forty thousand (40,000) square feet shall be permitted within the Mixed Use Cultural District only for properties with an underlying T5 Transect Zone by process of Warrant. "Groceries" are defined as food products, dry groceries (such as meats, poultry, seafood, sushi, dairy products, frozen foods, fruits, vegetables, deli items, prepared foods, baked goods, health and beauty products, pharmaceuticals, and alcoholic beverages) or services commonly provided in a grocery store in Miami-Dade County.

3. Other permissible Uses along ground floor locations include: Bars, saloons, taverns, private clubs, and supper clubs, including those with dancing and live entertainment are permitted in

such ground floor locations along primary streets or elsewhere within the District only by Warrant, and only subject to limitations on buffer overlay districts.

4. Sales display and outdoor dining within open or partially open space.

5. Vending in open space as per the City of Miami's Vending in Open Space Regulations.

b. Height:

In order to ensure appropriate scale of infill development along Grand Avenue and Douglas Road, irrespective of the underlying zoning limitations, new single-Use structures shall be limited to a maximum of fifty (50) feet and mixed-use structures shall be limited to sixty-two (62) feet to be accommodated in no more than five (5) stories. This restriction shall not apply to developments with vested rights through a permit lawfully issued before the effective date of [REDACTED].

c. Additional Regulations

1. Existing businesses established prior to the adoption of this Code shall be allowed to remain in the Mixed Use Cultural District regardless of their cultural theme without being considered nonconformities.

2. Underground parking shall be permitted in T3 Transect Zones by Warrant for those properties which abut T5 Transect Zones along Grand Avenue between SW 37th Avenue and SW 32nd Avenue. Any T3 designated properties which have underground parking shall be required to be developed with Residential Structures for Residential Use on the surface of the underground parking structure. No replat is required if the T3 Transect Zone properties are tied to the property abutting Grand Avenue by a Covenant-in-Lieu of Unity of Title. Density limitations shall apply as per the underlying Transect Zone without the limitation of one (1) unit per Lot of record for T3-R or T3-L and two (2) units per lot of record for T3-O and the following minimum Setbacks shall apply:

(a) T3-R and T3-L Properties

(i) Front: twenty (20) feet

(ii) Side: five (5) feet

(iii) Rear: zero (0) feet

(b) T3-O Properties

(i) Front: ten (10) feet

(ii) Side: Zero (0) feet

(iii) Rear: Zero (0) feet

(c) Minimum required setbacks may be reduced through the Warrant process.

6.4.3 Market District

Boundaries: all properties fronting on Grand Avenue between Commodore Plaza Street to the east and Elizabeth Street to the west.

The Market District is intended to foster community markets along a portion of Grand Avenue relating to the sale of fruits, vegetables and other crafts indigenous of the Caribbean Islands. The

Caribbean Market District allows for a tourism destination similar to those found throughout Caribbean nations that represent the heritage of the surrounding community.

a. Use Regulations.

The Market District area shall permit the following Uses, in addition to those which are permitted in the underlying transect zone:

1. Farmer's markets and Caribbean crafts and food markets that specialize in the sale of crafts and fresh fruits and vegetables that are Caribbean in nature are permitted within this District, subject to a Warrant. All regulations contained in this Code are applicable, and further subject to the following limitations:
 - (a) Any outdoor market must be located on a parcel of no less than fifteen thousand (15,000) square feet of Lot Area.
 - (b) An outdoor market shall be limited to no more than sixty-five (65) percent of the area of the subject parcel in display area.
 - (c) An outdoor market may not include any permanent structures. All display tables and other such material must be removed at the end of the permitted time of operation.
 - (d) The outdoor market display area shall be located along the Grand Avenue frontage and be set back no less than twenty-five (25) feet from any abutting residentially zoned property.
 - (e) No outdoor market may be located closer than fifteen hundred (1,500) feet from another outdoor market.
 - (f) Only handmade crafts, fresh fruits and vegetables, prepared raw foods and drinks derived from fresh fruits and vegetables may be sold in an outdoor market within this District.

b. Additional Regulations

1. Existing businesses established prior to the adoption of this Code shall be allowed to remain in the Market District regardless of their cultural theme without being considered nonconformities.

A.3. COCONUT GROVE NEIGHBORHOOD CONSERVATION DISTRICT (NCD-3)²

Article 1. Definitions

1.1 Boundaries

1.2 Definitions of Terms

1.4 Definitions of Landscape Requirements

Article 2. General Provisions

2.1 Purpose and Intent

2.2 Applicability

Article 3. General to Zones

3.14 Public Benefits Program

Article 4. Standards & Tables

4.1 Parking Requirements

Article 4. Table 2 - Summary

Article 4. Table 3 - Building Function: Uses

Article 5. Specific to Zones

5.1 Generally

5.3 Sub-Urban Transect Zones (T3)

Illustration 5.3a Sub-Urban Transect Zones (T3-R and T3-L)

Illustration 5.3b Sub-Urban Transect Zones (T3-O)

Article 6. Supplemental Regulations

6.1 Intent and Exclusions

Article 6. Table 13 Supplemental Regulations

6.3 Commercial Districts

Article 7. Procedures and Nonconformities

7.1 Procedures

² The referenced Articles and Sections correspond with the appropriate Miami 21 Code Articles and Sections.

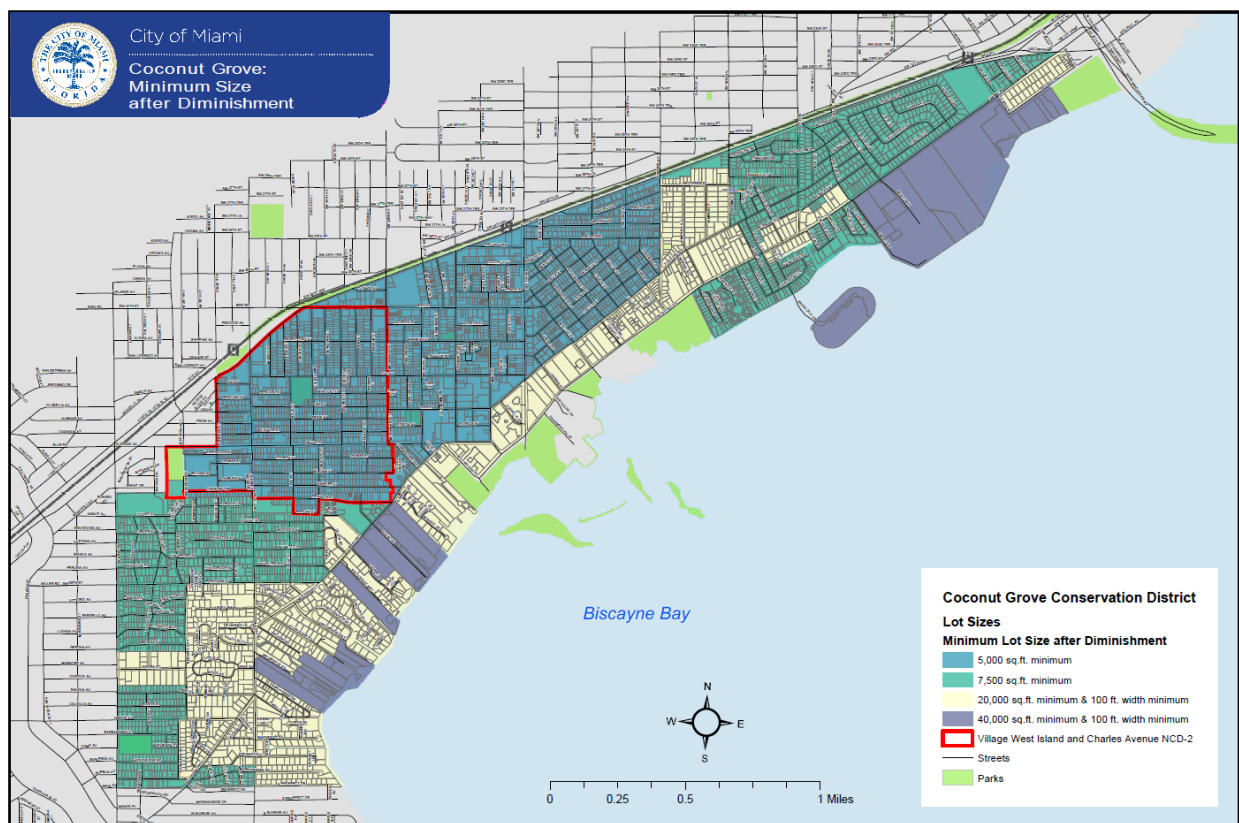
A.3. COCONUT GROVE NEIGHBORHOOD CONSERVATION DISTRICT (NCD-3)

ARTICLE 1. DEFINITIONS

1.1 BOUNDARIES

Generally described as bounded by City of Miami (“City”) limits to the west and south, US 1 on the west and north, Rickenbacker Causeway on the east, Biscayne Bay along the east and south, as more specifically depicted on Diagram A3.1.

Diagram A3.1:



1.2 DEFINITIONS OF TERMS

Building Site: One or more Lots, or portions of Lots, that are aggregated to form a single residential site including platted and unplatted Lots. Evidence identifying a Building Site may include: City tax records, covenants, unity of titles, deeds, permits, subdivision records, and the City of Miami Municipal Atlas.

Carport: A portion of a Principal residential Building or a Building accessory to a residential Use designed to be used for shelter of motor vehicles, unenclosed at the vehicular entry side and for

an area at least equal to thirty percent (30%) of the three (3) remaining perimeter walls. Where enclosure exceeds this amount, the shelter shall be considered a garage.

Floor Area: The floor area within the inside perimeter of the outside walls of the Building including hallways, stairs, closets, thickness of walls, columns, enclosed parking and other features, and excluding only open air spaces such as exterior corridors, Carports, Porches, verandas, balconies, and roof areas. Also means Building or Development Capacity.

Floor Lot Ratio (FLR): The multiplier applied to the Lot Area that determines the maximum Floor Area allowed above grade in a given Transect Zone.

Green Space: An Open Space outdoors, at grade, unroofed, landscaped and free of impervious surfaces. See Article 4, Table 7 of the Miami 21 Code.

Lot Coverage: The area of the Lot occupied by all Buildings, excluding single-story unenclosed Structures such as decks, pools, trellises, Carports, Porches, verandas, pergolas, pavilions, porticos, Driveways, pathways, and pools. Unenclosed shall mean having no exterior walls other than those that are enclosing interior space of the principal structure.

Porch: An open air room appended to a Building.

Village Center: Bounded by Oak Street and Tigertail Avenue on the north, SW 27 Avenue and Biscayne Bay on the east, Via Abitare Way, Main Highway, and Charles Avenue along southern edge, and SW 32 Avenue on the west.

1.4 DEFINITIONS OF LANDSCAPE REQUIREMENTS

Buffer Tree: A canopy shade tree of substantial size and appearance, meeting the following standards: Classified as Florida Grade 1, sixteen (16) feet in height minimum, five (5) feet clear trunk minimum, and six (6) inches diameter at breast height (DBH) minimum. Excludes palm trees.

Oolitic Limestone: A sedimentary limestone consisting of ooliths that are cemented together. This limestone is common throughout Coconut Grove and aesthetically blends well with other natural elements.

ARTICLE 2. GENERAL PROVISIONS

2.1 PURPOSE AND INTENT

Coconut Grove, one of Miami's first neighborhoods, is recognized for its lush, heavily landscaped, natural green areas, public open space, recreational opportunities, proximity to Biscayne Bay, waterfront views, geologic features, vibrant business district services, historic resources, and diverse property sizes.

The Intent of Coconut Grove Neighborhood Conservation District is to:

1. Protect, preserve and enhance the built and natural neighborhood character, unique to the Coconut Grove area. That character includes the existing natural and built environment as measured by existing natural features, tree canopy, foliage, plant material and landscaping as well as characteristics of the built environment.

2. Protect, preserve and enhance the tree canopy and heavily landscaped character of Coconut Grove.

3. Protect, preserve and enhance public and private green spaces and further the expansion of tree canopy throughout the neighborhoods of Coconut Grove.

4. Protect and preserve the scale, massing, and architectural variety within the unique residential neighborhoods of Coconut Grove. This includes guiding new development to protect scale, character, and architectural variety within those neighborhoods.

2.2 APPLICABILITY

The effect of these regulations shall be to modify transect regulations included within the Coconut Grove Neighborhood Conservation District (NCD-3) boundaries to the extent indicated herein.

Where standards set forth in the Coconut Grove Neighborhood Conservation District (NCD-3) conflict with the Miami 21 Code, the standards set forth in this Neighborhood Conservation District shall supersede. Where this Neighborhood Conservation District is silent, the underlying Miami 21 Code standards shall govern if applicable.

Demolition permits shall require a Warrant and be referred to the Planning Department for review under the Tree Preservation Ordinance. All submittals 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), and a buildable area diagram illustrating the potential developable area in relationship to existing trees, applicable Setbacks, and other requirements.

No Warrant shall be required if the proposed Demolition maintains more than fifty (50) percent of the original structure. Later additions shall not be included in the area of the original structure.

ARTICLE 3. GENERAL TO ZONES

3.14 PUBLIC BENEFITS PROGRAM

The intent of the Public Benefits Program established in this Section is to allow Density bonuses in T4 and T5 Transect Zones; in exchange for contribution to the Affordable/Workforce Housing

Public Benefits Program, and to allow additional Floor Lot Ratio and Encroachments bonuses in T5 and T6 Transect Zones in exchange for contribution to the Civic Space and Cross-Block Connectivity Public Benefits Programs. The bonuses do not increase the maximum height permitted.

3.14.1 The bonuses shall be permitted if the proposed Development contributes toward the specified public benefits, above the minimum requirements prescribed by this Code, in the amount and in the manner as set forth herein.

1. T4: 36 dwelling units per acre maximum, bonus to 65 dwelling units per acre
2. T5: 65 dwelling units per acre maximum, bonus to 150 dwelling units per acre
3. In T5 and T6 zones Building Disposition bonuses for developments that provide Civic Space area to the City of Miami as described in Section 3.14.4.
4. In T5 and T6 zones Building Disposition bonuses for developments that provide Cross-Block Connectivity to the City of Miami as described in Section 3.14.4.

3.14.2 Upon providing a binding commitment for the specified public benefits as provided in Section 3.14.3 below, the proposed development project shall be allowed to build within the restrictions of the specific Transect Zone, up to the bonus as established in this Section.

3.14.3 The Density bonus shall be permitted in exchange for Affordable/Workforce Housing contribution to the City. The Floor Lot Ratio and Encroachments bonuses shall be permitted in exchange for Civic Space or Cross-Block Connectivity contributions to the City.

3.14.4 For the purposes of the Public Benefits Program, the following criteria shall apply:

a. Affordable/Workforce Housing. A development project in a T4 or T5 zone may provide any of the following or combination thereof:

1. Workforce Housing on site of the development. For each Unit of Workforce Housing provided on site, the development's Density maximum shall be increased by two (2) units, resulting in one (1) additional Market Rate Unit up to the maximum Density bonus permitted, as described in Section 3.14.1.
2. Affordable Housing on site of the development. For each Unit of Affordable Housing provided on site, the development's Density maximum shall be increased by three (3) Units, resulting in two (2) additional Market Rate Units up to the maximum Density bonus permitted, as described in Section 3.14.1.
3. The Unit type distribution provided as Affordable/Workforce Housing Units shall match the Unit type distribution provided as Market Rate Housing.
4. Developments must fully integrate Affordable/Workforce Units with market rate Units; separate access or sections shall not be permitted.

b. Civic Space Types. For a development project in a T5 or T6 zone within the NCD-2 and NCD-3 boundaries, excluding properties abutting SW 27th Avenue from Coconut Avenue to Tigertail avenue and properties abutting Bird Avenue east of Bridgeport Avenue, that provide a Civic Space Type onsite to the City, an additional two (2) square feet of area for

each square foot of donated space, shall be accommodated within the Floor Lot Ratio (FLR) and Encroachments bonus as described in Section 3.14.5. The additional FLR is limited to the area provided beyond minimal requirements.

c. Cross-Block Connectivity. For a Development project in a T5 or T6 zone within the NCD-2 and NCD-3 boundaries, excluding properties abutting SW 27th Avenue from Coconut Avenue to Tigertail avenue and properties abutting Bird Avenue east of Bridgeport Avenue, that provide an open to the sky cross-Block Paseo or Pedestrian Passage, connects two (2) Thoroughfares, and is publicly accessible 24-hours a day or reduced hours by process of Waiver, an additional six (6) square feet of area for each square foot of donated space, shall be accommodated within the Floor Lot Ratio (FLR) and Encroachments bonus as described in Section 3.14.5. The additional FLR is limited to the area provided beyond minimal requirements.

3.14.5 The additional Floor Area generated through the Public Benefits Program, shall be accommodated as follows:

- a. The maximum mezzanine Habitable Space Floor Area, as defined in the Miami 21 Code, of thirty-three percent (33%) may be exceeded up to one-hundred percent (100%), provided that such mezzanine is designed as an extension of the ground floor façade and is visually perceived as part of the ground floor.
- b. The upper stories of a building may encroach into the First Layer a maximum of five (5) feet. The encroachment allowance excludes the ground and mezzanine levels. The total Floor Area within the encroachment shall not exceed the area generated from the Public Benefits Program.

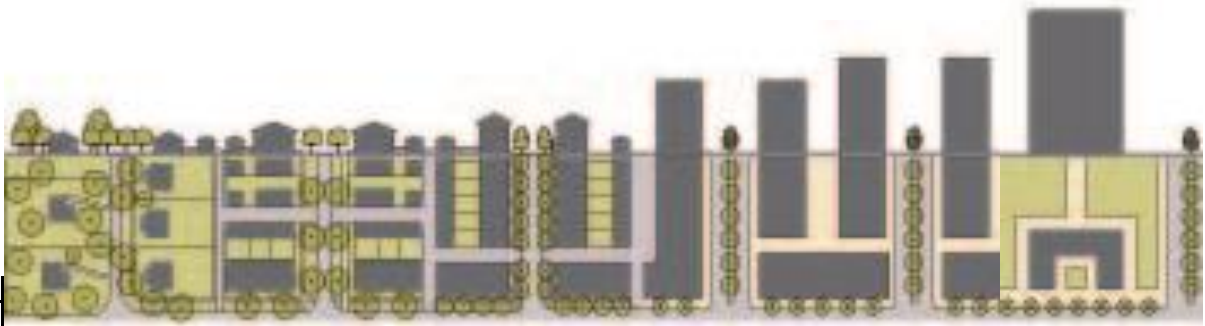
ARTICLE 4. STANDARDS & TABLES

4.1 PARKING REQUIREMENTS

a. In T4, T5, and T6 Transect Zones, including properties abutting T3 Transect Zones, the parking ratio may be reduced within a Transit Oriented Development ("TOD") area or within a Transit Corridor area by up to thirty percent (30%) by process of Waiver.

b. In T4, T5, and T6 Transect Zones, properties within the quarter (1/4) mile pedestrian shed from a Metrorail Station or within the Village Center, the parking ratio may be reduced by up to fifty percent (50%) by process of Waiver and payment into a transit enhancement Trust Fund, as established by Chapter 35 of the City Code; or by one hundred percent (100%) for any Structure with a Floor Area of ten thousand (10,000) square feet or less.

ARTICLE 4. TABLE 2: NCD SUMMARY



LOT OCCUPATION

a. Lot Area	Established by Diagram 1	1,400 s. f. – 20,000 s. f. **	1,200 – s. f. 40,000 s. f. **	40,000 s. f. max. **	max. **	10,000 – s. f. min
b. Lot Width	50 ft. min.	16 ft. min / 50 ft. min. **	16 ft. min / 50 ft. min. **	50 ft. min.	50 ft. min.	50 ft. min.
c. Lot Coverage	50% max.	50% max.	50% max.	50% max. **	50% max. **	50% max.
d. Floor Lot Ratio (FLR)	0.5 max. (T3-R and T3-L) 0.75 max. (T3-O)			5 / 25% additional Public Benefit ***	8 / 30% additional Public Benefit ***	8
e. Frontage at front Setback		50% min.	70% min.	70% min.	70% min.	None
f. Green/Open Space Requirement	40% Lot Area min. (T3-R and T3-L) 35% Lot Area min. (T3-O)					
g. Density	15% Lot Area min.	15% Lot Area min.	10% Lot Area min.	10% Lot Area min.	10% Lot Area min.	10% Lot Area min.
	9-18 du/acre max. **	36 du/acre max. ****	65 du/acre max. ****	150 du /acre *	150 du /acre *	150 du /acre *

BUILDING SETBACK

a. Principal Front	30 ft. min. **	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
b. Secondary Front	10 ft. min. **	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
c. Side	5 ft. min. **	0 ft. min. / 5 ft. min. **	0 ft. min. **	0 ft. min. **	0 ft. min. **	0 ft. min.
d. Rear	20 ft. min. **	20 ft. min.	0 ft. min. **	0 ft. min. **	0 ft. min. **	0 ft. min.

OUTBUILDING SETBACK

a. Principal Front	20 ft. min.	30 ft. min.				
b. Secondary Front	10 ft. min.	10 ft. min.				
c. Side	10 ft. min. **	0 ft. min. / 5 ft. min.				
d. Rear	10 ft. min. **	5 ft. min.				

PRIVATE FRONTAGES

A. Common Lawn	Permitted	Permitted	Prohibited	Prohibited	Prohibited	Permitted
B. Porch & Fence	Permitted	Permitted	Prohibited	Prohibited	Prohibited	Prohibited
C. Terrace Or L.C.	Prohibited	Permitted	Prohibited	Prohibited	Prohibited	Permitted
D. Forecourt	Prohibited	Permitted	Permitted	Permitted	Permitted	Permitted
E. Stoop	Prohibited	Permitted	Permitted	Permitted	Permitted	Permitted
F. Shopfront	Prohibited	Permitted (T4-L, T4-V O)	Permitted (T5-L, T5-O)	Permitted (T6-8 L, T6-8 O)	Permitted (T6-12 L, T6-12 O)	Permitted
G. Gallery	Prohibited	Prohibited	Permitted **	Permitted **	Permitted **	Permitted **
H. Arcade	Prohibited	Prohibited	Permitted **	Permitted **	Permitted **	Permitted **

BUILDING HEIGHT (Stories)

a. Principal Building	2 max.	3 max.	2 min. 5 max.	2 min. 3 max.	2 min. 12 max.	1 min. As regulated by F.A.A.
b. Outbuilding	2 max.	2 max.				
c. Benefit Height Abutting T6, T5 & T4 only.			1 max. **	4 max. **	3 max. **	

THOROUGHFARES

a. HW & RR	Permitted	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
b. BV	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
c. SR	Permitted	Permitted	Prohibited	Permitted	Permitted	Permitted
d. RS	Permitted	Permitted	Prohibited	Permitted	Permitted	Permitted
e. SS & AV	Prohibited	Prohibited	Permitted	Permitted	Permitted	Permitted
f. CS & AV	Prohibited	Prohibited	Permitted	Permitted	Permitted	Permitted
g. Rear Lane	Permitted	Permitted	Prohibited	Prohibited	Prohibited	Prohibited
h. Rear Alley	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
i. Path	Permitted	Permitted	Prohibited	Prohibited	Prohibited	Prohibited
j. Passage	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
k. Bicycle Path	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
l. Bicycle Lane	Permitted	Permitted	Permitted	Permitted	Permitted	Prohibited
m. Bicycle Route	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
n. Sharrow	Prohibited	Permitted	Permitted	Permitted	Permitted	Permitted
o. Priority Bicycle Route	Permitted	Permitted	Prohibited	Permitted	Permitted	Permitted

* Or as modified in Diagram 9

** Note: Refer to Article 5 for Specific Transect Zone Regulations

*** Note: Bonus shall not be available for T6 properties abutting T3 properties (refer to Article 3)

****Density bonus available in some zones as described in Section 3.14 of this code.

ARTICLE 5. SPECIFIC TO ZONES

5.1 GENERALLY

This Article sets forth the standards applicable to development within each Transect Zone located within the NCD-2 and NCD-3. Where NCD-3 and NCD-2 conflict, NCD-2 regulations supersede. Provisions of the Miami 21 Code modified herein shall apply only within the NCD-2 and NCD-3.

5.1.1 This Article sets forth the standards applicable to development within each Transect Zone that are specific to:

- Building Disposition
- Building Configuration
- Building Function and Density
- Parking Standards
- Architectural Standards
- Landscape Standards
- Ambient Standards

5.3 SUB-URBAN TRANSECT ZONES (T3)

5.3.1 Building Disposition (T3)

- a. Established Building Sites shall be maintained. New Building Sites shall only be established by process of Warrant. Establishing new Building Sites shall be subject to the criteria specified in Article 4, Table 12: Design Review Criteria, of the Miami 21 Code, and the following requirements:
 1. Newly established Building Sites shall be in accordance with Diagram A3.1, provided in Section 1.1.
 2. The creation of new Building Sites shall not reduce existing tree canopy. Specimen trees shall be preserved, relocated or mitigated on-site.
 3. Newly established Building Sites shall comply with all existing Lot requirements. Any existing Structures on a Lot shall not become non-conforming as a result of the creation of the newly established Building Site. Any existing legal non-conforming Structures on a Lot shall result in the same or reduced degree of nonconformity as a result of the newly established Building Site.
 4. Newly established Building Sites shall have a Lot Area equal to or larger than the mean average of existing Building Sites, of the same zoning designation, within the same subdivision in existence prior to October 2005 as illustrated in the City of Miami's Municipal Atlas.

5. All Warrants and platting submittals for the diminishment of a Building Site shall contain the required documents set forth in Sec. 17-4 (c) (1) 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), and a buildable area diagram illustrating the potential developable area in relationship to existing trees, applicable Setbacks, and other requirements.
6. Newly established Building Sites shall require a Unity of Title or a Covenant in Lieu of Unity of Title.
7. Building Sites shall not include any portions of land under a different zoning transect.
- b. Lot coverage by Buildings shall not exceed that shown in Illustrations 5.3A and 5.3B.
- c. Floor Lot Ratio ("FLR") shall not exceed that shown in Illustrations 5.3A and 5.3B. Interior spaces exceeding fifteen (15) feet in height shall be calculated as double Floor Area towards the maximum FLR.
- d. A Building shall be disposed in relation to the boundaries of its Lot according to Illustrations 5.3A and 5.3B.
- e. In Zones T3-R and T3-L, one (1) Principal Building consisting of one (1) Dwelling Unit at the Frontage and one (1) Ancillary Dwelling Unit ("ADU") may be built on Lots ten (10,000) thousand square feet or larger.
- f. Setbacks for Principal Buildings shall be as shown in Illustrations 5.3A and 5.3B. The minimum side Setback shall be five (5) feet. The total side Setback in Zone T3-O shall be a minimum of twenty percent (20%) of the Lot Width. The minimum total side Setback in Zones T3-R and T3-L shall be as established in the following table:

<u>Building Site Size in Square Feet</u>	<u>Interior Lots First Story of Structure</u>	<u>Interior Lots Second Story of Structure</u>	<u>Corner Lots First Story of Structure</u>	<u>Corner Lots Second Story of Structure</u>
<u>Less than 7,500</u>	<u>10 Feet</u>	<u>15 Feet</u>	<u>15 Feet</u>	<u>20 Feet</u>
<u>7,500 – 10,000</u>	<u>15 Feet</u>	<u>25 Feet</u>	<u>15 Feet</u>	<u>25 Feet</u>
<u>More than 10,000</u>	<u>25 Feet</u>	<u>35 Feet</u>	<u>25 Feet</u>	<u>35 Feet</u>

1. For purposes of protecting and/or mitigating an existing tree, pursuant to Chapter 17, a structure may be granted relief, from the Planning Director, to encroach into the minimum required side and rear Setbacks. The minimum side Setback shall be no less than five (5) feet. The minimum rear Setback may not be reduced to less than ten (10) feet on the first story and fifteen (15) feet on the upper stories.

2. Setbacks may otherwise be adjusted by Waiver by no more than ten percent (10%).
- g. Facades shall be built parallel to a rectilinear Principal Frontage Line or parallel to the tangent of a curved Principal Frontage Line.
- h. Setbacks for Outbuildings, pools, tennis courts or other similar recreational facilities shall be as shown for Outbuildings in Illustrations 5.3A and 5.3B.
 1. One (1) Story, non-habitable Accessory Structure, of a maximum of two hundred (200) square feet or ten percent (10%) of the Floor Area of the Principal Building, whichever is greater, shall be located in the Second or Third layer of the property and shall be setback a minimum of five (5) feet from any side Property Line and ten (10) feet from any rear Property Line.
 2. Trellises, Gazebos, and other unenclosed structures for recreational purposes, of a maximum of two-hundred (200) square feet or five percent (5%) of the Lot Area, whichever is less, shall be located in the Second or Third layer of the property and shall be setback a minimum of five (5) feet from any Property Line. Such structures shall be a maximum height of fifteen (15) feet.

5.3.2 Building Configuration (T3)

- a. Encroachments shall be allowed as follows:
 1. At the First Layer on Principal Frontages only, the structure may encroach a maximum of ten (10) feet provided that said projection does not exceed fifteen (15) feet in height and thirty (30) feet or fifty (50) percent of the Lot Frontage, whichever is less, in width along the front of the building. Open Porches may encroach up to fifteen (15) feet into the First Layer provided that said encroachment does not exceed fifteen (15) feet in height. Side facing unenclosed parking structures may encroach up to fifteen (15) feet and front-facing unenclosed parking structures may encroach up to ten (10) feet into the First Layer provided that said encroachment does not exceed fifteen (15) feet in height. Cantilevered portions of Awnings, balconies, bay windows and roofs shall be a maximum of three (3) feet deep and may encroach up to three (3) feet into the First Layer. Other cantilevered portions of the Building shall maintain the required First Layer Setback of thirty (30) feet.
 2. At the Second and Third Layers, Awnings, balconies, bay windows, chimneys, roofs and unenclosed stairs may encroach up to fifty percent (50%) of the depth of the Side Setback or three (3) feet, whichever is less. The minimum Side Setback of five (5) feet shall not be encroached.
- b. Unroofed screen enclosures shall be located within the Second or Third Layer only and shall have a five (5) foot minimum Side and Rear Setback.

- c. All outdoor storage, electrical, plumbing, mechanical, and communications equipment and appurtenant enclosures, shall be located within the Second or Third Layer and concealed from view from any Lot Line. These shall not be allowed as Encroachments, on any required Setback, except for Buildings existing as of the effective date of this Code, where mechanical equipment, such as air conditioning units, pumps, exhaust fans or other similar noise producing equipment may be allowed as Encroachments by Waiver.
- d. Building Heights shall be measured in Stories and shall conform to Article 4, Table 2. The first-floor elevation of a Principal Building shall be a maximum of two and a half (2.5) feet above grade, or as regulated by FEMA, whichever is higher. A flat roof shall be a maximum of two (2) Stories and twenty-two (22) feet. A pitched roof shall be a maximum of twenty-two (22) feet to the eave and shall not exceed ten (10) feet overall Height above the second Story.
- e. Mechanical equipment on a roof shall be enclosed by parapets of the minimum Height necessary to conceal it, and a maximum Height of three and a half (3.5) feet. Mechanical equipment that is not fully concealed by the maximum parapet shall be setback a minimum of ten (10) feet from all building facades and fully concealed. At the roof, other ornamental Building features may extend up to three and a half (3.5) feet above the maximum Building Height. Roof decks shall be permitted at the maximum Height.
- f. Extensions above the maximum Height, for either a stair enclosure or ornamental purpose shall be permitted by right for Lots ten thousand (10,000) square feet or larger, provided that the extension is no more than eight (8) feet in height, no more than two-hundred (200) square feet in floor area and is set back a minimum of ten (10) feet from the structures' façades; such setback is not required on Lots larger than one (1) acre. Enclosed extensions shall be counted towards the FLR maximum. Extensions shall only be permitted when FLR is available.
- g. Roof decks shall be setback fifteen (15) feet from all abutting properties.
- h. Fences and walls may be located up to and including the Frontage Line to the following maximum Height. Height of fences and walls shall not exceed four (4) feet within the First Layer, except aluminum or iron picket and post Fences with or without masonry posts shall not exceed six (6) feet. Fences and walls located within the Second and Third Layers shall not exceed eight (8) feet.

5.3.3 Building Function & Density (T3)

- a. Buildings in T3 Transect Zones shall conform to the Functions, Densities, and Intensities described in Article 4, Table 3 of this Code, Article 4, Table 4 of the Miami 21 Code, and Illustration 5.3A and 5.3B of this code. Certain Functions as shown in Article 4, Table 3 shall require approval by Warrant or Exception. Consult Article 6, of this Code and the Miami 21 Code, for any supplemental use regulations.

- b. Religious and Educational Facilities requiring additional Height, FLR, or relief from parking requirements may be permitted by process of Exception.

5.3.4 Parking Standards (T3)

- a. Vehicular parking shall be required as shown in Article 4, Tables 4 and 5 of Miami 21, with the exceptions as listed in Section 4.1 Parking Requirements of this Code.
- b. Parking may be accessed by an Alley when such is available.
- c. Garages shall be located within the Second and Third Layers as shown in Article 4, Table 8, of Miami 21. All require parking shall be setback a minimum of fifteen (15) feet from the Primary Frontage.
- d. In T3-R and T3-L, a maximum thirty (30) percent of the width of the Facade may be parking, including unenclosed, covered, or garage. In T3-O a maximum sixty (60) percent of the width of the façade may be parking, including unenclosed, covered, or garage.
- e. Garages shall not be located along the same front Setback Line as the front wall of a residential structure unless the garage door(s) does not face the street. Garage structures with access openings that face the street shall be set back a minimum of five (5) feet from the front wall of the principal residential structure.
- f. Garage doors which are more than ten (10) feet wide shall not be allowed to face the street. In T3-R and T3-L, a maximum of one (1) garage door may face the street if setback from the principal façade by a minimum of five (5) feet.
- g. Trellises may encroach into the First Layer, as provided in Section 5.3.2.a.1, encroachment shall not exceed the maximum façade width allowed for parking, as stated above.
- h. Driveways and drop-offs including parking may be located within the First Layer. The maximum width at the Property Line of a driveway on a Frontage shall be twelve (12) feet. Two (2) separate driveways on one Lot shall have a minimum separation of twenty (20) feet in T3-R and T3-L and five (5) feet in T3-O. Except as required for the driveway approach, no portion of any driveway in a required yard adjacent to a street shall be within five (5) feet of any Property Line other than as may be required to allow for turnaround maneuver, in which case said driveway shall be constructed of permeable material in its entirety.
- i. Tandem Parking on site is encouraged.

5.3.5 Architectural Standards (T3)

- a. Only permanent Structures shall be allowed. Temporary Structures such as mobile homes, construction trailers, travel trailers, recreational vehicles, and other temporary Structures shall not be allowed except as permitted by City Code.
- b. Roof materials should be light-colored, high Albedo or a planted surface.
- c. Adjacent Lots or Lots in the same subdivision under single ownership, or developed by a single builder or developer shall not employ the same, similar or duplicate architectural plans. Adjacent buildings under such conditions shall be substantially differentiated in massing, footprint, and exterior detailing.

5.3.6 Landscape Standards (T3)

- a. A minimum of one Buffer Tree shall be planted within the First Layer for each twenty-five (25) feet of Frontage Line. Existing trees that meet the minimum standard set by the Buffer Tree definition shall count towards this requirement.
- b. At the First Layer, pavement shall be limited as follows: Impervious pavement shall be limited to thirty percent (30%) of the area and pervious pavement shall be limited to fifty percent (50%) of the area; a combination of pervious and impervious pavement shall be limited to fifty percent (50%) of the area in the First Layer.
- c. Green Space for Lots in Zones T3-R and T3-L shall be a minimum of forty percent (40%) of Lot Area. Green Space for Lots T3-R and T3-L with only single story structures shall be a minimum of thirty percent (30%). Green Space for Lots in Zones T3-O shall be a minimum of thirty-five percent (35%) of the Lot Area.
- d. All front yards shall be designed in a way that minimizes the impact of garage fronts and off-street parking. Front yards shall provide a more permeable surface and use abundant landscaping and tree canopy throughout.
- e. All fences located within any street-front Setback area shall be covered from the public right-of-way view by plant material except when said fence is faced or constructed with Oolitic Limestone.
- f. Additional landscape requirements are listed in Article 9 of the Miami 21 Code.
- g. Landscaping and landscape features (including existing Specimen Trees and Oolitic Limestone features) may be located within the City's public right of way as long as such landscaping or landscape features do not encroach upon any line of sight triangle with a height of over eighteen (18) inches. Landscaping, at maturity, shall not encroach on the sidewalk. New trees may only be planted by permit.

- h. In the cases where there is a violation of regulations in Chapter 17 "Environmental Preservation", Waiver or Warrant permits shall be unavailable for one (1) year after a citation is issued. In such cases, existing Waivers and Warrants granted for the subject property may be rescinded.
- i. Artificial Landscaping and synthetic turf is prohibited within the First Layer.

ILLUSTRATION 5.3A SUB-URBAN TRANSECT ZONES (T3-R AND T3-L)

BUILDING DISPOSITION

LOT OCCUPATION

a. Lot Area	Established by Diagram 1.
b. Lot Width	50 ft. min.
c. Lot Coverage	50% max.
d. Floor Lot Ratio (FLR)	0.5
e. Frontage at front Setback	N/A
f. Green Space	40% Lot Area min.
g. Density	9 du/ac max.

BUILDING SETBACK

a. Principal Front	30 ft. min.
b. Secondary Front	10 ft. min.
c. Side	5 ft. min.**
d. Rear	20 ft. min.

OUTBUILDING SETBACK

a. Principal Front	20 ft. min.
b. Secondary Front	10 ft. min.
c. Side	10 ft. min.**
d. Rear	10 ft. min.**

BUILDING CONFIGURATION

FRONTAGE

a. Common Lawn	Permitted
b. Porch & Fence	permitted
c. Terrace or L.C.	permitted
d. Forecourt	permitted
e. Stoop	prohibited
f. Shopfront	prohibited
g. Gallery	prohibited
h. Arcade	prohibited

BUILDING HEIGHT

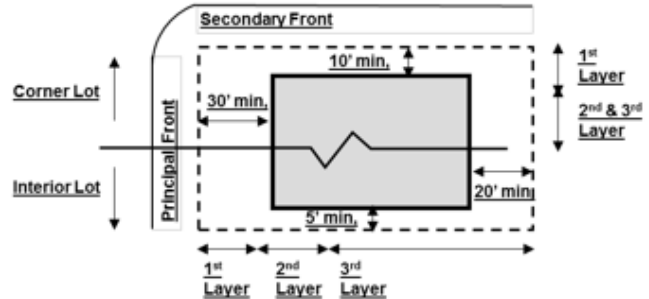
a. Principal Building	2 Stories and 25 ft. to eave max.
b. Outbuilding	2 Stories and 25 ft. to eave max.

PARKING

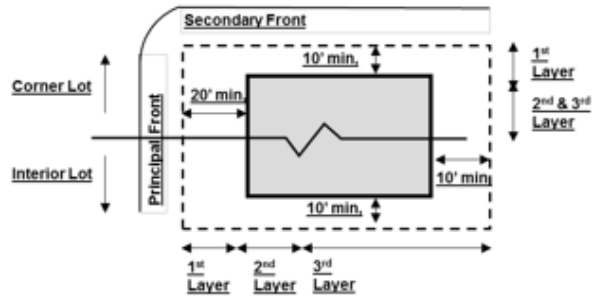
Facade Width	30 % max.
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** Refer to Section 5.3.1 for Specific Requirements

BUILDING PLACEMENT



OUTBUILDING PLACEMENT



PARKING PLACEMENT

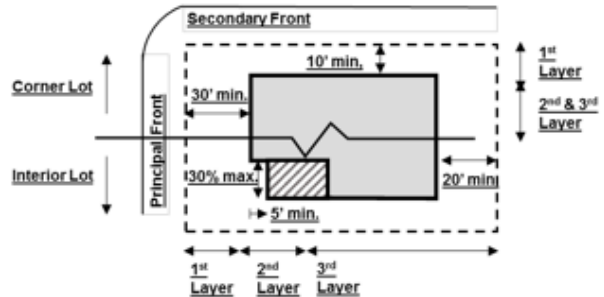


ILLUSTRATION 5.3B SUB-URBAN TRANSECT ZONES (T3-O)

BUILDING DISPOSITION

LOT OCCUPATION

a. Lot Area	Established by Diagram 1.
b. Lot Width	50 ft. min.
c. Lot Coverage	50% max.
d. Floor Lot Ratio (FLR)	0.75
e. Frontage at front Setback	N/A
f. Green Space	35% Lot Area min.
g. Density	18 du/ac max.

BUILDING SETBACK

a. Principal Front	30 ft. min.
b. Secondary Front	10 ft. min.
c. Side	5 ft. min. 20% Lot Width total min.**
d. Rear	20 ft. min.

OUTBUILDING SETBACK

a. Principal Front	20 ft. min.
b. Secondary Front	10 ft. min.
c. Side	10 ft. min.**
d. Rear	10 ft. min.**

BUILDING CONFIGURATION

FRONTAGE

a. Common Lawn	permitted
b. Porch & Fence	permitted
c. Terrace or L.C.	permitted
d. Forecourt	permitted
e. Stoop	prohibited
f. Shopfront	prohibited
g. Gallery	prohibited
h. Arcade	prohibited

BUILDING HEIGHT

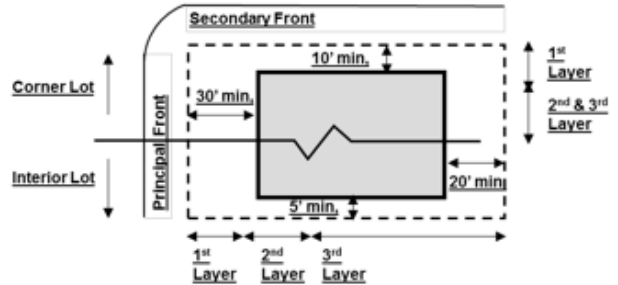
a. Principal Building	2 Stories and 25 ft. to eave max.
b. Outbuilding	2 Stories and 25 ft. to eave max.

PARKING

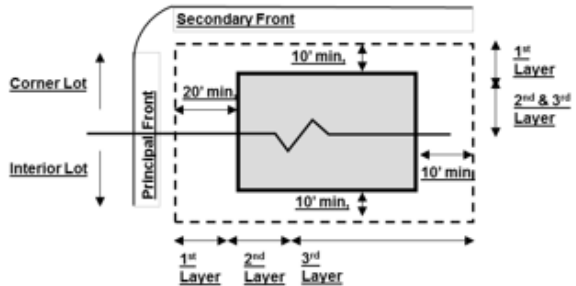
Facade Width	60% max.
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**Refer to Section 5.3.1 for Specific Regulations

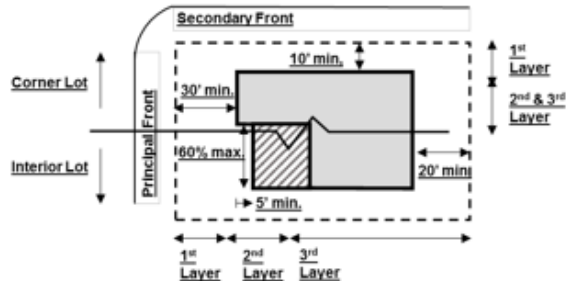
BUILDING PLACEMENT



OUTBUILDING PLACEMENT



PARKING PLACEMENT



ARTICLE 6. SUPPLEMENTAL REGULATIONS

6.1 INTENT AND EXCLUSIONS

The supplemental regulations of this Article apply to the specific uses listed below within the broader Use categories identified in Article 4, Table 3 and Article 5 of the Miami 21 Code. These regulations supplement other standards listed elsewhere in this Code. No permit or Certificate of Use may be granted for any Use, unless the Use complies with the requirements of these supplemental regulations and any other applicable standards of the Miami 21 Code.

Specifically excluded from all Transect Zones in the City are stockyards, slaughterhouses, wrecking yards, rag shops, cement plants, paper factories, ammunition plants, fireworks manufacturing, house barges, refining, smelting, forging, and unattended donation collection bins.

The regulations of Article 6, Table 13 herein are arranged by Transect Zone and in the same order in which they appear in Article 4, Table 3 of the Miami 21 Code. These regulations may be further supplemented by Article 6.

When calculating distance separation requirements, measurement shall be made from the nearest point of the Lot of the existing facility, Use, or Structure to the nearest point of the Lot of the proposed facility, Use, or Structure.

A blank cell in Table 13 signifies that the Use is prohibited.

ARTICLE 6. TABLE 13 SUPPLEMENTAL REGULATIONS
T3 - SUB-URBAN ZONE

	RESTRICTED	LIMITED	OPEN
DENSITY (UPA)	9 UNITS PER ACRE	9 UNITS PER ACRE	18 UNITS PER ACRE
ANCILLARY UNIT	<p>Maximum size of unit 450 square feet. A historic building less than 1,200 square feet may serve as the Ancillary Unit. Shall only be used as Single-Family Residence dwelling. May only be rented if the property is homesteaded and the principal dwelling owner resides on site.</p> <p>Unit Structure shall be architecturally harmonious with the Principal Building.</p> <p>Any Facade, within 20 feet of another property shall only provide clerestory windows along that corresponding Facade.</p>	<p>Maximum size of unit 450 square feet. A historic building less than 1,200 square feet may serve as the Ancillary Unit. Shall only be used as Single-Family Residence dwelling. May only be rented if the property is homesteaded and the principal dwelling owner resides on site.</p> <p>Unit Structure shall be architecturally harmonious with the Principal Building.</p> <p>Any Facade, within 20 feet of another property shall only provide clerestory windows along that corresponding Facade.</p>	<p>Maximum size of unit 450 square feet. A historic building less than 1,200 square feet may serve as the Ancillary Unit. Shall only be used as Single-Family Residence dwelling. May only be rented if the property is homesteaded and the principal dwelling owner resides on site.</p> <p>Unit Structure shall be architecturally harmonious with the Principal Building.</p> <p>Any Facade, within 20 feet of another property shall only provide clerestory windows along that corresponding Facade.</p>
BOTANICAL GARDENS	<p>Allowed by Exception only. Minimum Lot Size of five (5) acres.</p> <p>May include the following:</p> <p>(a) Educational facilities including building for meeting and classrooms</p> <p>(b) Scientific research laboratory</p> <p>(c) Offices to serve the Botanical Garden</p> <p>(d) Residential living units for visiting scholars</p> <p>(e) Garden maintenance area</p> <p>(f) Gift shop or bookstore area.</p> <p>Outdoor display of merchandise shall be limited to areas not visible from public streets.</p>	<p>Allowed by Exception only. Minimum Lot Size of five (5) acres.</p> <p>May include the following:</p> <p>(a) Educational facilities including building for meeting and classrooms</p> <p>(b) Scientific research laboratory</p> <p>(c) Offices to serve the Botanical Garden</p> <p>(d) Residential living units for visiting scholars</p> <p>(e) Garden maintenance area</p> <p>(f) Gift shop or bookstore area.</p> <p>Outdoor display of merchandise shall be limited to areas not visible from public streets.</p>	<p>Allowed by Exception only. Minimum Lot Size of five (5) acres.</p> <p>May include the following:</p> <p>(a) Educational facilities including building for meeting and classrooms</p> <p>(b) Scientific research laboratory</p> <p>(c) Offices to serve the Botanical Garden</p> <p>(d) Residential living units for visiting scholars</p> <p>(e) Garden maintenance area</p> <p>(f) Gift shop or bookstore area.</p> <p>Outdoor display of merchandise shall be limited to areas not visible from public streets.</p>

6.3 COMMERCIAL DISTRICTS

6.3.2 Large Scale Retail

- a. Large-Scale Retail Establishment - A retail establishment, including membership establishments with any commercial retail use, of over twenty thousand (20,000) square feet in gross floor area. Movie theaters and entertainment venues are excluded. The gross floor area includes building gross floor area and ancillary outdoor storage or merchandise display areas. For the purpose of determining the applicability of the twenty thousand (20,000) square feet of floor area, the aggregate square footage of all adjacent stores or retail tenants that share common check-out stands or a controlling interest, or storage areas, shall be considered one establishment.
- b. Large-Scale Retail Establishment within NCD-3 shall be permitted by Exception only.
- c. Large Scale Grocery Stores - Retail establishments exclusively for the sale of groceries may be permitted by Warrant provided that the establishment does not exceed twenty-five thousand (25,000) square feet. Establishments abutting US 1 (Federal Highway) may be permitted, by Warrant, provided that the establishment does not exceed forty thousand (40,000) square feet. "Groceries" is defined as food products, dry groceries (such as household products and paper goods), and other items typically sold (such as meats, poultry, seafood, sushi, dairy products, frozen foods, fruits, vegetables, deli items, prepared foods, baked goods, health and beauty products, pharmaceuticals, and alcoholic beverages) or services commonly provided in a grocery store in Miami-Dade County.
- d. Limitation - The square footage of individual retail establishments shall be limited to a maximum size of twenty thousand (20,000) square feet in total floor area used for retail and related services, except for movie theaters and entertainment venues or as may be modified below for Large-Scale Retail Establishments. Retail Specialty Centers as defined in City Code Sec. 4-2 may be approved by a Warrant.
- e. There shall be no special events of any kind permitted on the property including but not limited to those requiring a "special event permit" as defined in Section 54.1 of the Miami Code of Ordinances, as may be amended, in effect on the date of adoption of this provision.
- f. Site requirements - In addition to all requirements in the applicable zoning district, Large-Scale Retail Establishment shall meet the following site criteria and limitations:
 - 1. Maximum size of Retail Establishment. The maximum size of any individual retail establishment within NCD-3 shall be seventy thousand (70,000) square feet. No individual retail establishment within a Large-Scale Retail Establishment shall be permitted which exceeds seventy thousand (70,000) square feet.
 - 2. Minimum Lot dimensions. Large-Scale Retail Establishment may be permitted exclusively in Lots having a minimum net area of two (2) acres. Properties which do not meet the two-acre size limitation shall be limited to individual Establishments of twenty thousand (20,000) square feet or less.

3. Minimum Setbacks and build-to lines. Large Scale Retail Establishments shall have the following minimum Setbacks:
 - (a) Side or Rear Lot Line abutting a residentially zoned property: Setback is fifty (50) feet. The Setback shall include a twenty (20) foot heavily landscaped buffer area. If an access alley, parking, loading door, delivery area, or inventory storage area is present along this side of the property, then the Setback area shall also include an eight (8) foot-high masonry wall inside of the twenty (20) foot landscape buffer.
4. Vehicular access. Primary ingress and egress to the site must be provided from the arterial(s) and not from secondary roads or collectors and is subject to the following:
 - (a) Except as required for emergency access, vehicular driveways shall not be along local roadways as defined in the City Comprehensive Plan.
 - (b) Except where required for emergency access or other compelling public safety reasons, vehicular driveways shall not be located within one hundred (100) feet of residentially zoned land along the same side of the street, as measured from the nearest point of the driveway.
 - (c) Delivery vehicle access/egress shall be clearly defined in the Site Plan, and shall only be from arterial roadways, and located no less than one hundred (100) feet from residentially zoned land along the same side of the street, as measured from the nearest point of the driveway.
 - (d) Where large and bulk merchandise sales are expected, customer pick-up access/egress shall be clearly defined in the Site Plan, and shall only be from arterial roadways, and located no less than one hundred (100) feet from residentially zoned land along the same side of the street, as measured from the nearest point of the driveway.
5. Buffer. Wherever the property abuts another property with a more restrictive zoning designation, a Large-Scale Retail Establishment shall provide a twenty (20) foot wide heavily landscaped buffer. This shall include Buffer Trees at minimum fifteen (15) average spacing. Also included in this buffer shall be hedging and ground cover. This buffer shall be included in the required landscape plan.
6. Fences and walls. Fences and walls shall be erected to a minimum height of eight (8) feet wherever the property abuts another property with a more restrictive zoning designation.
- g. Large-Scale Retail Establishments shall be located exclusively on a Lot having frontage on one (1) or more arterial roads.
- h. Hours of operation. Large-Scale Retail Establishments shall open no earlier than 7:00 a.m. on weekends and 8:00 a.m. on weekdays and shall close no later than 11:00 p.m. on weekends and 10:00 p.m. on weekdays. Deliveries to or from any Large-Scale Retail Establishment shall be limited to the hours of 10:00 a.m. through 3:00 p.m. Monday through Saturday; no deliveries are permitted on Sundays

- i. Variances prohibited. No Variances from the provisions set forth in the site requirements or hours of operation are permitted.

ARTICLE 7. PROCEDURES AND NONCONFORMITIES

7.1 PROCEDURES

7.1.6 Notice of Hearings

Notice of hearings shall be as set forth in Chapter 62 of the City Code or as set forth in the Miami 21 Code.

a. Additional notice required for Exception and Variance applications.

All Coconut Grove neighborhood or homeowner associations that wish to receive a courtesy notice of Exception or Variance applications in their areas shall register with their Neighborhood Enhancement Team ("NET") Office on a yearly basis, in which the association shall request such notification and shall specify the name, address and telephone number of the official representative of the association designated to receive said notice and a list of all the officers of said association. At the time of initial application for an Exception or Variance, the applicant shall obtain the list of all registered neighborhood and homeowner associations pertaining to the application in question from the Planning Director or the Zoning Administrator and shall notify the official representative of all such registered associations in writing, by certified mail, of the application. The applicant shall submit with the application these certified receipts. If any such association has any comments or recommendations, such comments and recommendations shall be submitted in writing to the Planning Director or Zoning Administrator no later than fifteen (15) days from receipt of such notification. Late or misdelivered comments shall not be considered.

b. All properties located within the Village Center shall be reviewed by the Coordinated Review Committee, as established in Article 7 of the Miami 21 Code.

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. This Resolution shall become effective immediately upon adoption thereof.