



City of Miami

Legislation Ordinance

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

File Number: 14-01304zt1

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 7 "PROCEDURES AND NONCONFORMITIES" TO CLARIFY LANGUAGE ON TIME EXTENSIONS OF NONCONFORMING USES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami Planning, Zoning and Appeals Board, at its meeting on March 24, 2015, following an advertised public hearing, adopted Resolution No. PZAB R-15-014 by a vote of eight to zero (8 to 0), Item No. 9, recommending approval of an amendment to Ordinance No. 13114, as amended, to the City of Miami City Commission; and

WHEREAS, on October 22, 2009, the City Commission adopted the Miami 21 Code ("Code"), Ord. 13114 as the City of Miami's Zoning Ordinance; and

WHEREAS, the intent of the Miami 21 Code is to allow nonconformities to continue but are not encouraged to expand or enlarge, and

WHEREAS, once nonconforming Uses cease they may not be re-established, except under the terms of Section 7.2; and

WHEREAS, the intent of the Miami 21 Code is to allow nonconforming Uses to continue for twenty (20) years; and

WHEREAS, nonconforming Uses are lawful Uses that would not be permitted under the Miami 21 Code; and

WHEREAS, the City Commission after careful consideration of this matter deems it advisable and in the best interest of the general welfare of the City of Miami and its citizens to amend its Zoning Ordinance as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA, AS FOLLOWS:

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

Section 2. Ordinance 13114, the Zoning Ordinance of the City of Miami, Florida, is hereby amended by making modifications to Article 7 in the following particulars {1}:

"ARTICLE 7 PROCEDURES AND NONCONFORMITIES

* * *

7.2 NONCONFORMITIES: STRUCTURES; USES; LOTS; SITE IMPROVEMENTS; AND SIGNS

* * *

7.2.6 NONCONFORMING USES

a. Time Limitation

Where, at the effective date of adoption or amendment of this Code, a lawful Use exists which would not be permitted under this Code, the Use may be continued for twenty (20) years from the date the Use became nonconforming and consistent with the regulations of this section. Upon application, the City Commission may grant by Exception an extension for continuance of the Use for an additional term of up to twenty (20) years. However, accessory parking abutting T3-R areas that were approved as transitional Uses under prior zoning codes and were legally nonconforming prior to the adoption of this Code will not have a continued automatic twenty-year (20) extension as provided in this section, but shall instead seek an Exception before the City Commission within sixty (60) days of renewal of a Certificate of Use.

* * *

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

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

Section 5. This Ordinance shall become effective 30 days after final reading and adoption thereof.
{2}

APPROVED AS TO FORM AND CORRECTNESS:

VICTORIA MÉNDEZ
CITY ATTORNEY

Footnotes :

{1} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

{2} This Ordinance shall become effective as specified unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated, whichever is later.