



City of Miami
Legislation
Ordinance 13733

City Hall
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File Number: 2905

Final Action Date: 1/11/2018

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 62/SECTION 62-535 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "PLANNING AND ZONING/TEMPORARY USES ON VACANT LAND," BY MODIFYING REQUIREMENTS FOR TEMPORARY USES ON VACANT LAND THAT HAVE BECOME INCREASINGLY POPULAR THROUGHOUT THE CITY OF MIAMI; PROVIDING EXEMPTIONS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 62-535 of the Code of the City of Miami, Florida, as amended ("City Code"), regulates temporary uses on vacant land; and

WHEREAS, the increasing popularity of temporary uses on vacant land has exposed challenges for code compliance and a lack of flexibility for businesses; and

WHEREAS, the City of Miami ("City") wishes to promote activation of vacant lands to prevent blight within the community while maintaining proper enforcement measures; 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 and its residents to amend the City Code as hereinafter set forth; and

WHEREAS, the areas known as Little Havana, East Little Havana, and West Brickell within City Commission District 3 are unique in that various vacant lands abut or are abutting single family and low and medium density residential properties whose residents' peace, contentment, quiet enjoyment, and quality of life are unduly impacted by the noise, lighting, preparation of foods, consumption of beverages, and other matters occurring at certain temporary uses on vacant lands meriting a different process for temporary uses on vacant lands, as provided for by this Ordinance;

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

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

Section 2. Section 62-595 of the City Code is hereby amended in the following particulars:¹

"CHAPTER 62

PLANNING AND ZONING

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.

* * * *

Sec. 62-535. Temporary uses on vacant land.

(a) As provided for in section 62-529, temporary uses and occupancies are those uses and occupancies within the city of limited duration that occur on private property, public property, or in a combination of public and private properties, that would require special review by the city zoning administrator. Temporary uses and occupancies are those that are not expected to remain on a property for more than ~~two-three~~ (3) consecutive years. For purposes of this section, temporary uses and occupancies on vacant land or unoccupied surface lots shall be limited to those uses and occupancies which contemplate temporary type structures, such as tents, kiosks, mobile or manufactured offices, temporary exhibition areas, and other similar structures and provide such things as food service establishments, arts, entertainment, cultural, civic, scientific, horticultural, recreational, vocational or educational uses. Any intensive commercial or industrial use or occupancy is strictly prohibited, unless expressly allowed by the zoning ordinance. Notwithstanding the provisions of section 62-529, uses and occupancies pursuant to this section shall have a limited duration of ~~six months~~ one (1) year and can be extended annually administratively by the zoning administrator ~~in six month increments~~ for a maximum of ~~two-three~~ (3) years. Temporary uses on vacant land may be further extended beyond the three (3) year maximum by City Commission. Section 62-535 shall not apply in City Commission District 3 due to the proximity of residential properties to vacant lands; however, temporary uses otherwise allowed in Chapter 62, Article XIII of the City Code, such as Temporary Event Permits, may be granted in conformity with the applicable provisions of the City Code.

(b) A temporary permit must be obtained from the office of zoning for any property owner who wishes to have a temporary use on vacant land. Permit fees provided in article VI shall apply to all such permits and any extensions that may be granted.

(c) All uses shall be as set forth in the applicable transect zone as described in the zoning code of the city, as amended, and must comply with all local, state and federal laws. A Temporary Certificate of Use must be obtained. A temporary permit that is issued allowing a temporary use shall replace the necessity of a waiver, warrant or exception that may be required for a permanent use pursuant to the zoning code.

(d) Any use that is allowed must provide sufficient parking on-site. ~~No off-site parking shall be permitted.~~ If a temporary use abuts a T3 or T4-R transect zone, the applicant shall demonstrate, as part of the temporary permit application, where additional parking will be provided. Parking in a residential transect is strictly prohibited.

(e) As determined by the Zoning Administrator, Aa landscape plan to be approved by the department of planning shall be provided as part of the submittal for a temporary permit. The landscape plan shall substantially comply with the requirements of the Miami 21 zoning ordinance and shall include street tree plantings.

(f) Property owner permission. Any uses or occupancies pursuant to this section, shall require the applicant to obtain owner's permission, via notarized affidavit, in a form acceptable to the zoning administrator.

(g) The owner of any vacant land who wishes to avail him or herself of this section must be registered with the city pursuant to section 22-115.

(h) Review of applications shall be conducted in accordance with article XIII, division 2. Required documentation may include a survey, site plan, elevations, parking plan, and noise attenuation plan. Additional requirements, as deemed necessary, may be required.

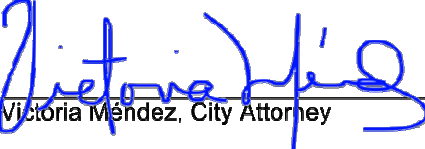
(i) All violations shall be subject to enforcement via chapter 2, article X, Code enforcement and any other remedies as are provided by law, jointly and severally, including but not limited to the revocation of the permit, certificate of use, or business tax receipt.

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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 Ordinance shall become effective thirty (30) days after final reading and adoption thereof.²

APPROVED AS TO FORM AND CORRECTNESS:


Victoria Mendez, City Attorney 1/31/2018

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