

PLANNING FACT SHEET

LEGISTAR FILE ID: 08-00887zt

September 17, 2008

Item # P.1

APPLICANT

Pedro G. Hernandez, City Manager on behalf of the City of Miami

REQUEST/LOCATION

This resolution will allow the introduction of an Open Air Market use on SD-9 Biscayne Boulevard North Overlay District, on Biscayne Boulevard between NE 51st and 77th Streets; subject to limitations as set forth.

LEGAL DESCRIPTION

See supporting documentation

PETITION

An ordinance of the Miami City Commission, amending Ordinance No. 11000, as amended, the Zoning Ordinance of the City of Miami, Florida, In order to amend Article 6, adding Section 609.5 in order to allow the Open Air Market use ON SD-9 Biscayne Boulevard North Overlay District, on Biscayne Boulevard between northeast 51ST and 77TH Streets; subject to limitations as set forth; containing a repealer provision, a severability clause and providing for an effective date.

PLANNING RECOMMENDATION

APPROVAL

BACKGROUND AND ANALYSIS

The proposed amendment is to allow the Open Air Market use on SD-9 Biscayne Boulevard North Overlay District.

PLANNING ADVISORY BOARD

VOTE:

CITY COMMISSION

CITY OF MIAMI • PLANNING DEPARTMENT
444 SW 2ND AVENUE, 3RD FLOOR • MIAMI, FLORIDA, 33130
PHONE (305) 416-1500



City of Miami

Legislation

PAB Resolution

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

File Number: 08-00887zt

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, IN ORDER TO AMEND ARTICLE 6, ADDING SECTION 609.5 IN ORDER TO ALLOW THE OPEN AIR MARKET USE ON SD-9 BISCAYNE BOULEVARD NORTH OVERLAY DISTRICT, ON BISCAYNE BOULEVARD BETWEEN NORTHEAST 51ST AND 77TH STREETS; SUBJECT TO LIMITATIONS AS SET FORTH; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami Planning Advisory Board (PAB) considered this item at its September 17, 2008 meeting, Item No. 1 adopted Resolution No. PAB ___ and by a vote of ___ to ___ (-) has recommended the adoption of this item to the City of Miami City Commission; and

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

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

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

Section 2. Ordinance No. 11000, as amended, the Zoning Ordinance of the City of Miami, Florida, is hereby amended by amending the text of said Ordinance as follows:

"Sec. 609. SD-9 Biscayne Boulevard North Overlay District.

* * *

Sec. 609.5. Conditional principal uses.
609.5.1. For underlying C-1 districts:

* * *

609.5.2. For underlying O districts:

* * *

609.5.3. Open Air Market Overlay Area

Properties with an underlying C-1 zoning classifications located along the east and west sides of Biscayne Boulevard between NE 51st and NE 77th Streets, are hereby designated as an Open Air Market Overlay Area. The following special regulations and limitations shall apply to the Open Air Market Overlay Area:

The Open Air Market Overlay Area shall permit the following uses, in addition to that which is permitted in the underlying districts:

1. Outdoor Farmer's markets and craft markets that specialize in the sale of crafts and fresh fruits and vegetables are permitted within this district, subject to a Class II Special Permit with a mandatory referral to the district NET Administrator only, 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 be accessory to 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 Biscayne Boulevard frontage and be set back no less than twenty-five (25) feet from any abutting residentially zoned property.

e. Outdoor markets may operate only between the hours of 8:00 a.m. and 8:00 p.m. on Saturdays or Sundays only.

f. No outdoor market may be located closer than one thousand five hundred (1,500) feet from another outdoor market.

g. 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 overlay area.

* * *

Sec. 609.7. Conditional accessory uses.

Same as the underlying district subject to the applicable criteria in Section 1305 and with the limitations contained in Section 609.4; and in addition, for the C-1 district only:

1. A. Where the underlying district is O Office, photographic studios, outdoor photography and associated stage sets, only in conjunction with photographers offices, and only by Class II Special

Permit;

B. Where the underlying district is C-1, Restricted Commercial, outdoor photography and associated stage sets only in conjunction with photographers studios, and only by Class II Special Permit.

2. Sales display and outdoor dining within open, or partially open space.

All Sales, display of uses permitted herein above shall be contained within completely enclosed buildings except as set forth in Section 609.5.3 and as specified below:

Within open space, or partially open space, the following uses may be permitted conditionally, subject to a Class II Special Permit upon providing a minimum of one (1) parking space per vending cart and complying fully with the terms set forth in Section 605.10 of this ordinance:

1. Outdoor dining areas.
2. Display and sale of the following items from vending carts:
 - (a) Flowers, plants and shrubs; vegetables, produce, citrus or other unpackaged foods, not requiring refrigeration or further preparation, subject to applicable state health regulations; and
 - (b) Arts and crafts.

However, no Class II Special Permit shall be granted allowing existing uses to expand their retail activity or to display their merchandise into existing open or partially open space.

All exhibits, displays and sale of items shall be conducted from vending carts subject to the criteria specified in the "Coconut Grove Vending Guides and Standards"; said criteria may be modified by the Zoning Board pursuant to a Special Exception Permit upon finding that the requested modifications are justified due to one (1) or more of the following special conditions:

1. Established pedestrian flow patterns;
2. Existing landscape features;
3. Governmental action which creates a peculiar configuration on the subject property.

* * *

Section 3. All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. This Ordinance shall become effective thirty (30) days after approval at second

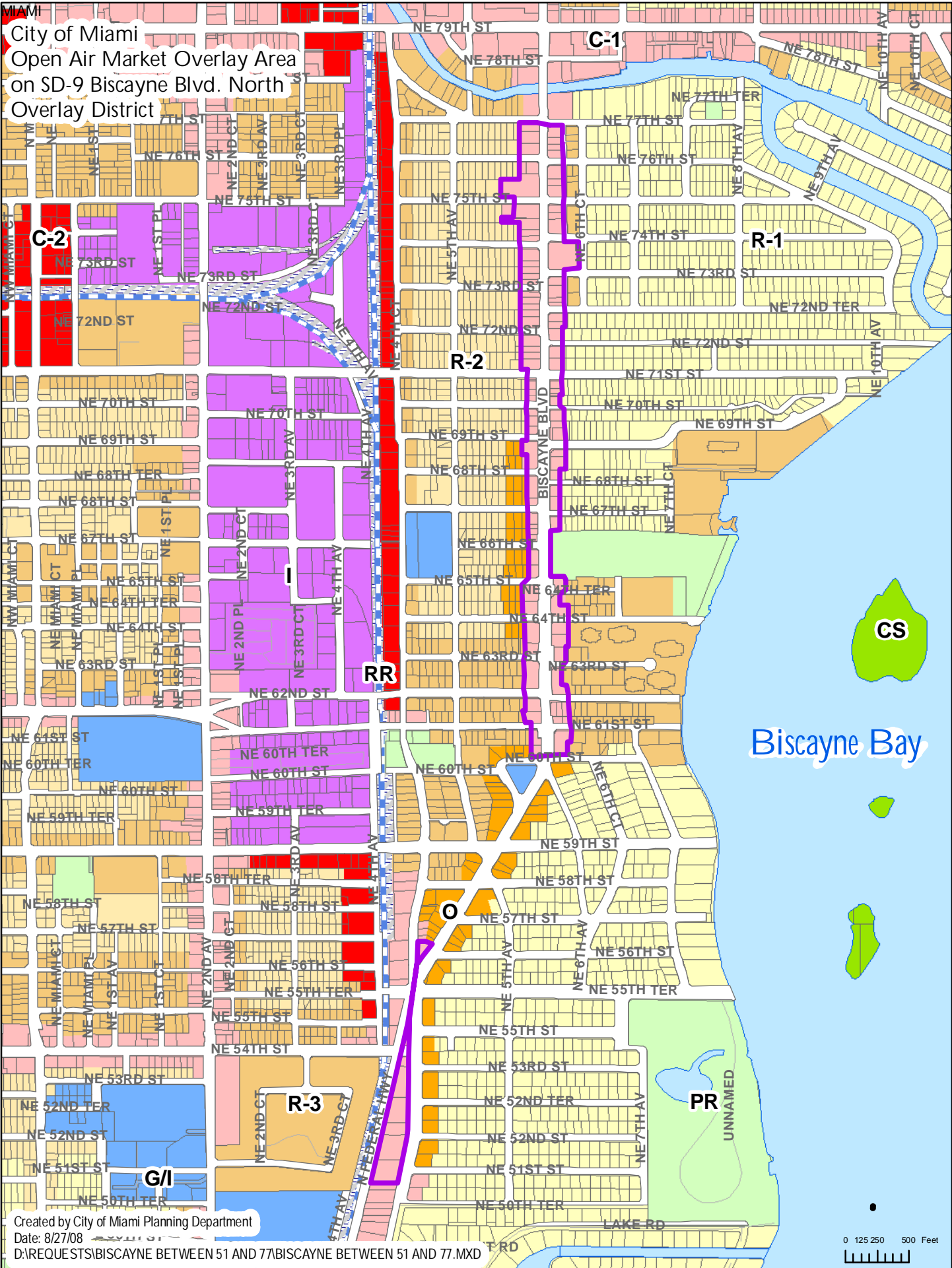
reading, unless vetoed by the Mayor within ten days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission.

APPROVED AS TO FORM AND CORRECTNESS:

JULIE O. BRU
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.



City of Miami
 Open Air Market Overlay Area
 on SD-9 Biscayne Blvd. North
 Overlay District