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Surprising vote kills Miami 21 zoning overhaul

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Miami commissioners late Thursday killed Miami 21, the sweeping zoning overhaul that promised to be one of outgoing Mayor Manny Diaz's signature reforms.

After almost eight hours of public input and discussion, the comprehensive zoning plan died with an unexpected no vote from Commission Chairman Joe Sanchez -- the last vote on the dais.

Sanchez voted no, he said, because of a series of amendments offered by the city administration and Commissioner Marc Sarnoff that he feared would bring lawsuits. Only moments earlier he said they were issues he could deal with before the ordinance's second reading.

"It puts the city at risk," Sanchez said.

Voting along with Sanchez was Commissioner Tomás Regalado, a constant critic of the administration.

The two are in a heated battle for Diaz's mayoral post. Sanchez has been in lock-step with Diaz on many key issues over the years, but recently has drawn criticism in some quarters for being too close to the mayor.

Commissioners Sarnoff and Michelle Spence-Jones voted in favor of the ordinance. Commissioner Angel Gonzalez was absent, leaving the measure one vote shy of approval.

Diaz, who abruptly left the chamber just after 9:30 p.m., said there was still a chance to revisit his vision to create wider walkways and more pedestrian-friendly corridors in Miami.

"I don't know. I'll think about it," he said before stepping upstairs to his office.

After the vote, the shocked commission was even uncertain what to do. There was no need to vote on two other items, one involving historic preservation and the other amending the city's comprehensive plan. So the commission adjourned.

GRAND PLAN FALTERS

It was a stunning defeat for Diaz, even more so because it came on the vote of a previous ally. Though he had won battles to build a new Florida Marlins ballpark and a tunnel to the Port of Miami, the mayor considered Miami 21 the most important blueprint he wanted to bring to fruition.

"We owe a lasting legacy to those who will call Miami home long after we're gone," Diaz said earlier in the day, saying the plan could help Miami draw comparison to New York and Chicago in coming decades.

The lengthy meeting at scenic City Hall began with an 11-minute sales pitch by Diaz, followed by a lengthy presentation by the administration, then six hours of testimony from public speakers.

Diaz outlined some of the zoning overhaul's prime goals: Zoning decisions would be based on neighborhoods instead of single properties; the code would prevent out-of-scale buildings, big-box stores and McMansions; and require active ground-floor uses.

"We must plan our city -- not around cars, but around people," Diaz said.

Backers cited a pedestrian-friendly environment with wide walkways, ample green spaces, and storefronts and restaurants on the ground level of condominiums.

Critics of the controversial zoning ordinance are concerned about the costs of getting high-rises approved. Some neighborhood groups worried about property rights.

Arguments for the movement included climate change and fighting obesity; those out of favor with the effort focused on lowering densities.

The discussion got so thick that lawyers representing developers took to the podium to present mapping changes on particular properties where density would be decreased.

VOICES ON BOTH SIDES

Attorney Carter McDowell argued that Miami 21 was unconstitutional because it was taking away property rights from owners. He cited a client who, under Miami 21, would lose 100,000 in square feet of space because of height restrictions.

"You don't need Miami 21 to have great development -- but it goes too far," said McDowell, whose firm focuses on land-use issues.

Also arguing against the zoning overhaul was Ashley Bosch, president of the Builders Association of South Florida. He said the plan would likely create unnecessary litigation "without analyzing the impact it will have on a city our size, population and existing development."

Builder Albert Gomez said Miami 21 would hurt him, too -- but he couldn't turn his back on a plan that "has to happen."

"The children need to have community in their neighborhood," Gomez said. "I don't think there's another choice."

Miami Beach land-use attorney Andrew Frey supported the plan, pointing out that blogger Eye on Miami -- a constant critic on development issues -- had recently supported the idea. "I look forward to the day when you don't need a land-use attorney to say what's allowed beside you," said Fray.

Land-use attorney Niesen Kasdin called the city's approach to Miami 21 "one of the most impressive I've ever seen of any major city in this country."

Commissioner Sarnoff spoke of how Miami is a youthful city -- with pimples. "This is a chance for this city to start growing up," Sarnoff said.

Commissioner Regalado said it was a great plan -- but asked for a deferment until all of the issues could be ironed out.

``You just want to approve this today to get a headline," Regalado said. ``I cannot support this with so many questions."

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