

**SD-27 MIDTOWN MIAMI SPECIAL DISTRICT**

The objective of this District is to promote neighborhood redevelopment through medium to high density mixed use development. Due to intensity of infill development and redevelopment in the SD-27 Districts, population and the overall level of commercial and retail activity will greatly increase.

Combined with the proximity of the SD-27 Districts to downtown and other revitalizing neighborhoods, convenient and reliable transportation along the Midtown Miami Special District can connect the neighborhoods, jobs, residences and activity centers and expand greater revitalization.

The character of the district is to include a wide range of pedestrian oriented activities that would facilitate a vibrant mixed-use community setting, permitting the development of flexible live-work spaces as determined by market forces, including mixed-use loft development. Ground level activities and uses with strong pedestrian orientation are mandated to front streets to generate a lively pedestrian street life.

The District is intended for medium scale projects of diverse architectural design. Buildings will be restricted as to height, setbacks, and will require habitable uses for portions of the building closest to the street. Unified landscaping, paving, street furniture, storefront design, signage and building facade guidelines, as well as incentives that would allow for the rehabilitation of significant historic resources.

For the purpose of the SD 27, the following definitions shall apply:

*Active Uses:* The principle component of the SD-27 district is ground floor active uses which promote pedestrian activity. An active use is any use that provides a public entrance from the street with an interior use that serves the general public. This may include retail, office, educational facilities, entertainment, and live-work.

*Big-Box retail* is defined as a single retail store comprised of at least twenty thousand (20,000) square feet.

*Build-To Line:* An alignment established a certain distance from the base building line to a line along which a building shall be constructed. Build-to dimensions are established in Sections 627.1.7 and 627.1.8 for each street frontage and require that primary building frontages (excluding colonnades, arcades and awnings) be constructed at the dimension provided for a minimum of x (x) percent of the lineal building frontage. Pursuant to Sections 627.1.7 and 627.1.8, colonnades and arcades may encroach the specified build-to line provided a minimum unobstructed pedestrian space of five (5) feet is provided. Colonnades and arcades shall not encroach upon the base building line. Furthermore, Build-To lines are subject to compliance with the City of Miami Vision Clearance requirements of Article 908.

*Gateway:* The SD-27 District promotes the design of buildings as gateway structures by providing greater allowable height at strategic street intersections within the district. The gateway sites shall be as follows:

- (1) The Southeast corner of the intersection of North Miami Avenue and Northeast 36th Street;
- (2) The Southwest corner of the intersection of Northeast 36th Street and Northeast 2nd Avenue; and
- (3) The Southeast corner of the intersection of Northeast 34th Street and Northeast 1st Place.

*Liner Uses:* Building uses that serve to conceal uses such as parking garages and service areas. When liner uses contain ground floor space, such space shall be designed to accommodate retail and/or other uses that promote pedestrian traffic and shall have entrances directly accessible from a public sidewalk or open space.

*Live-work:* Live-work describes residential units that have a commercial and/or office component accessed through an external street entrance. The intent of this use is to provide efficient housing with the opportunity for workspace that can contribute active uses at the ground floor. Home occupations pursuant to the provisions of 906.5.2 shall also qualify as live-work, except that additional parking, defined in 906.5.2.f. shall not be required.

*Mixed Use:* The SD-27 District promotes multiple uses within the same lot and on adjoining lots by permitting multiple principal uses within the underlying district. A mixed use building or parcel exists when there is more than one use and must include residential and/or live-work use. When the majority of building area is dedicated to uses other than residential and/or live-work uses, at least ten (10) percent of the total FAR of the building shall be dedicated to residential and/or live-work uses in order to be classified as a mixed-use building. For the purposes of calculating mixed uses, live-work uses shall be allowed to count towards residential or commercial uses, but shall not be allowed to count towards more than one use.

*Open Space:* Any parcel of land or water, excluding public right of way, that is at ground level or open to the sky and designed and intended for the common use of the residents, tenant and the general public and may include parks, linear parks, plazas, and landscape areas. Additionally, canopy trees and large palms planted within pedestrian zones of the public right-of-way in accordance with the design standards shall respectively each count as four hundred (400) square feet and one hundred seventy-five (175) square feet of open space. Open Space is substantially free of structures other than structures that contribute to the common use of the space.

*Smart Growth:* Planning techniques founded upon and promoting any or all of the following principles:

- (1) Using land resources more efficiently through compact building forms, infill development, and moderation in street and parking standards in order to lessen land consumption and preserve natural resources and promote multi-modal transportation;
- (2) Supporting the location of stores, offices, residences, school, recreation spaces, and other public facilities within walking distance of each other in compact neighborhoods that are designed to provide alternate opportunities for easier movement and interaction;
- (3) Providing a variety of housing choices to create a diverse community;
- (4) Supporting walking, cycling, and transit as attractive alternatives to driving; providing alternative routes that disperse rather than concentrate traffic congestion; lowering traffic speeds in neighborhoods;
- (5) Connecting infrastructure and development decisions to minimize future costs by creating neighborhoods where more people use existing services and facilities; by integrating development and land use with transit routes and stations; and
- (6) Improving the development standards review process and development standards so that developers are encouraged to apply the principles stated above.

*Story:* A space in a building between the surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between such floor and the ceiling or roof

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above. Portions of buildings constructed below grade shall not count toward an allowable number of stories, provided that at least fifty (50) percent of the total floor perimeter is at least five (5) feet below grade.

(Ord. No. 12447, § 2, 11-25-03; Ord. No. 12688, § 2, 5-26-05)

**Editor's note:** Ord. No. 12688, § 2, adopted May 26, 2005, changed the title of § 627 from "SD-27 FEC Corridor" to "SD-27 Midtown Miami Special District." The historical notation has been preserved for reference purposes.

### **Sec. 627.1 SD-27.1 Midtown Miami East Special District.**

The Midtown Miami East Special District area is bounded by Northeast 36th Street on the north and FEC greenway on the east. On the south, the area is bounded by the centerline of Northeast 29th Street between the FEC Greenway and Midtown Boulevard and by the centerline of Northeast 34th Street between Midtown Boulevard and Buena Vista Avenue. On the west, the area is bounded by the centerline of Buena Vista Avenue between Northeast 36th Street and Northeast 34th Street and by the centerline of Midtown Boulevard between Northeast 34th Street and Northeast 29th Street.

#### *627.1.1 Intent.*

The Midtown Miami East District regulations are intended to provide for a method to allow for planning initiatives that achieve unique or innovative development not otherwise provided for in the zoning ordinance. These planning initiatives may include, but are not limited to, Smart Growth as defined in Section 627. The standards and procedures of this district are intended to promote flexibility and diversity in design and permit planned diversification and integration of uses and structures, with limitations and regulations as deemed necessary to be consistent with the City's Comprehensive Plan and to protect the public health, safety, and general welfare. The SD 27 Design Standards provide more detailed clarification to this ordinance and are incorporated by reference.

This district is of special and substantial public interest given its proximity to Downtown Miami and the Omni Area, the Design District, Miami Beach, the Wynwood Neighborhood and to future proposed commuter transit facilities within the Florida East Coast Railway (FEC) Corridor. The intent of the district is to: (1) promote the efficient use of land resources through compact building forms, infill development, and moderation in street and parking standards in order to reduce automobile traffic and promote multi-modal transportation; (2) promote the creation of a Miami midtown environment through intensive urban mixed-use development with a twenty-four hour activity pattern; (3) Enhance the pedestrian environment and connectivity of the existing surrounding areas by extending the city street grid through the district; and (4) Provide intensive new housing opportunities needed to sustain future commercial growth and commuter transit facilities. To this end, the district promotes streetscapes and mixed-use buildings designed to provide pedestrians with lively, interesting, well-landscaped and highly usable public spaces with a maximum interrelationship with ground floor building uses.

Concerning building uses and overall buildable area, mixed-use development is encouraged by providing greater floor area ratios and overall building height than that of single use buildings. Furthermore, additional height is provided for on sites that abut significant open space and/or are designated as strategically located visual gateways as defined in Section 627. Yard and setback areas are minimal and are required to be developed as an integral part of the overall

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pedestrian streetscape. Ground floor build-to lines are provided in order to establish a continuous building frontage that enhances and provides spatial definition for the urban streetscapes.

Although no specific requirements are contained, it is further intended that buildings be designed utilizing environmentally sensitive methods, including, but not limited to, passive and active solar techniques, green-roofs, the utilization of environmentally sustainable materials and efficient mechanical systems.

*627.1.2 Effect of SD-27.1 district designation.*

The SD-27.1 Midtown Miami East Special district shall supplant districts or portions of districts included within the SD boundaries to the extent indicated herein in the official zoning atlas.

*627.1.3 Class II Special Permit.*

*627.1.3.1. When required.*

A Class II Special Permit shall be required prior to approval of any permit (except special permits pursuant to Article 13) affecting the height, bulk, location or exterior configuration of any existing building or the construction of a new building; or for the implementation of signage, awnings, fences or any other improvement visible from a public right-of-way.

*627.1.3.2. Considerations in making Class II Special Permit determinations.*

The purpose of the Class II Special Permit shall be to ensure conformity of the application with the expressed intent of this district, with the general considerations listed in section 1305, and with the special considerations contained in the SD-27 Design Standards incorporated herein by reference.

Notwithstanding any other provisions of this zoning ordinance, a Major Use Special Permit is required for non-residential uses in a single building that exceed four hundred thousand (400,000) square feet and residential units in a single building that exceed four hundred (400) dwelling units, or any combined use which exceeds two thousand five hundred (2,500) parking spaces.

Any variances (as defined in Article 19) sought from the provisions of the SD 27.1 regulations shall require such deviation to be considered within the process for a Major Use Special Permit as defined in Article 17; i.e. increased development thresholds as set forth above shall not apply.

*627.1.4 Principal uses and structures.*

The following uses shall be permitted within the district, subject to the provisions of Section 627.1.7:

1. Neighborhood convenience goods and services, including food stores (grocery, meat, seafood, produce, delicatessen, bakery, confectioneries, ice cream), drugstores, newsstands, dry cleaners, barber and beauty shops, and shoe repair stores.
2. Retail establishments open to the general public as follows: Antique stores, art stores and commercial art galleries; bicycle sales; book and stationery stores; china and crockery stores; drugstores; floor covering; florist, including plant and shrub sales; food carts and vendors; gift shops; hardware stores; hobby shops; home appliance stores; home furnishing stores; interior decoration supply stores; establishments for the sales of boating and fishing supplies (excluding

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outdoor sales of boats); jewelry stores; leather goods; luggage stores; music stores; newsstands; office supply stores; optical goods stores; package liquor stores (without drive-through facilities); paint and wallpaper; pet shops; photographic supply stores; restaurant supply stores; tobacco shops; toy stores; television, radio, and other electronics stores; videotape sales and rentals; variety and sundry stores; establishments for sale of wearing apparel; Such establishments may provide incidental repair, maintenance, adjustment or alteration services as appropriate, but facilities, operation and storage in relation to such services shall not be visible from any street or street related pedestrian open space. Aside from antique stores, art galleries, jewelry, bookstores and wearing apparel establishments, no such retail establishments shall deal in secondhand merchandise.

3. Service establishments as follows: Interior decorator, Banks, savings and loan and financial institutions; duplicating centers including letter and photostating services; driving school agencies; locksmiths; medical or dental offices less than five thousand (5,000) square feet; opticians; photographic service; business and professional offices; tailoring; dressmaking; millinery or drapery fabrication, except where products are for office premises sale; rental of recreation and sporting equipment.

4. All Residential uses as per the R-4 High Density Residential Zoning District.

5. Hotels.

6. Shops for the sale, assembly, customization or repair open to the general public as follows: Awnings and Canvas; Carpentry; Construction of models for design purposes; Custom woodworking and furniture; Glass; Signs; and Upholstery.

7. Public and private recreational facilities and community service facilities.

8. Production of art and handicrafts (but not mass-produced items) incidental to sale at retail on the premises.

9. Restaurants, brewery restaurants, tearooms and cafes (without drive-through facilities), including those with dancing and live entertainment.

10. Bars, cocktail lounges, saloons and taverns, supper clubs and nightclubs, including those with live entertainment open to the general public.

11. Art galleries, auditoriums; theaters (including open air theaters) and cinemas, museums, libraries and similar cultural uses.

12. Structures for operating public transportation.

13. Parking lots and garages subject to Sections 627.1.5, 627.1.7 and 627.1.12.

14. Public or private educational facilities.

15. Cellular communications in accordance with the provisions of the C-1 Restricted Commercial Zoning district.

The following uses shall be permitted by Class I Special Permit:

1. Outdoor photographic stage sets.
2. Notwithstanding the provisions of 906.9, up to ten (10) street and open space special events per calendar year within the district.

*627.1.5. Accessory Uses.*

Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures, approved in the same permit proceedings, and initiated or completed within any time limits established generally or in relation to the special permit, shall be permitted subject to limitations by these or generally applicable regulations. Other accessory uses and structures shall require a Class II Special Permit.

No aboveground off-street parking or loading area shall be permitted between any front portion of a building and the front line of a lot adjoining any street; provided, however that off-street parking for bicycles may be permitted in such areas, subject to limitations and requirements as to location, design and number established in connection with special permits.

*627.1.6. Building Placement and buildable area.*

1. Minimum lot requirements. No specific dimensional requirements are established in this district, but lots shall be of sufficient width and area to conform with other requirements and limitations of these and other lawful regulations.
2. Floor Area Limitations. Floor area limitations of the SD 27.1 district shall be as follows:
  - a. The floor area ratio shall not exceed one and seventy-two hundredths (1.72) times the gross lot area for single use buildings.
  - b. The floor area for all mixed-use buildings shall not exceed three (3.0) times the gross lot area. Ground floor retail in mixed-use buildings shall not be included in floor area calculations.
  - c. Allowable increase in floor area up to five tenths (0.5) will be provided for payment into the FEC Corridor Neighborhood Improvement Trust Fund, as set forth in Chapter 62 of the City of Miami Code.
3. Density. Density shall not exceed one hundred fifty (150) residential units/net acre.
4. Height Limitations.
  - a. Height limitations shall be as provided in Section 627.1.7. It is the intent of the District to provide for design variation, therefore height is regulated by an allowable number of stories and an allowable height threshold, whichever is less. Notwithstanding any provisions of Section 627.1.7, a height increase of ten (10) percent shall be allowed as a non-substantial amendment, subject to the approval of the Director of Planning.
  - b. Parking structures shall not exceed seventy-five (75) feet in height. Notwithstanding any provisions of this Section, a height increase of up to ten (10) percent shall be allowed as a non-substantial amendment, subject to the approval of the Director of Planning.
5. Maximum and Minimum Setback Requirements and Build-To Lines.

Setback requirements for the SD 27.1 district are measured perpendicular to and from the base building line. Platted public right of way lines shall be defined as the base building line. When

platted right of way lines at street intersections are rounded, setbacks shall be measured from projected right of way lines and not from the rounded portions of such lines. The SD-27 Design Standards provide further clarification of the requirements provide herein. The maximum and minimum setbacks and build-to requirements shall be as provided in Section 627.1.7 and below as follows:

- a. Maximum Ground Floor Setback for all Streets. For the first twenty-five (25) feet in elevation above the public right-of-way, no building facade shall be set back more than a depth of ten (10) feet, except as otherwise provided in Section 627.1.7. Off-street parking shall not be allowed within the maximum setback. Building frontage may exceed the maximum setback requirement, provided that the resultant setback is designed and improved as public open space.
- b. Minimum Setbacks and Build-To Lines.

1. Minimum setbacks and build-to requirements shall be as provided in Section 627.1.7. In order to allow for building and streetscape design variation, an accumulative maximum of forty (40) percent of any street or side setback frontage may have no podium and tower setback requirements as defined in Section 627.1.7.

2. Colonnades may encroach the setback and build-to requirements provided that a minimum of five (5) feet of sidewalk must remain clear of all obstructions. In addition, awnings and upper story balconies may encroach the setback and build-to requirements by a distance of seven (7) feet. In no case shall colonnades and upper story balcony encroachments be allowed beyond the base building/property line. Awnings may encroach base building property line by a distance of seven (7) feet into the right-of-way.

3. Building frontages along East Coast Avenue and above sixteen (16) stories or one hundred seventy-five (175) feet in height (above the public sidewalk), whichever is less, shall not exceed sixty (60) percent of the East Coast Avenue net property frontage. This requirement is applicable for all building frontages within fifty (50) feet of the base building line.

6. Gateway Designations.

As provided in Section 627, gateway sites shall be as follows:

- (1) The SW corner of the intersection of NE 36th Street and NE 2nd Avenue; and
- (2) The SE corner of the intersection of NE 34th Street and NE 1st Place.

*627.1.7 Maximum height, Build-to, Minimum Setback and Use Requirements.*

TABLE INSET:

SD 27.1 Maximum height, Build-to, Minimum Setback and Use Requirements					
Street/Classification	Height/Number of Stories	Ground Floor Build-To/Setback	Podium Setback**	Tower Setback**	Uses
<i>Midtown Boulevard</i>	300' and 28 stories "200' for mixed-use on the western side of the street"	0' setback on the eastern side	15' setback above 75' for buildings designated as a gateway	70' setback above 120' elevation	65% active ground floor uses required

<i>Primary</i>	350' and 33 stories if designated as a gateway 1	20' Build-To on the western side (maximum allowable encroachment for 80' of linear frontage)		No setback requirements for gateway 1 buildings	Liner uses on all parking structures
		35' setback above 30' elevation on the western side			All SD27.1 uses permitted
<i>Buena Vista Avenue</i>	60' for commercial single-use	0' Build-To	N/A		All SD27.1 uses permitted
<i>Primary</i>	200' for mixed-use on the eastern side of street	15' setback above 30' elevation on the east side			Liner uses on all parking structures
<i>East Coast Avenue</i>	300' and 28 stories adjacent to the FEC corridor	5' setback	15' setback above 75' elevation	N/A	Liner uses on parking structures
<i>Tertiary</i>	350' and 33 stories if designated as a gateway 1				All SD27.1 uses permitted
<i>NE 36th Street Primary</i>	350' and 33 Stories	9' Build-To with colonnade or awning	15' setback above 75' elevation east of Midtown Boulevard	N/A	65% active ground floor uses required
			15' setback above 60' elevation west of Midtown Boulevard		Liner uses on all parking structures
					All SD27.1 uses permitted
<i>NE 29th Street</i>	300' and 28 stories	9' Build-To with colonnade or awning	30' setback above 75' elevation	N/A	65% active ground floor uses required
<i>Primary</i>					Liner uses on all parking

					structures
					All SD27.1 uses permitted
<i>NE 30th, NE 32nd, NE 35th Street</i>	300' and 28 Stories	5' setback	15' setback above 75' elevation	N/A	All SD27.1 uses permitted
<i>Secondary</i>	350' and 33 stories if designated as a gateway 1				Restaurant or Retail Uses are required along 70' at intersection with Midtown Boulevard
<i>NE 34th Street (East of Midtown Boulevard)</i>	300' and 28 stories	0' setback	15' setback above 75' elevation	N/A	65% active ground floor uses required
<i>Primary</i>	350' if designated as a gateway 1				Liner uses on all parking structures
					All SD27.1 uses permitted
<i>NE 34th Street (West of Midtown Boulevard)</i>	60' for commercial single-use	0' Build-To	15 feet above 40' elevation	N/A	All SD27.1 uses permitted
<i>Primary</i>	120' for mixed-use or theater/entertainment/civic use 200' for mixed-use				Liner uses on all parking structures
<i>NE 31st NE 33rd Street and NE 34th Terrace (side setbacks)</i>	300' and 28 stories	20' Building-To	55' above 75' elevation	N/A	Liner uses on all parking structures and ground floor
<i>Tertiary</i>	350' and 33 stories if designated as a gateway 1	35' setback above 25' elevation			All SD27.1 uses permitted
<i>FEC Corridor (No Street frontage)</i>	300' and 28 stories	40' Build-To	55' setback above 75' elevation	N/A	Liner uses on all parking structures
	350' and 33 stories if designated as a gateway 1				All SD27.1 uses permitted

<i>Dedicated Open Space greater than 4,000 square feet</i>	300' and 28 stories	0' Build-To	N/A	N/A	Liner uses on all parking structures
	350' and 33 stories if designated as gateway 1				All SD27.1 uses permitted

\* Podium setbacks are for elevations between seventy-five (75) feet and one hundred twenty (120) feet.

\*\* Tower setbacks are for elevations greater than one hundred twenty (120) feet.

1. Gateway designations shall be as defined in Section 627.1.6.
2. Height limitations as described herein shall not prohibit additional height allowances as described in section 627.1.6.

*627.1.9 Upper Level Floorplates.*

All building footprints above one hundred twenty (120) feet in elevation shall not exceed forty (40) percent of the net lot area.

*627.1.10 Street Grid.*

New streets and avenues in the SD27.1 District shall align with the existing city street grid. The north/south spacing between new streets shall not exceed six hundred twenty (620) feet from centerline of street to centerline of street. The east/west spacing between new avenues shall not exceed four hundred (400) feet from centerline of avenue to centerline of avenue.

For the purpose of this ordinance streets shall be categorized as "primary", "secondary" and "tertiary" as follows:

1. Primary Streets: Northeast 34th Street, Northeast 36th Street, Midtown Boulevard and Northeast 29th Street.
2. Secondary Streets: Northeast 30th Street, Northeast 32nd Street and Northeast 35th Street.
3. Tertiary Streets: Northeast 31st Street, Northeast 33rd Street, Northeast 34th Terrace and East Coast Avenue.

For further clarification, refer to the SD 27 Design Standards.

*627.1.11 Streetscape.*

All exterior space as defined in the SD 27.1 Zoning Ordinance shall conform to the following standards and are subject to approval by the Director of the City of Miami Public Works Department and other authorities having jurisdiction. Denial of these requirements by such authorities for reasons of public health, safety and welfare shall not constitute a variance from this Ordinance. Recommendations beyond the requirements provided herein are provided in the supplemental SD 27 Design Standards.

1. All required yards, setbacks, and sidewalk area within the public right-of-way adjacent to streets shall be a continuous pedestrian space. For all sidewalks, an area a minimum of 5' wide must remain clear of all obstructions to ensure adequate pedestrian circulation.
2. Street furniture shall be as defined in the SD 27 Design Standards. Street furniture shall be part of the urban streetscape to encourage pedestrian activity and provide such amenities as: trash receptacles, benches, bollards, pedestrian lighting, bicycle racks, parking meters, street signs, transit shelters, tables, chairs, and water fountains. Trash receptacles and benches shall be provided at a minimum of two hundred (200) foot intervals on both sides of Northeast 34th Street and Midtown Boulevard. Bicycle racks shall be provided at six hundred (600) foot

intervals on both sides of Northeast 34th Street and Midtown Boulevard. These may be located in the pedestrian areas as long as pedestrian flow patterns are continuous.

3. All specified plant material shall be Florida #1 or better. Refer to the Florida Grades and Standards Manual. All shade trees shall have high wind resistance. Additionally, all trees and shrubs shall be native to Florida or have sub-tropic, drought tolerant characteristics.

4. Palm trees shall be provided in the sidewalk area at a minimum spacing of twenty-five (25) feet. Large palms shall have a minimum height of sixteen (16) feet and small palms shall have a minimum height of eight (8) feet.

5. Shade trees shall be provided in the sidewalk area at a minimum spacing of forty (40) feet on center with an eight (8) foot continuous canopy spread at planting and a twenty-five (25) foot spread at maturity with a 3" caliper at planting. Such trees shall have a minimum height of fourteen (14) feet at planting and twenty-five (25) feet at maturity.

6. Only one shade tree species may be used for each individual street. Such species shall be determined by the City of Miami Planning and Zoning Department through the Class II Permit process.

7. All requirements for street medians shall adhere to the recommendations provided in the supplemental SD 27 Design Standards.

#### *627.1.12. Buildings.*

All buildings abutting "primary streets" as defined in the SD 27.1 Zoning Ordinance shall conform with the following standards:

1. A minimum of sixty-five percent (65%) of the linear frontage of any lot abutting a "primary street" shall contain ground floor space designed to accommodate retail and other uses that promote pedestrian traffic. The design of such space shall meet the standards listed below, except for buildings that are intended primarily for residential use, where ground floor pedestrian oriented uses would be inappropriate or disruptive to the residential use.

a. All ground level space designed for pedestrian oriented uses shall have external entrances directly accessible from public sidewalk space. At least one (1) external entrance shall be located along the frontage of the primary street or on the corner intersection of the primary street and any other street. Additionally, each building use, such as a retail store with a cafe or restaurant, shall have separate entrances. All such entrances shall be transparent.

b. For the first ten (10) feet of height above the public sidewalk elevation, the exterior building wall shall contain windows and/or doorways of transparent glass covering at least fifty (50) percent of the wall area. Additionally, the base of all transparent openings shall be no more than thirty (30) inches above the sidewalk.

c. Arcades and colonnades shall be at least seven (7) feet wide and twelve (12) feet high. A minimum of five (5) feet of the sidewalk must remain clear of all obstructions to ensure adequate pedestrian circulation.

2. The remaining frontage of thirty-five percent (35%) may be dedicated to entrances, lobbies, customer driveways, architectural treatment, or non-pedestrian oriented uses. No portion of a building wall that does not contain transparent glass shall be constructed with a flat, unarticulated surface for a distance of greater than twelve (12) feet.

#### *627.1.13. Building Functionality.*

All exterior space as defined in the SD 27.2 Zoning Ordinance shall conform to the following standards, except as provided:

1. Service access and loading areas shall not be permitted to front the following streets or portions thereof; Northeast 36th Street; Midtown Boulevard; Northeast 29th Street; and within side setbacks (mews) as required in Section 627.1.7.

2. Service access and loading areas shall be enclosed within buildings or screened from public view with architectural walls and/or landscaping.

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3. All dumpsters shall be concealed on three sides by a solid structure, and on the fourth side by an opaque gate.
4. Utility boxes, meters, and HVAC equipment shall be concealed within buildings or screened from public view.

*627.1.14. Surface Parking and Parking Garages.*

Surface parking and parking structures shall conform with the following standards:

1. Off-street parking is not permitted along frontages of primary streets.
2. Vehicular access to parking structures shall not be permitted on the following streets: NE 36th Street; NE 29th Street; and Midtown Boulevard. Access shall be allowed along the western edge of Midtown Boulevard north of NE 34th Street.
3. Blank, unarticulated walls will not be permitted for parking podium facades that are not lined with uses. Such facades shall have architectural treatments designed to be compatible with neighboring buildings. Ramps, stairwells and any other portion of a garage should be buffered with the use of decorative grilles and screens, landscaping, and other varied materials.
4. As required in Section 627.1.7, liner uses are required on all levels of parking garages except when such construction of uses would interfere with the ventilation requirements of applicable building codes. Such ventilation requirements shall be met with the least possible disruption to a continuous liner use program as required in Section 627.1.7 and shall be accommodated on secondary and tertiary street frontages.

*627.1.15. Open Space.*

A minimum of ten (10) percent of the gross lot area shall be provided as open space as defined in Section 627, except as follows:

1. Since the intent of the district is to provide significant common public open space, the minimum open space requirement may be aggregated among parcels or lots under common ownership and located in a common location within the district. Such aggregation of open space shall be improved as provided in Section 627.
2. Pursuant to the District plat, open space platted by easement within the District shall be allowed to be substituted for the requirements provided herein. Such platted open space shall be improved as provided in Section 627.
3. Within the block bounded by Northeast 36th Street, Midtown Boulevard, Northeast 34th Street and Buena Vista Avenue, one (1) acre of open space shall be provided and may be used for open space aggregation provided in 627.1.15.1. Such open space shall be contiguous and centrally located within the block and shall be in addition to required Streetscape improvements provided in Section 627.1.10.

*627.1.16. Off-Street Parking.*

A. Requirements.

Since it is intended to promote the use of multi-modal transportation and that automobile traffic be minimized, the off-street parking requirements shall be as follows:

1. For residential uses, one (1) space per dwelling unit
2. For Live/Work uses, one (1) space per one thousand (1,000) square feet of net floor area.
3. For hotel or motel uses, one (1) space per three (3) lodging units.
4. For theaters, one (1) space per each eight (8) fixed seats.
5. For all other uses, one (1) space per five hundred (500) square feet of net floor area.

Valet parking shall be allowed to satisfy off-street parking requirements.

B. Off site parking permitted.

Notwithstanding the limitations of section 918, offsite parking shall be permitted by Class II Special Permit without limitation on percentage of the required number of spaces or maximum

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distance from the principal use when located within the SD-27.1 zoning district. Furthermore, there shall be no required demonstration or findings of practical difficulty or unnecessary hardship in providing required parking on the site, provided that the location of the offsite parking is within one thousand (1,000) feet radius of the principal use, or there are permanent provisions made to transport the offsite parking patrons to and from the principal site at the property owner's expense.

*627.1.17. Off-Street Loading.*

The off-street loading requirements shall be as follows:

1. For residential uses:
  - a. Berth minimum to be twelve (12) by thirty-five (35) feet by fifteen (15) feet in height;
  - b. One (1) berth for every one hundred (100) residential units or fraction thereof.
2. For non-residential uses:
  - a. Berth minimum to be twelve (12) by fifty-five (55) feet by fifteen (15) feet in height;
  - b. For non-residential floor area of twenty-five thousand (25,000) up to fifty thousand (50,000) square feet, one (1) berth total. No berths are required for floor area less than twenty-five thousand (25,000) square feet;
  - c. For non-residential floor area up to one hundred thousand (100,000) square feet, two (2) berths total;
  - d. For non-residential floor area up to two hundred fifty thousand (250,000) square feet, three (3) berths total;
  - e. For non-residential floor area up to five hundred thousand (500,000) square feet, four (4) berths total.

3. Mixed use projects shall comply with loading requirements per use as specified above.

Since it is intended to promote the most efficient use of land, notwithstanding the provisions of Section 922.1 and 922.4, the maneuvering of trucks within the public right of way for the purposes of off-street loading shall be allowed by a Class II Special Permit. Additionally, tandem loading berths shall be allowed by a Class II Special Permit.

*627.1.18. Sign Regulations.*

See Article 10 sign regulations as for SD-8, and in addition, the SD-27 Design Standards for sign regulations and limitations.

(Ord. No. 12448, § 2, 11-25-03; Ord. No. 12689, § 2, 5-26-05; Ord. No. 12724, § 2, 7-28-05; Ord. No. 12757, § 2, 1-26-06)

**Editor's note:** Ord. No. 12689, § 2, adopted May 26, 2005, changed the title of § 627.1 from "SD-27.1 Buena Vista Yard" to "SD-27.1 Midtown Miami East Special District." The historical notation has been preserved for reference purposes.

*Sec. 627.2. Midtown Miami West.*

The Area is bounded by Northeast 36th Street on the north and North Miami Avenue on the west. On the south, the area is bounded by the centerline of Northeast 34th Street between Buena Vista Avenue and Midtown Boulevard and by Northeast 29th Street between North Miami Avenue and Midtown Boulevard. On the east, the area is bounded by the centerline of Buena Vista Avenue between Northeast 36th Street and Northeast 34th Street and by the centerline of Midtown Boulevard between Northeast 34th Street and Northeast 29th Street.

*627.2.1. Intent.*

The Midtown Miami West district regulations are intended to provide a method to allow for planning initiatives that achieve a unique or innovative development that is not otherwise provided for in the zoning ordinance. These planning initiatives may include, but are not limited to, Smart Growth as defined in Section 627. The standards and procedures of this district are

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intended to promote flexible design and permit planned diversification and integration of uses and structures, with limitations and regulations as deemed necessary to be consistent with the City's Comprehensive Plan and to protect the public health, safety, and general welfare. Design standards supplement this ordinance and provide more detailed clarification.

This district is of special and substantial public interest given its proximity to Downtown Miami and the Omni Area, the Design District, Miami Beach, the Wynwood Neighborhood and to future proposed commuter transit facilities within the Florida East Coast Railway (FEC) Corridor. The intent of the district is to: (1) Promote the creation of a Miami midtown environment through intensive urban retail mixed-use development with a twenty-four hour activity pattern; and (2) Enhance the pedestrian environment and connectivity of the existing surrounding areas by extending the city street grid through the district. To this end, the district promotes streetscapes and mixed-use buildings designed to provide pedestrians with lively, interesting, well-landscaped and highly usable public spaces with a maximum interrelationship with ground floor building uses.

Concerning building uses and overall buildable area, mixed-use development is encouraged by providing greater floor area ratios and overall building height than that of single use buildings. Furthermore, additional height is provided for sites that abut significant open space and/or are designated as strategically located visual gateways as defined in Section 627. Yard and setback areas are minimal and are required to be developed as an integral part of the overall pedestrian streetscape. Ground floor build-to lines are provided in order to establish a continuous building frontage that enhances and provides spatial definition for the urban streetscape.

Although no specific requirements are contained herein, it is further intended that buildings be designed utilizing environmentally sensitive methods, including, but not limited to, passive and active solar techniques, green-roofs, the utilization of environmentally sustainable materials and efficient mechanical systems.

#### *627.2.2. Effect of SD-27.2 district designation.*

The SD-27.2 Midtown Miami West district shall supplant districts or portions of districts included within the SD boundaries to the extent indicated in the official zoning atlas.

#### *627.2.3. Class II Special Permit.*

##### *Section 627.2.3.1. When required.*

A Class II Special Permit shall be required prior to approval of any permit (except special permits pursuant to Article 13) affecting the height, bulk, location or exterior configuration of any existing building or the construction of a new building.

##### *Section 627.2.3.2. Considerations in making Class II Special Permit determinations.*

The purpose of the Class II Special Permit shall be to ensure conformity of the application with the expressed intent of this district, with the general considerations listed in section 1305, and with the special considerations contained in the Design Standards.

Notwithstanding any other provision of the zoning code, a Major Use Special Permit is required for non-residential uses in a single building that exceed 400,000 square feet of floor area and residential units in a single building that exceed 400 dwelling units, or any combined use which exceeds 2,500 parking spaces in a single building.

Any variances (as defined in Article 19) sought from the provisions of the SD 27 regulations shall require such deviation to be considered within the process for a Major Use Special Permit as defined in Article 17 and the increased development thresholds as set forth above shall not apply.

#### *627.2.4. Principal Uses and Structures.*

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The following uses shall be permitted within the district, subject to the provisions of Section 627.2.7:

1. Neighborhood convenience goods and services, including food stores (grocery, meat, seafood, produce, delicatessen, bakery, confectioneries, ice cream), drugstores, newsstands, dry cleaners, barber and beauty shops, and shoe repair stores.
2. Retail establishments open to the general public as follows: big box retail (retail establishments greater than 20,000 square feet of floor area), antique stores, art stores and commercial art galleries; bicycle sales; book and stationery stores; china and crockery stores; drugstores; floor covering; florist, including plant and shrub sales; food carts and vendors; gift shops; hardware stores; hobby shops; home appliance stores; home furnishing stores; interior decoration supply stores; establishments for the sales of boating and fishing supplies (excluding outdoor sales of boats); jewelry stores; leather goods; luggage stores; music stores; newsstands; office supply stores; optical goods stores; package liquor stores (without drive-through facilities); paint and wallpaper; pet shops; photographic supply stores; restaurant supply stores; tobacco shops; toy stores; television, radio, and other electronics stores; videotape sales and rentals; variety and sundry stores; establishments for sale of wearing apparel; wholesale establishments open to the general public; or any other similar use customarily found in a major retail shopping center. Such establishments may provide incidental repair, maintenance, adjustment or alteration services as appropriate, but facilities, operation and storage in relation to such services shall not be visible from any street or street related pedestrian open space. Aside from antique stores, art galleries, jewelry, bookstores and wearing apparel establishments, no such retail establishments shall deal in secondhand merchandise.
3. Service establishments as follows: Interior decorator, banks, savings and loan and financial institutions; duplicating centers including letter and photostating services; driving school agencies; locksmiths; medical or dental offices less than five thousand (5,000) square feet; opticians; photographic service; business and professional offices; tailoring; dressmaking; millinery or drapery fabrication, except where products are for office premises sale; rental of recreation and sporting equipment.
4. All Residential as per the R-4 Zoning District.
5. Hotels.
6. Production Studios.
7. Shops for the sale, assembly, customization or repair open to the general public as follows: awnings and canvas; carpentry; construction of models for design purposes; custom woodworking and furniture; glass; signs; and upholstery.
8. Public and private recreational facilities and community service facilities.
9. Production of art and handicrafts (but not mass-produced items) incidental to sale at retail on the premises.
10. Restaurants, brewery restaurants, tearooms and cafes (without drive-through facilities), including those with dancing and live entertainment.
11. Bars, cocktail lounges, saloons and taverns, supper clubs and nightclubs, including those with live entertainment open to the general public.
12. Art galleries, auditoriums; theaters (including open air theatres) and cinemas, museums, libraries and similar cultural uses.
13. Structures for operating public transportation.
14. Parking lots and garages subject to Sections 627.2.5, 627.2.7 and 627.1.12.
15. Public or private educational facilities.
16. Cellular communications in accordance with the provisions of the C-1 Zoning district.
17. Drive-Through facilities on "secondary" and "tertiary" streets.

The following uses shall be permitted by Class I Special Permit:

1. Outdoor photographic stage sets.

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2. Notwithstanding the provisions of 906.9, up to ten (10) street and open space special events per calendar year within the district.

*627.2.5. Accessory Uses.*

Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures, approved in the same permit proceedings, and initiated or completed within any time limits established generally or in relation to the special permit, shall be permitted subject to limitations by these or generally applicable regulations. Other accessory uses and structures shall require a Class II Special Permit.

No aboveground off-street parking or loading area shall be permitted between any front portion of a building and the front line of a lot adjoining any street; provided, however that off-street parking for bicycles may be permitted in such areas, subject to limitations and requirements as to location, design and number established in connection with special permits.

*627.2.6. Building Placement and Buildable Area.*

1. Minimum lot requirements. No specific dimensional requirements are established in this district, but lots shall be of sufficient width and area to conform with other requirements and limitations of these and other lawful regulations.

2. Floor Area Limitations. Floor area limitations of the SD 27.2 district shall be as follows:

a. Except as otherwise provided below, the floor area ratio shall not exceed one and seventy-two hundredths (1.72) times the gross lot area for single use commercial buildings.

b. The floor area for all mixed-use buildings shall not exceed three (3.0) times the gross lot area.

c. Allowable increase in floor area up to five tenths (0.5) will be provided for payment into a Neighborhood Improvement Trust Fund.

3. Density. Density shall not exceed one hundred fifty (150) residential units/net acre and in no case shall exceed a total of one thousand five hundred (1,500) units within the entire district.

4. Maximum Heights.

a. Maximum heights shall be as provided in Section 627.2.7.

b. All parking structures shall not exceed seventy-five (75) feet in height, except as otherwise provided in Section 627.2.12.

5. Maximum and Minimum Setback Requirements and Build-To Lines

a. Setback requirements shall be measured perpendicular to and from the base building line. Platted public right of way lines shall be defined as the Base Building Line. When platted right of way lines at street intersections are rounded, setbacks shall be measured from projected right of way lines and not from the rounded portions of such lines. The Design Standards provide further clarification of the requirements provided herein. The maximum and minimum setbacks and build-to requirements shall be as provided in Section 627.2.7 and below, as follows:

b. For the first twenty-five (25) feet in elevation above the public right-of-way, no building facade shall be set back more than a maximum depth of ten (10) feet, except as otherwise provided in Section 627.2.7. Off-street parking shall not be allowed within the maximum setback. Building frontage may exceed the maximum ground floor setback requirement, provided that the resultant area between the building frontage and the base building line is designed and improved as public open space.

c. Colonnades encroach the setback and build-to requirements provided that a minimum of five (5) feet of sidewalk must remain clear of all obstructions. In addition, awnings and upper story balconies may encroach the setback and build-to requirements by a distance of seven (7) feet. Upper story architectural features may encroach the setback and build-to requirements by a distance of five (5) feet but shall not exceed thirty (30) percent of the building frontage.

d. Build-To Lines shall only be applicable for 60% of the street frontage.

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6. Gateway Designations. As provided in Section 627, the gateway site shall be the Southeast corner of the intersection of Northeast 36th Street and North Miami Avenue. Such designation, for the purposes of height limitations, setback and build-to requirements shall apply for a north/south dimension of one hundred fifty (150') feet and an east/west dimension of four hundred (400') feet.

*627.2.7. Maximum Height, Build-To, Minimum Setback and Use Requirements.*

TABLE INSET:

SD 27.2 Maximum height, Build-To, Minimum Setback and Use Requirements					
Street/Classification	Height	Ground Floor Build-To	Mid-level Setback*	Upper-level Setback**	Uses
<i>Midtown Boulevard Primary</i>	60' for commercial single-use 120' for residential or mixed-use	20' Build-To Area between the building frontage and base building line shall be improved as open space. Maximum Allowable encroachment (0' build-to) for 80' of linear frontage per block	35' setback above 60' elevation	N/A	All SD27.2 uses permitted except that Big Box retail shall not be permitted from 31 st Street to 36 th Street. Liner uses on all parking structures
<i>Buena Vista Avenue (north of 34 th Street) Primary</i>	60' for commercial single-use 120' for mixed-use	0' Build-To	N/A	15' setback above 60'	All SD27.2 uses permitted Liner uses on all parking structures except as otherwise provided in Section 627.2.12
<i>Buena Vista Avenue (south of 34 th Street) Primary</i>	60' for commercial single-use 120' for mixed-use or theaters	0' Build-To	N/A	15' setback above 60' elevation	All SD27.2 uses permitted
<i>NE 36 th Street Primary</i>	60' for commercial single-use 120' for mixed-use 200' for mixed-use and gateway 1 requirement	9' Setback with colonnade or awning Maximum Setback of 20'	N/A	15' setback above 60' elevation	All SD27.2 uses permitted Liner uses on all parking structures except as otherwise provided in Section 627.2.12
<i>NE 29 th Street Primary</i>	60' for commercial single-use 120' for mixed-use	N/A	N/A	N/A	All SD27.2 uses permitted Liner uses on all parking structures except as otherwise

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					provided in Section 627.2.12
<i>North Miami Avenue Primary</i>	60' for commercial single-use 120' for mixed-use 200' for mixed-use and gateway 1 requirement	9' Build-To with colonnade or awning 5' Build-to from centerline of NE 36 th Street south for a distance of 315'	N/A	15' setback above 60'	All SD27.2 uses permitted Liner uses on all parking structures except as otherwise provided in Section 627.2.12
<i>NE 34 th Street Primary</i>	60' for commercial single-use 120' for mixed-use	0' Build-To	15' setback above 40' elevation	N/A	All SD27.2 uses permitted Liner uses on all parking structures except as otherwise provided in Section 627.2.12
<i>NE 32 nd Street Secondary</i>	60' for commercial single-use 120' for mixed-use	0' Build-To	10' setback above 20' elevation	N/A	30% active ground floor uses All SD27.2 uses permitted
<i>NE 31 st Street Secondary</i>	60' for commercial single-use 120' for mixed-use	0' Build-To	N/A	N/A	30% active ground floor uses All SD27.2 uses permitted
<i>NE 30 th 33 rd , 35 th Street and NE 34 th Terrace Secondary</i>	60' for commercial single-use 120' for mixed-use	0' Build-To	15' setback above 40' elevation	N/A	30% active ground floor uses All SD27.2 uses permitted
<i>Dedicated Open Space greater than 1 acre</i>	60' for commercial single-use 120' for mixed-use	0' Build-To	N/A	N/A	All SD27.2 uses permitted
<i>Interior Side</i>	60' for commercial single-use 120' for mixed-use	0' Setback	N/A	N/A	All SD27.2 uses permitted

\* Mid-level setbacks are for elevations between twenty (20) feet and sixty (60) feet.

\*\* Upper-level setbacks are for elevations greater than sixty (60) feet.

1. Gateway designations shall be as defined in Section 627.2.6.

**627.2.8. Street Grid/Blocks.**

Northeast 34th Street and Northeast 36th Street shall extend through the SD27.2 District and shall align with the existing city street grid west of North Miami Avenue. Northeast 31st Street shall extend through the SD 27.2 District and shall generally align with the existing street grid west of North Miami Avenue North of Northeast 34th Street, the north/south spacing between

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new streets shall not exceed eight hundred twenty-five (825) feet from centerline of street to centerline of street. South of Northeast 34th Street, the north/south spacing between new streets shall not exceed seven (700) feet from centerline of street to centerline of street. The east/west spacing between new avenues shall not exceed seven hundred twenty-five (725) feet from centerline of avenue to centerline of avenue. Open Space, with an area of at least one (1) acre, may be substituted in lieu of a new Street or Avenue.

For the purpose of this ordinance, streets shall be categorized as "primary" and "secondary" as follows:

1. Primary Streets: North Miami Avenue, Northeast 34th Street, Northeast 36th Street, Midtown Boulevard, Northeast 29th Street, Buena Vista Avenue.

2. Secondary Streets: Northeast 30th Street, Northeast 31st Street, Northeast 32nd Street; Northeast 33rd Street, Northeast 35th Place and Northeast 35th Street.

Refer to the SD 27.2 Design Standards for additional Design Standards and Guidelines regarding streets.

#### 627.2.9. Streetscape.

All exterior space as defined in the SD 27.2 Zoning Ordinance shall conform to the following standards and are subject to approval by the Director of the City of Miami Department of Public Works and other authorities having jurisdiction. Denial of these requirements by such authorities for reasons of public health, safety and welfare shall not constitute a variance from this Ordinance.

Refer to the SD 27.2 Design Standards for additional Design Standards and Guidelines regarding streetscapes.

1. All required setbacks and sidewalk area within the public right-of-way adjacent to streets shall be a continuous pedestrian space. For all sidewalks, an area a minimum of five (5') feet wide must remain clear of all obstructions to ensure adequate pedestrian circulation.

2. For all streets, the ground floor of buildings shall be set back from the property line, where necessary, to provide a minimum sidewalk width of ten (10) feet from face of building to curb line. Unless otherwise prohibited by setback requirements of the SD 27.2 Zoning District, the upper floors of buildings may overhang this setback. The setback area shall be improved to meet the adopted design standards of the SD 27.2 Zoning District for the adjacent public sidewalk including pavement treatment, landscaping, street lighting and awnings.

3. Street furniture shall be as defined in the SD 27 Design Standards. Street furniture shall be part of the urban streetscape to encourage pedestrian activity and provide such amenities as: trash receptacles, benches, bollards, pedestrian lighting, bicycle racks, parking meters, street signs, transit shelters, tables and chairs. Trash receptacles and benches shall be provided at a minimum of two hundred (200) foot intervals on both sides of Northeast 34th Street and Midtown Boulevard. Bicycle racks shall be provided at six hundred (600) foot intervals on both sides of Northeast 34th Street and Midtown Boulevard. These may be located in the pedestrian areas as long as pedestrian flow patterns are continuous. Greater spacing may be allowed by Class II Special Permit if such spacing is required:

- 1) To promote or enhance pedestrian safety, or
- 2) To maintain compliance with the SD 27 Design Standards.

4. All specified plant material shall be Florida #1 or better. Refer to the Florida Grades and Standards Manual. All shade trees shall have high wind resistance. Additionally, all trees and shrubs shall be native to Florida or have subtropic, drought tolerant characteristics.

5. Palm trees shall generally be provided in the sidewalk area at a minimum spacing of twenty-five (25) feet, except that greater spacing may be allowed by Class II Special Permit if such spacing is required: 1) to promote or enhance pedestrian safety or 2) to maintain compliance with the SD 27 Design Standards.

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6. Large palms shall have a minimum height of sixteen (16) feet and small palms shall have a minimum height of eight (8) feet.
7. Shade trees shall be provided in the sidewalk area at a minimum spacing of forty (40) feet on center with an eight (8) foot continuous canopy spread at planting and a twenty-five (25) foot spread at maturity with a 3" caliper at planting. Such trees shall have a minimum height of fourteen (14) feet at planting and twenty-five (25) feet at maturity.
8. In order to provide for a unified street character, only one shade tree species may be used for each individual street within the entirety of the SD 27 district. Such species selection is subject to approval by Class II Special Permit.

*627.2.10. Buildings.*

All buildings abutting "primary streets" as provided in Section 627.2.8, shall conform to the following standards:

1. A minimum of sixty-five (65) percent of the linear frontage of any lot abutting a "primary" street, and thirty (30) percent of any lot abutting a "secondary" street, shall contain ground floor space designed to accommodate retail and other uses that promote pedestrian traffic. The design of such space shall meet the standards listed below, except for buildings that are intended primarily for residential use, where ground floor pedestrian oriented uses would be inappropriate or disruptive to the residential use.
  - a. All ground level space designed for pedestrian oriented uses shall have external entrances directly accessible from public sidewalk space. At least one (1) external entrance shall be located along the frontage of the primary street or on the corner intersection of the primary street and any other street or the frontage of public open space. Additionally, each building use, such as a retail store with a cafe or restaurant, shall have separate entrances. All such entrances shall be transparent.
  - b. For the first ten (10) feet of height above the public sidewalk elevation, the exterior building wall shall contain windows and/or doorways of transparent glass covering at least fifty (50) percent of linear frontage (to be calculated at a height over 30 inches) of each building; plazas and openings into pedestrian entrances and spaces shall count towards the 50% transparency requirement specified in this section. Additionally, the base of all transparent openings shall be no more than thirty (30) inches above the sidewalk. Display windows may count towards the transparency requirement and may encroach upon specified setback and build-to lines by a distance no greater than thirty (30) inches, provided that a minimum of five (5) feet of sidewalk must remain clear of all obstructions.
  - c. Arcades and colonnades, where proposed shall be at least nine (9) feet wide and twelve (12) feet high. A minimum of five (5) feet of the sidewalk must remain clear of all obstructions to ensure adequate pedestrian circulation.
  - d. No portion of a building wall that does not contain transparent glass shall be constructed with a flat, unarticulated surface for a distance of greater than twenty (20) feet. In addition, any building frontage on North Miami Avenue that exceeds three hundred (300) feet shall incorporate a major break of at least thirty (30) feet in width by ten (10) feet in depth at ground level. Such breaks shall be improved as open space and/or provide building access and occur on axis with the existing city street grid.
2. The remaining frontage of thirty-five percent (35%) may be dedicated to entrances, lobbies, customer driveways, architectural treatment, or non-pedestrian oriented uses. No portion of a building wall that does not contain transparent glass shall be constructed with a flat, unarticulated surface for a distance of greater than twenty (20) feet.

*627.2.11. Building Functionality.*

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All exterior space as defined in the SD 27.2 Zoning Ordinance shall conform to the following standards, except as provided:

1. Service access and service loading areas shall not be permitted to front the following streets or portions: North Miami Avenue south of Northeast 34th Street; Midtown Boulevard; Buena Vista Avenue; and Northeast 29th Street.
2. Service loading areas shall be enclosed within buildings or screened from public view with architectural walls and/or landscaping.
3. All dumpsters shall be concealed on three sides by a solid structure, and on the fourth side by an opaque gate.
4. Utility boxes, meters, and HVAC equipment shall be concealed within buildings or screened from public view.

*627.2.12. Surface Parking and Parking Garages.*

Surface parking and parking structures shall conform to the following standards:

1. Ground level off-street parking is not permitted along frontages of primary streets.
2. Blank, unarticulated walls shall not be permitted for parking garage facades that are not lined with uses. Such facades shall have architectural treatments designed to be compatible with adjacent buildings. Ramps, stairwells and any other portion of a garage should be buffered with the use of decorative grilles and screens, landscaping, and other varied materials.
3. As provided in Section 627.2.7, liner uses are generally required on parking garages that front primary streets. When required, ground level parking facilities must be lined with active uses. Upper level parking facilities that do not incorporate liner uses shall be setback no less than 85' and shall not exceed a height of 50'. All other requirements provided herein shall apply.

*627.2.13. Open Space.*

A minimum of ten (10) percent of the gross lot area shall be provided as open space as defined in Section 627, except as follows:

1. Since the intent of the district is to provide significant common public open space, the minimum open space requirement may be aggregated among parcels or lots under common ownership and located in a common location within the district. Such aggregation of open space shall be improved as provided in Section 627.
2. Pursuant to the District plat, dedicated open space platted within the District shall be allowed to be substituted for the requirements provided herein. Such platted open space shall be improved as provided in Section 627.

*627.2.14. Off-street Parking.*

In recognition of the pedestrian oriented, mixed-use nature of the SD 27.2 District, it is anticipated that visitors to the District will park once and visit more than one destination. Therefore the required amount of off-street parking will be lower in the SD 27.2 District than in other Districts of the City.

A. Requirements. The off-street parking requirements shall be as follows:

1. For residential uses, one (1) space per dwelling unit
2. For hotel or motel uses, one (1) space per three (3) lodging units.
3. For theaters, one (1) space per each eight (8) fixed seats.
4. For all other uses, one (1) space per five hundred (500) square feet of gross floor area. There shall be no requirement when uses are within a one thousand (1,000) foot radius of a public parking facility with a capacity equal to or greater than the requirements provided herein.

B. Off site parking permitted. Notwithstanding the limitations of section 918, off-street parking requirements for all uses within the SD 27.2 District can be provided by parking facilities that are owned by a unit of local government, including a community development district, provided that

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the parking facilities: a) are located within the SD 27.2 District and b) have a capacity equal to or greater than the requirements provided herein.

*627.2.15. Off-street Loading.*

The off-street loading requirements shall be as follows:

1. For residential uses:
  - a. Berth minimum to be twelve (12) by thirty-five (35) feet by fifteen (15) feet in height;
  - b. One (1) berth for every one hundred twenty (120) residential units or fraction thereof.
2. For non-residential uses:
  - a. Berth minimum to be twelve (12) by fifty-five (55) feet by fifteen (15) feet in height;
  - b. For non-residential floor area of twenty-five thousand (25,000) up to fifty thousand (50,000) square feet, one (1) berth total;
  - c. For non-residential floor area up to one hundred thousand (100,000) square feet, two (2) berths total;
  - d. For non-residential floor area up to two hundred fifty thousand (250,000) square feet, three (3) berths total;
  - e. For non-residential floor area up to five hundred thousand (500,000) square feet, four (4) berths total.

Since it is intended to promote the most efficient use of land, notwithstanding the provisions of Section 922.1 and 922.4, the maneuvering of trucks within the public right of way for the purposes of off-street loading shall be allowed by a Class II Special Permit.

*627.2.16. Sign Regulations.*

Signs within the district shall comply with the regulations of the C-2 Liberal Commercial District as provided in Article 10.

See Article 10 for sign regulations and limitations.

(Ord. No. 12480, § 2, 1-22-04; Ord. No. 12509, § 2, 3-25-04; Ord. No. 12724, § 2, 7-28-05)

**Editor's note:** Ord. No. 12724, § 2, adopted July 28, 2005, changed the title of § 627.2 from "Buena Vista Yard West" to "Midtown Miami West." The historical notation has been preserved for reference purposes.

Minimum setbacks and build-to requirements shall be as provided in Section 627.1.7 and below as follows:

- a. Maximum Ground Floor Setback for all Streets. For the first twenty-five (25) feet in elevation above the public right-of-way, no building facade shall be set back more than a depth of ten (10) feet, except as otherwise provided in Section 627.1.7. Off-street parking shall not be allowed within the maximum setback. Building frontage may exceed the maximum setback requirement, provided that the resultant setback is designed and improved as public open space.
- b. Minimum Setbacks and Build-To Lines.
  1. Minimum setbacks and build-to requirements shall be as provided in Section 627.1.7. In order to allow for building and streetscape design variation, an accumulative maximum of forty (40) percent of any street or side setback frontage may have no podium and tower setback requirements as defined in Section 627.1.7.
  2. Colonnades may encroach the setback and build-to requirements provided that a minimum of five (5) feet of sidewalk must remain clear of all obstructions. In addition, awnings and upper story balconies may encroach the setback and build-to requirements by a distance of seven (7) feet. In no case shall colonnades and upper story balcony encroachments be allowed beyond

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the base building/property line. Awnings may encroach base building property line by a distance of seven (7) feet into the right-of-way.

3. Building frontages along East Coast Avenue and above sixteen (16) stories or one hundred seventy-five (175) feet in height (above the public sidewalk), whichever is less, shall not exceed sixty (60) percent of the East Coast Avenue net property frontage. This requirement is applicable for all building frontages within fifty (50) feet of the base building line.

6. Gateway Designations.

As provided in Section 627, gateway sites shall be as follows:

- (1) The SW corner of the intersection of NE 36th Street and NE 2nd Avenue; and
- (2) The SE corner of the intersection of NE 34th Street and NE 1st Place.

*627.1.7 Maximum height, Build-to, Minimum Setback and Use Requirements.*

TABLE INSET:

SD 27.1 Maximum height, Build-to, Minimum Setback and Use Requirements					
Street/Classification	Height/Number of Stories	Ground Floor Build-To/Setback	Podium Setback**	Tower Setback**	Uses
<i>Midtown Boulevard</i>	300' and 28 stories "200' for mixed-use on the western side of the street"	0' setback on the eastern side	15' setback above 75' for buildings designated as a gateway	70' setback above 120' elevation	65% active ground floor uses required
<i>Primary</i>	350' and 33 stories if designated as a gateway 1	20' Build-To on the western side (maximum allowable encroachment for 80' of linear frontage)		No setback requirements for gateway 1 buildings	Liner uses on all parking structures
		35' setback above 30' elevation on the western side			All SD27.1 uses permitted
<i>Buena Vista Avenue</i>	60' for commercial single-use	0' Build-To	N/A		All SD27.1 uses permitted
<i>Primary</i>	200' for mixed-use on the eastern side of street	15' setback above 30' elevation on the east side			Liner uses on all parking structures
<i>East Coast Avenue</i>	300' and 28 stories adjacent to the FEC corridor	5' setback	15' setback above 75' elevation	N/A	Liner uses on parking structures
<i>Tertiary</i>	350' and 33 stories if designated as a gateway				All SD27.1 uses

	1				permitted
<i>NE 36th Street Primary</i>	350' and 33 Stories	9' Build-To with colonnade or awning	15' setback above 75' elevation east of Midtown Boulevard	N/A	65% active ground floor uses required
			15' setback above 60' elevation west of Midtown Boulevard		Liner uses on all parking structures
					All SD27.1 uses permitted
<i>NE 29th Street</i>	300' and 28 stories	9' Build-To with colonnade or awning	30' setback above 75' elevation	N/A	65% active ground floor uses required
<i>Primary</i>					Liner uses on all parking structures
					All SD27.1 uses permitted
<i>NE 30th, NE 32nd, NE 35th Street</i>	300' and 28 Stories	5' setback	15' setback above 75' elevation	N/A	All SD27.1 uses permitted
<i>Secondary</i>	350' and 33 stories if designated as a gateway 1				Restaurant or Retail Uses are required along 70' at intersection with Midtown Boulevard
<i>NE 34th Street (East of Midtown Boulevard)</i>	300' and 28 stories	0' setback	15' setback above 75' elevation	N/A	65% active ground floor uses required
<i>Primary</i>	350' if designated as a gateway 1				Liner uses on all parking structures
					All SD27.1

					uses permitted
<i>NE 34th Street (West of Midtown Boulevard)</i>	60' for commercial single-use	0' Build-To	15 feet above 40' elevation	N/A	All SD27.1 uses permitted
<i>Primary</i>	120' for mixed-use or theater/entertainment/civic use 200' for mixed-use				Liner uses on all parking structures
<i>NE 31st NE 33rd Street and NE 34th Terrace (side setbacks)</i>	300' and 28 stories	20' Building-To	55' above 75' elevation	N/A	Liner uses on all parking structures and ground floor
<i>Tertiary</i>	350' and 33 stories if designated as a gateway 1	35' setback above 25' elevation			All SD27.1 uses permitted
<i>FEC Corridor (No Street frontage)</i>	300' and 28 stories	40' Build-To	55' setback above 75' elevation	N/A	Liner uses on all parking structures
	350' and 33 stories if designated as a gateway 1				All SD27.1 uses permitted
<i>Dedicated Open Space greater than 4,000 square feet</i>	300' and 28 stories	0' Build-To	N/A	N/A	Liner uses on all parking structures
	350' and 33 stories if designated as gateway 1				All SD27.1 uses permitted

\* Podium setbacks are for elevations between seventy-five (75) feet and one hundred twenty (120) feet.

\*\* Tower setbacks are for elevations greater than one hundred twenty (120) feet.

1. Gateway designations shall be as defined in Section 627.1.6.
2. Height limitations as described herein shall not prohibit additional height allowances as described in section 627.1.6.

**627.1.9 Upper Level Floorplates.**

All building footprints above one hundred twenty (120) feet in elevation shall not exceed forty (40) percent of the net lot area.

**627.1.10 Street Grid.**

New streets and avenues in the SD27.1 District shall align with the existing city street grid. The north/south spacing between new streets shall not exceed six hundred twenty (620) feet from centerline of street to centerline of street. The east/west spacing between new avenues shall not exceed four hundred (400) feet from centerline of avenue to centerline of avenue.

For the purpose of this ordinance streets shall be categorized as "primary", "secondary" and "tertiary" as follows:

1. Primary Streets: Northeast 34th Street, Northeast 36th Street, Midtown Boulevard and Northeast 29th Street.

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2. Secondary Streets: Northeast 30th Street, Northeast 32nd Street and Northeast 35th Street.
3. Tertiary Streets: Northeast 31st Street, Northeast 33rd Street, Northeast 34th Terrace and East Coast Avenue.

For further clarification, refer to the SD 27 Design Standards.

#### *627.1.11 Streetscape.*

All exterior space as defined in the SD 27.1 Zoning Ordinance shall conform to the following standards and are subject to approval by the Director of the City of Miami Public Works Department and other authorities having jurisdiction. Denial of these requirements by such authorities for reasons of public health, safety and welfare shall not constitute a variance from this Ordinance. Recommendations beyond the requirements provided herein are provided in the supplemental SD 27 Design Standards.

1. All required yards, setbacks, and sidewalk area within the public right-of-way adjacent to streets shall be a continuous pedestrian space. For all sidewalks, an area a minimum of 5' wide must remain clear of all obstructions to ensure adequate pedestrian circulation.
2. Street furniture shall be as defined in the SD 27 Design Standards. Street furniture shall be part of the urban streetscape to encourage pedestrian activity and provide such amenities as: trash receptacles, benches, bollards, pedestrian lighting, bicycle racks, parking meters, street signs, transit shelters, tables, chairs, and water fountains. Trash receptacles and benches shall be provided at a minimum of two hundred (200) foot intervals on both sides of Northeast 34th Street and Midtown Boulevard. Bicycle racks shall be provided at six hundred (600) foot intervals on both sides of Northeast 34th Street and Midtown Boulevard. These may be located in the pedestrian areas as long as pedestrian flow patterns are continuous.
3. All specified plant material shall be Florida #1 or better. Refer to the Florida Grades and Standards Manual. All shade trees shall have high wind resistance. Additionally, all trees and shrubs shall be native to Florida or have sub-tropic, drought tolerant characteristics.
4. Palm trees shall be provided in the sidewalk area at a minimum spacing of twenty-five (25) feet. Large palms shall have a minimum height of sixteen (16) feet and small palms shall have a minimum height of eight (8) feet.
5. Shade trees shall be provided in the sidewalk area at a minimum spacing of forty (40) feet on center with an eight (8) foot continuous canopy spread at planting and a twenty-five (25) foot spread at maturity with a 3" caliper at planting. Such trees shall have a minimum height of fourteen (14) feet at planting and twenty-five (25) feet at maturity.
6. Only one shade tree species may be used for each individual street. Such species shall be determined by the City of Miami Planning and Zoning Department through the Class II Permit process.
7. All requirements for street medians shall adhere to the recommendations provided in the supplemental SD 27 Design Standards.

#### *627.1.12. Buildings.*

All buildings abutting "primary streets" as defined in the SD 27.1 Zoning Ordinance shall conform with the following standards:

1. A minimum of sixty-five percent (65%) of the linear frontage of any lot abutting a "primary street" shall contain ground floor space designed to accommodate retail and other uses that promote pedestrian traffic. The design of such space shall meet the standards listed below, except for buildings that are intended primarily for residential use, where ground floor pedestrian oriented uses would be inappropriate or disruptive to the residential use.
  - a. All ground level space designed for pedestrian oriented uses shall have external entrances directly accessible from public sidewalk space. At least one (1) external entrance shall be

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located along the frontage of the primary street or on the corner intersection of the primary street and any other street. Additionally, each building use, such as a retail store with a cafe or restaurant, shall have separate entrances. All such entrances shall be transparent.

b. For the first ten (10) feet of height above the public sidewalk elevation, the exterior building wall shall contain windows and/or doorways of transparent glass covering at least fifty (50) percent of the wall area. Additionally, the base of all transparent openings shall be no more than thirty (30) inches above the sidewalk.

c. Arcades and colonnades shall be at least seven (7) feet wide and twelve (12) feet high. A minimum of five (5) feet of the sidewalk must remain clear of all obstructions to ensure adequate pedestrian circulation.

2. The remaining frontage of thirty-five percent (35%) may be dedicated to entrances, lobbies, customer driveways, architectural treatment, or non-pedestrian oriented uses. No portion of a building wall that does not contain transparent glass shall be constructed with a flat, unarticulated surface for a distance of greater than twelve (12) feet.

#### *627.1.13. Building Functionality.*

All exterior space as defined in the SD 27.2 Zoning Ordinance shall conform to the following standards, except as provided:

1. Service access and loading areas shall not be permitted to front the following streets or portions thereof; Northeast 36th Street; Midtown Boulevard; Northeast 29th Street; and within side setbacks (mews) as required in Section 627.1.7.

2. Service access and loading areas shall be enclosed within buildings or screened from public view with architectural walls and/or landscaping.

3. All dumpsters shall be concealed on three sides by a solid structure, and on the fourth side by an opaque gate.

4. Utility boxes, meters, and HVAC equipment shall be concealed within buildings or screened from public view.

#### *627.1.14. Surface Parking and Parking Garages.*

Surface parking and parking structures shall conform with the following standards:

1. Off-street parking is not permitted along frontages of primary streets.

2. Vehicular access to parking structures shall not be permitted on the following streets: NE 36th Street; NE 29th Street; and Midtown Boulevard. Access shall be allowed along the western edge of Midtown Boulevard north of NE 34th Street.

3. Blank, unarticulated walls will not be permitted for parking podium facades that are not lined with uses. Such facades shall have architectural treatments designed to be compatible with neighboring buildings. Ramps, stairwells and any other portion of a garage should be buffered with the use of decorative grilles and screens, landscaping, and other varied materials.

4. As required in Section 627.1.7, liner uses are required on all levels of parking garages except when such construction of uses would interfere with the ventilation requirements of applicable building codes. Such ventilation requirements shall be met with the least possible disruption to a continuous liner use program as required in Section 627.1.7 and shall be accommodated on secondary and tertiary street frontages.

#### *627.1.15. Open Space.*

A minimum of ten (10) percent of the gross lot area shall be provided as open space as defined in Section 627, except as follows:

1. Since the intent of the district is to provide significant common public open space, the minimum open space requirement may be aggregated among parcels or lots under common

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ownership and located in a common location within the district. Such aggregation of open space shall be improved as provided in Section 627.

2. Pursuant to the District plat, open space platted by easement within the District shall be allowed to be substituted for the requirements provided herein. Such platted open space shall be improved as provided in Section 627.

3. Within the block bounded by Northeast 36th Street, Midtown Boulevard, Northeast 34th Street and Buena Vista Avenue, one (1) acre of open space shall be provided and may be used for open space aggregation provided in 627.1.15.1. Such open space shall be contiguous and centrally located within the block and shall be in addition to required Streetscape improvements provided in Section 627.1.10.

*627.1.16. Off-Street Parking.*

A. Requirements.

Since it is intended to promote the use of multi-modal transportation and that automobile traffic be minimized, the off-street parking requirements shall be as follows:

1. For residential uses, one (1) space per dwelling unit
2. For Live/Work uses, one (1) space per one thousand (1,000) square feet of net floor area.
3. For hotel or motel uses, one (1) space per three (3) lodging units.
4. For theaters, one (1) space per each eight (8) fixed seats.
5. For all other uses, one (1) space per five hundred (500) square feet of net floor area.

Valet parking shall be allowed to satisfy off-street parking requirements.

B. Off site parking permitted.

Notwithstanding the limitations of section 918, offsite parking shall be permitted by Class II Special Permit without limitation on percentage of the required number of spaces or maximum distance from the principal use when located within the SD-27.1 zoning district. Furthermore, there shall be no required demonstration or findings of practical difficulty or unnecessary hardship in providing required parking on the site, provided that the location of the offsite parking is within one thousand (1,000) feet radius of the principal use, or there are permanent provisions made to transport the offsite parking patrons to and from the principal site at the property owner's expense.

*627.1.17. Off-Street Loading.*

The off-street loading requirements shall be as follows:

1. For residential uses:
  - a. Berth minimum to be twelve (12) by thirty-five (35) feet by fifteen (15) feet in height;
  - b. One (1) berth for every one hundred (100) residential units or fraction thereof.
2. For non-residential uses:
  - a. Berth minimum to be twelve (12) by fifty-five (55) feet by fifteen (15) feet in height;
  - b. For non-residential floor area of twenty-five thousand (25,000) up to fifty thousand (50,000) square feet, one (1) berth total. No berths are required for floor area less than twenty-five thousand (25,000) square feet;
  - c. For non-residential floor area up to one hundred thousand (100,000) square feet, two (2) berths total;
  - d. For non-residential floor area up to two hundred fifty thousand (250,000) square feet, three (3) berths total;
  - e. For non-residential floor area up to five hundred thousand (500,000) square feet, four (4) berths total.
3. Mixed use projects shall comply with loading requirements per use as specified above.

Since it is intended to promote the most efficient use of land, notwithstanding the provisions of Section 922.1 and 922.4, the maneuvering of trucks within the public right of way for the

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purposes of off-street loading shall be allowed by a Class II Special Permit. Additionally, tandem loading berths shall be allowed by a Class II Special Permit.

*627.1.18. Sign Regulations.*

See Article 10 sign regulations as for SD-8, and in addition, the SD 27 Design Standards for sign regulations and limitations.

(Ord. No. 12448, § 2, 11-25-03; Ord. No. 12689, § 2, 5-26-05; Ord. No. 12724, § 2, 7-28-05; Ord. No. 12757, § 2, 1-26-06)

**Editor's note:** Ord. No. 12689, § 2, adopted May 26, 2005, changed the title of § 627.1 from "SD-27.1 Buena Vista Yard" to "SD-27.1 Midtown Miami East Special District." The historical notation has been preserved for reference purposes.

Sec. 627.2. Midtown Miami West.

The Area is bounded by Northeast 36th Street on the north and North Miami Avenue on the west. On the south, the area is bounded by the centerline of Northeast 34th Street between Buena Vista Avenue and Midtown Boulevard and by Northeast 29th Street between North Miami Avenue and Midtown Boulevard. On the east, the area is bounded by the centerline of Buena Vista Avenue between Northeast 36th Street and Northeast 34th Street and by the centerline of Midtown Boulevard between Northeast 34th Street and Northeast 29th Street.

*627.2.1. Intent.*

The Midtown Miami West district regulations are intended to provide a method to allow for planning initiatives that achieve a unique or innovative development that is not otherwise provided for in the zoning ordinance. These planning initiatives may include, but are not limited to, Smart Growth as defined in Section 627. The standards and procedures of this district are intended to promote flexible design and permit planned diversification and integration of uses and structures, with limitations and regulations as deemed necessary to be consistent with the City's Comprehensive Plan and to protect the public health, safety, and general welfare. Design standards supplement this ordinance and provide more detailed clarification.

This district is of special and substantial public interest given its proximity to Downtown Miami and the Omni Area, the Design District, Miami Beach, the Wynwood Neighborhood and to future proposed commuter transit facilities within the Florida East Coast Railway (FEC) Corridor. The intent of the district is to: (1) Promote the creation of a Miami midtown environment through intensive urban retail mixed-use development with a twenty-four hour activity pattern; and (2) Enhance the pedestrian environment and connectivity of the existing surrounding areas by extending the city street grid through the district. To this end, the district promotes streetscapes and mixed-use buildings designed to provide pedestrians with lively, interesting, well-landscaped and highly usable public spaces with a maximum interrelationship with ground floor building uses.

Concerning building uses and overall buildable area, mixed-use development is encouraged by providing greater floor area ratios and overall building height than that of single use buildings. Furthermore, additional height is provided for sites that abut significant open space and/or are designated as strategically located visual gateways as defined in Section 627. Yard and setback areas are minimal and are required to be developed as an integral part of the overall pedestrian streetscape. Ground floor build-to lines are provided in order to establish a continuous building frontage that enhances and provides spatial definition for the urban streetscape.

Although no specific requirements are contained herein, it is further intended that buildings be designed utilizing environmentally sensitive methods, including, but not limited to, passive and

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active solar techniques, green-roofs, the utilization of environmentally sustainable materials and efficient mechanical systems.

*627.2.2. Effect of SD-27.2 district designation.*

The SD-27.2 Midtown Miami West district shall supplant districts or portions of districts included within the SD boundaries to the extent indicated in the official zoning atlas.

*627.2.3. Class II Special Permit.*

*Section 627.2.3.1. When required.*

A Class II Special Permit shall be required prior to approval of any permit (except special permits pursuant to Article 13) affecting the height, bulk, location or exterior configuration of any existing building or the construction of a new building.

*Section 627.2.3.2. Considerations in making Class II Special Permit determinations.*

The purpose of the Class II Special Permit shall be to ensure conformity of the application with the expressed intent of this district, with the general considerations listed in section 1305, and with the special considerations contained in the Design Standards.

Notwithstanding any other provision of the zoning code, a Major Use Special Permit is required for non-residential uses in a single building that exceed 400,000 square feet of floor area and residential units in a single building that exceed 400 dwelling units, or any combined use which exceeds 2,500 parking spaces in a single building.

Any variances (as defined in Article 19) sought from the provisions of the SD 27 regulations shall require such deviation to be considered within the process for a Major Use Special Permit as defined in Article 17 and the increased development thresholds as set forth above shall not apply.

*627.2.4. Principal Uses and Structures.*

The following uses shall be permitted within the district, subject to the provisions of Section 627.2.7:

1. Neighborhood convenience goods and services, including food stores (grocery, meat, seafood, produce, delicatessen, bakery, confectioneries, ice cream), drugstores, newsstands, dry cleaners, barber and beauty shops, and shoe repair stores.
2. Retail establishments open to the general public as follows: big box retail (retail establishments greater than 20,000 square feet of floor area), antique stores, art stores and commercial art galleries; bicycle sales; book and stationery stores; china and crockery stores; drugstores; floor covering; florist, including plant and shrub sales; food carts and vendors; gift shops; hardware stores; hobby shops; home appliance stores; home furnishing stores; interior decoration supply stores; establishments for the sales of boating and fishing supplies (excluding outdoor sales of boats); jewelry stores; leather goods; luggage stores; music stores; newsstands; office supply stores; optical goods stores; package liquor stores (without drive-through facilities); paint and wallpaper; pet shops; photographic supply stores; restaurant supply stores; tobacco shops; toy stores; television, radio, and other electronics stores; videotape sales and rentals; variety and sundry stores; establishments for sale of wearing apparel; wholesale establishments open to the general public; or any other similar use customarily found in a major retail shopping center. Such establishments may provide incidental repair, maintenance, adjustment or alteration services as appropriate, but facilities, operation and storage in relation to such services shall not be visible from any street or street related pedestrian open space. Aside from antique stores, art galleries, jewelry, bookstores and wearing apparel establishments, no such retail establishments shall deal in secondhand merchandise.

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3. Service establishments as follows: Interior decorator, banks, savings and loan and financial institutions; duplicating centers including letter and photostating services; driving school agencies; locksmiths; medical or dental offices less than five thousand (5,000) square feet; opticians; photographic service; business and professional offices; tailoring; dressmaking; millinery or drapery fabrication, except where products are for office premises sale; rental of recreation and sporting equipment.
4. All Residential as per the R-4 Zoning District.
5. Hotels.
6. Production Studios.
7. Shops for the sale, assembly, customization or repair open to the general public as follows: awnings and canvas; carpentry; construction of models for design purposes; custom woodworking and furniture; glass; signs; and upholstery.
8. Public and private recreational facilities and community service facilities.
9. Production of art and handicrafts (but not mass-produced items) incidental to sale at retail on the premises.
10. Restaurants, brewery restaurants, tearooms and cafes (without drive-through facilities), including those with dancing and live entertainment.
11. Bars, cocktail lounges, saloons and taverns, supper clubs and nightclubs, including those with live entertainment open to the general public.
12. Art galleries, auditoriums; theaters (including open air theatres) and cinemas, museums, libraries and similar cultural uses.
13. Structures for operating public transportation.
14. Parking lots and garages subject to Sections 627.2.5, 627.2.7 and 627.1.12.
15. Public or private educational facilities.
16. Cellular communications in accordance with the provisions of the C-1 Zoning district.
17. Drive-Through facilities on "secondary" and "tertiary" streets.

The following uses shall be permitted by Class I Special Permit:

1. Outdoor photographic stage sets.
2. Notwithstanding the provisions of 906.9, up to ten (10) street and open space special events per calendar year within the district.

#### *627.2.5. Accessory Uses.*

Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures, approved in the same permit proceedings, and initiated or completed within any time limits established generally or in relation to the special permit, shall be permitted subject to limitations by these or generally applicable regulations. Other accessory uses and structures shall require a Class II Special Permit.

No aboveground off-street parking or loading area shall be permitted between any front portion of a building and the front line of a lot adjoining any street; provided, however that off-street parking for bicycles may be permitted in such areas, subject to limitations and requirements as to location, design and number established in connection with special permits.

#### *627.2.6. Building Placement and Buildable Area.*

1. Minimum lot requirements. No specific dimensional requirements are established in this district, but lots shall be of sufficient width and area to conform with other requirements and limitations of these and other lawful regulations.
2. Floor Area Limitations. Floor area limitations of the SD 27.2 district shall be as follows:
  - a. Except as otherwise provided below, the floor area ratio shall not exceed one and seventy-two hundredths (1.72) times the gross lot area for single use commercial buildings.

- b. The floor area for all mixed-use buildings shall not exceed three (3.0) times the gross lot area.
- c. Allowable increase in floor area up to five tenths (0.5) will be provided for payment into a Neighborhood Improvement Trust Fund.
- 3. Density. Density shall not exceed one hundred fifty (150) residential units/net acre and in no case shall exceed a total of one thousand five hundred (1,500) units within the entire district.
- 4. Maximum Heights.
  - a. Maximum heights shall be as provided in Section 627.2.7.
  - b. All parking structures shall not exceed seventy-five (75) feet in height, except as otherwise provided in Section 627.2.12.
- 5. Maximum and Minimum Setback Requirements and Build-To Lines
  - a. Setback requirements shall be measured perpendicular to and from the base building line. Platted public right of way lines shall be defined as the Base Building Line. When platted right of way lines at street intersections are rounded, setbacks shall be measured from projected right of way lines and not from the rounded portions of such lines. The Design Standards provide further clarification of the requirements provided herein. The maximum and minimum setbacks and build-to requirements shall be as provided in Section 627.2.7 and below, as follows:
    - b. For the first twenty-five (25) feet in elevation above the public right-of-way, no building facade shall be set back more than a maximum depth of ten (10) feet, except as otherwise provided in Section 627.2.7. Off-street parking shall not be allowed within the maximum setback. Building frontage may exceed the maximum ground floor setback requirement, provided that the resultant area between the building frontage and the base building line is designed and improved as public open space.
    - c. Colonnades encroach the setback and build-to requirements provided that a minimum of five (5) feet of sidewalk must remain clear of all obstructions. In addition, awnings and upper story balconies may encroach the setback and build-to requirements by a distance of seven (7) feet. Upper story architectural features may encroach the setback and build-to requirements by a distance of five (5) feet but shall not exceed thirty (30) percent of the building frontage.
    - d. Build-To Lines shall only be applicable for 60% of the street frontage.
- 6. Gateway Designations. As provided in Section 627, the gateway site shall be the Southeast corner of the intersection of Northeast 36th Street and North Miami Avenue. Such designation, for the purposes of height limitations, setback and build-to requirements shall apply for a north/south dimension of one hundred fifty (150') feet and an east/west dimension of four hundred (400') feet.

*627.2.7. Maximum Height, Build-To, Minimum Setback and Use Requirements.*

TABLE INSET:

SD 27.2 Maximum height, Build-To, Minimum Setback and Use Requirements					
Street/Classification	Height	Ground Floor Build-To	Mid-level Setback*	Upper-level Setback**	Uses
<i>Midtown Boulevard Primary</i>	60' for commercial single-use 120' for residential or mixed-use	20' Build-To Area between the building frontage and base building line shall be improved as open space. Maximum Allowable encroachment (0'	35' setback above 60' elevation	N/A	All SD27.2 uses permitted except that Big Box retail shall not be permitted from 31 st Street to 36 th Street. Liner uses on all parking structures

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		build-to) for 80' of linear frontage per block			
<i>Buena Vista Avenue (north of 34 th Street) Primary</i>	60' for commercial single-use 120' for mixed-use	0' Build-To	N/A	15' setback above 60'	All SD27.2 uses permitted Liner uses on all parking structures except as otherwise provided in Section 627.2.12
<i>Buena Vista Avenue (south of 34 th Street) Primary</i>	60' for commercial single-use 120' for mixed-use or theaters	0' Build-To	N/A	15' setback above 60' elevation	All SD27.2 uses permitted
<i>NE 36 th Street Primary</i>	60' for commercial single-use 120' for mixed-use 200' for mixed-use and gateway 1 requirement	9' Setback with colonnade or awning Maximum Setback of 20'	N/A	15' setback above 60' elevation	All SD27.2 uses permitted Liner uses on all parking structures except as otherwise provided in Section 627.2.12
<i>NE 29 th Street Primary</i>	60' for commercial single-use 120' for mixed-use	N/A	N/A	N/A	All SD27.2 uses permitted Liner uses on all parking structures except as otherwise provided in Section 627.2.12
<i>North Miami Avenue Primary</i>	60' for commercial single-use 120' for mixed-use 200' for mixed-use and gateway 1 requirement	9' Build-To with colonnade or awning 5' Build-to from centerline of NE 36 th Street south for a distance of 315'	N/A	15' setback above 60'	All SD27.2 uses permitted Liner uses on all parking structures except as otherwise provided in Section 627.2.12
<i>NE 34 th Street Primary</i>	60' for commercial single-use 120' for mixed-use	0' Build-To	15' setback above 40' elevation	N/A	All SD27.2 uses permitted Liner uses on all parking structures except as otherwise provided in Section 627.2.12
<i>NE 32 nd Street Secondary</i>	60' for commercial	0' Build-To	10' setback above 20'	N/A	30% active ground floor uses

	single-use 120' for mixed-use		elevation		All SD27.2 uses permitted
<i>NE 31 st Street Secondary</i>	60' for commercial single-use 120' for mixed-use	0' Build-To	N/A	N/A	30% active ground floor uses All SD27.2 uses permitted
<i>NE 30 th 33 rd , 35 th Street and NE 34 th Terrace Secondary</i>	60' for commercial single-use 120' for mixed-use	0' Build-To	15' setback above 40' elevation	N/A	30% active ground floor uses All SD27.2 uses permitted
<i>Dedicated Open Space greater than 1 acre</i>	60' for commercial single-use 120' for mixed-use	0' Build-To	N/A	N/A	All SD27.2 uses permitted
<i>Interior Side</i>	60' for commercial single-use 120' for mixed-use	0' Setback	N/A	N/A	All SD27.2 uses permitted

\* Mid-level setbacks are for elevations between twenty (20) feet and sixty (60) feet.

\*\* Upper-level setbacks are for elevations greater than sixty (60) feet.

1. Gateway designations shall be as defined in Section 627.2.6.

**627.2.8. Street Grid/Blocks.**

Northeast 34th Street and Northeast 36th Street shall extend through the SD27.2 District and shall align with the existing city street grid west of North Miami Avenue. Northeast 31st Street shall extend through the SD 27.2 District and shall generally align with the existing street grid west of North Miami Avenue North of Northeast 34th Street, the north/south spacing between new streets shall not exceed eight hundred twenty-five (825) feet from centerline of street to centerline of street. South of Northeast 34th Street, the north/south spacing between new streets shall not exceed seven (700) feet from centerline of street to centerline of street. The east/west spacing between new avenues shall not exceed seven hundred twenty-five (725) feet from centerline of avenue to centerline of avenue. Open Space, with an area of at least one (1) acre, may be substituted in lieu of a new Street or Avenue.

For the purpose of this ordinance, streets shall be categorized as "primary" and "secondary" as follows:

1. Primary Streets: North Miami Avenue, Northeast 34th Street, Northeast 36th Street, Midtown Boulevard, Northeast 29th Street, Buena Vista Avenue.
2. Secondary Streets: Northeast 30th Street, Northeast 31st Street, Northeast 32nd Street; Northeast 33rd Street, Northeast 35th Place and Northeast 35th Street.

Refer to the SD 27.2 Design Standards for additional Design Standards and Guidelines regarding streets.

**627.2.9. Streetscape.**

All exterior space as defined in the SD 27.2 Zoning Ordinance shall conform to the following standards and are subject to approval by the Director of the City of Miami Department of Public Works and other authorities having jurisdiction. Denial of these requirements by such authorities

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for reasons of public health, safety and welfare shall not constitute a variance from this Ordinance.

Refer to the SD 27.2 Design Standards for additional Design Standards and Guidelines regarding streetscapes.

1. All required setbacks and sidewalk area within the public right-of-way adjacent to streets shall be a continuous pedestrian space. For all sidewalks, an area a minimum of five (5') feet wide must remain clear of all obstructions to ensure adequate pedestrian circulation.
2. For all streets, the ground floor of buildings shall be set back from the property line, where necessary, to provide a minimum sidewalk width of ten (10) feet from face of building to curb line. Unless otherwise prohibited by setback requirements of the SD 27.2 Zoning District, the upper floors of buildings may overhang this setback. The setback area shall be improved to meet the adopted design standards of the SD 27.2 Zoning District for the adjacent public sidewalk including pavement treatment, landscaping, street lighting and awnings.
3. Street furniture shall be as defined in the SD 27 Design Standards. Street furniture shall be part of the urban streetscape to encourage pedestrian activity and provide such amenities as: trash receptacles, benches, bollards, pedestrian lighting, bicycle racks, parking meters, street signs, transit shelters, tables and chairs. Trash receptacles and benches shall be provided at a minimum of two hundred (200) foot intervals on both sides of Northeast 34th Street and Midtown Boulevard. Bicycle racks shall be provided at six hundred (600) foot intervals on both sides of Northeast 34th Street and Midtown Boulevard. These may be located in the pedestrian areas as long as pedestrian flow patterns are continuous. Greater spacing may be allowed by Class II Special Permit if such spacing is required:
  - 1) To promote or enhance pedestrian safety, or
  - 2) To maintain compliance with the SD 27 Design Standards.
4. All specified plant material shall be Florida #1 or better. Refer to the Florida Grades and Standards Manual. All shade trees shall have high wind resistance. Additionally, all trees and shrubs shall be native to Florida or have subtropic, drought tolerant characteristics.
5. Palm trees shall generally be provided in the sidewalk area at a minimum spacing of twenty-five (25) feet, except that greater spacing may be allowed by Class II Special Permit if such spacing is required: 1) to promote or enhance pedestrian safety or 2) to maintain compliance with the SD 27 Design Standards.
6. Large palms shall have a minimum height of sixteen (16) feet and small palms shall have a minimum height of eight (8) feet.
7. Shade trees shall be provided in the sidewalk area at a minimum spacing of forty (40) feet on center with an eight (8) foot continuous canopy spread at planting and a twenty-five (25) foot spread at maturity with a 3" caliper at planting. Such trees shall have a minimum height of fourteen (14) feet at planting and twenty-five (25) feet at maturity.
8. In order to provide for a unified street character, only one shade tree species may be used for each individual street within the entirety of the SD 27 District. Such species selection is subject to approval by Class II Special Permit.

#### *627.2.10. Buildings.*

All buildings abutting "primary streets" as provided in Section 627.2.8, shall conform to the following standards:

1. A minimum of sixty-five (65) percent of the linear frontage of any lot abutting a "primary" street, and thirty (30) percent of any lot abutting a "secondary" street, shall contain ground floor space designed to accommodate retail and other uses that promote pedestrian traffic. The design of such space shall meet the standards listed below, except for buildings that are intended primarily for residential use, where ground floor pedestrian oriented uses would be inappropriate or disruptive to the residential use.

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- a. All ground level space designed for pedestrian oriented uses shall have external entrances directly accessible from public sidewalk space. At least one (1) external entrance shall be located along the frontage of the primary street or on the corner intersection of the primary street and any other street or the frontage of public open space. Additionally, each building use, such as a retail store with a cafe or restaurant, shall have separate entrances. All such entrances shall be transparent.
  - b. For the first ten (10) feet of height above the public sidewalk elevation, the exterior building wall shall contain windows and/or doorways of transparent glass covering at least fifty (50) percent of linear frontage (to be calculated at a height over 30 inches) of each building; plazas and openings into pedestrian entrances and spaces shall count towards the 50% transparency requirement specified in this section. Additionally, the base of all transparent openings shall be no more than thirty (30) inches above the sidewalk. Display windows may count towards the transparency requirement and may encroach upon specified setback and build-to lines by a distance no greater than thirty (30) inches, provided that a minimum of five (5) feet of sidewalk must remain clear of all obstructions.
  - c. Arcades and colonnades, where proposed shall be at least nine (9) feet wide and twelve (12) feet high. A minimum of five (5) feet of the sidewalk must remain clear of all obstructions to ensure adequate pedestrian circulation.
  - d. No portion of a building wall that does not contain transparent glass shall be constructed with a flat, unarticulated surface for a distance of greater than twenty (20) feet. In addition, any building frontage on North Miami Avenue that exceeds three hundred (300) feet shall incorporate a major break of at least thirty (30) feet in width by ten (10) feet in depth at ground level. Such breaks shall be improved as open space and/or provide building access and occur on axis with the existing city street grid.
2. The remaining frontage of thirty-five percent (35%) may be dedicated to entrances, lobbies, customer driveways, architectural treatment, or non-pedestrian oriented uses. No portion of a building wall that does not contain transparent glass shall be constructed with a flat, unarticulated surface for a distance of greater than twenty (20) feet.

*627.2.11. Building Functionality.*

All exterior space as defined in the SD 27.2 Zoning Ordinance shall conform to the following standards, except as provided:

1. Service access and service loading areas shall not be permitted to front the following streets or portions: North Miami Avenue south of Northeast 34th Street; Midtown Boulevard; Buena Vista Avenue; and Northeast 29th Street.
2. Service loading areas shall be enclosed within buildings or screened from public view with architectural walls and/or landscaping.
3. All dumpsters shall be concealed on three sides by a solid structure, and on the fourth side by an opaque gate.
4. Utility boxes, meters, and HVAC equipment shall be concealed within buildings or screened from public view.

*627.2.12. Surface Parking and Parking Garages.*

Surface parking and parking structures shall conform to the following standards:

1. Ground level off-street parking is not permitted along frontages of primary streets.
2. Blank, unarticulated walls shall not be permitted for parking garage facades that are not lined with uses. Such facades shall have architectural treatments designed to be compatible with adjacent buildings. Ramps, stairwells and any other portion of a garage should be buffered with the use of decorative grilles and screens, landscaping, and other varied materials.

3. As provided in Section 627.2.7, liner uses are generally required on parking garages that front primary streets. When required, ground level parking facilities must be lined with active uses. Upper level parking facilities that do not incorporate liner uses shall be setback no less than 85' and shall not exceed a height of 50'. All other requirements provided herein shall apply.

*627.2.13. Open Space.*

A minimum of ten (10) percent of the gross lot area shall be provided as open space as defined in Section 627, except as follows:

1. Since the intent of the district is to provide significant common public open space, the minimum open space requirement may be aggregated among parcels or lots under common ownership and located in a common location within the district. Such aggregation of open space shall be improved as provided in Section 627.
2. Pursuant to the District plat, dedicated open space platted within the District shall be allowed to be substituted for the requirements provided herein. Such platted open space shall be improved as provided in Section 627.

*627.2.14. Off-street Parking.*

In recognition of the pedestrian oriented, mixed-use nature of the SD 27.2 District, it is anticipated that visitors to the District will park once and visit more than one destination. Therefore the required amount of off-street parking will be lower in the SD 27.2 District than in other Districts of the City.

A. Requirements. The off-street parking requirements shall be as follows:

1. For residential uses, one (1) space per dwelling unit
2. For hotel or motel uses, one (1) space per three (3) lodging units.
3. For theaters, one (1) space per each eight (8) fixed seats.
4. For all other uses, one (1) space per five hundred (500) square feet of gross floor area. There shall be no requirement when uses are within a one thousand (1,000) foot radius of a public parking facility with a capacity equal to or greater than the requirements provided herein.

B. Off site parking permitted. Notwithstanding the limitations of section 918, off-street parking requirements for all uses within the SD 27.2 District can be provided by parking facilities that are owned by a unit of local government, including a community development district, provided that the parking facilities: a) are located within the SD 27.2 District and b) have a capacity equal to or greater than the requirements provided herein.

*627.2.15. Off-street Loading.*

The off-street loading requirements shall be as follows:

1. For residential uses:
  - a. Berth minimum to be twelve (12) by thirty-five (35) feet by fifteen (15) feet in height;
  - b. One (1) berth for every one hundred twenty (120) residential units or fraction thereof.
2. For non-residential uses:
  - a. Berth minimum to be twelve (12) by fifty-five (55) feet by fifteen (15) feet in height;
  - b. For non-residential floor area of twenty-five thousand (25,000) up to fifty thousand (50,000) square feet, one (1) berth total;
  - c. For non-residential floor area up to one hundred thousand (100,000) square feet, two (2) berths total;
  - d. For non-residential floor area up to two hundred fifty thousand (250,000) square feet, three (3) berths total;
  - e. For non-residential floor area up to five hundred thousand (500,000) square feet, four (4) berths total.

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Since it is intended to promote the most efficient use of land, notwithstanding the provisions of Section 922.1 and 922.4, the maneuvering of trucks within the public right of way for the purposes of off-street loading shall be allowed by a Class II Special Permit.

*627.2.16. Sign Regulations.*

Signs within the district shall comply with the regulations of the C-2 Liberal Commercial District as provided in Article 10.

See Article 10 for sign regulations and limitations.

(Ord. No. 12480, § 2, 1-22-04; Ord. No. 12509, § 2, 3-25-04; Ord. No. 12724, § 2, 7-28-05)

**Editor's note:** Ord. No. 12724, § 2, adopted July 28, 2005, changed the title of § 627.2 from "Buena Vista Yard West" to "Midtown Miami West." The historical notation has been preserved for reference purposes.