

J-99-930
12/13/99

11876

ORDINANCE NO. _____

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING PAGE NO. 45 OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY ADDING THE HISTORIC PRESERVATION OVERLAY DISTRICT FOR THE PROPERTY LOCATED AT APPROXIMATELY 2167 SOUTH BAYSHORE DRIVE, MIAMI, FLORIDA; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami Zoning Board, at its meeting of October 4, 1999, Item No. 2, following an advertised hearing, adopted Resolution No. ZB 1999-0212, by a six to zero (6-0) vote, RECOMMENDING a change of zoning classification, as hereinafter set forth; and

WHEREAS, the City Commission, after careful consideration of this matter, deems it advisable and in the best interest of the general welfare of the City of Miami and its inhabitants to add the Historic Preservation Overlay District as hereinafter set forth;

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

- (a) will not materially alter the population density...
- (g) will not adversely influence living conditions in the neighborhood...
- (h) will not create or excessively increase traffic congestion or otherwise affect public safety...

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Section 1. The Zoning Atlas of Ordinance No. 11000, as amended, the Zoning Ordinance of the City of Miami, Florida, Page 45, Article 4, Section 401, Schedule of District Regulations, is hereby amended by adding the Historic Preservation Overlay District for the property located at approximately 2167 South Bayshore Drive, Miami, Florida, more particularly described as a portion of Lot 25 and Lot "0," THE ESTATE OF JOHN T. PEACOCK SUBDIVISION, according to the plat thereof, recorded in Plat Book 2, Page 12, of the Public Records of Miami-Dade County, Florida.

Section 2. It is hereby found that this zoning classification change:

- (a) is in conformity with the adopted Miami Comprehensive Neighborhood Plan;
- (b) is not contrary to the established land use pattern;
- (c) will not create an isolated district unrelated to adjacent and nearby districts;
- (d) is not out of scale with the needs of the neighborhood or the City;
- (e) will not materially alter the population density pattern or increase or overtax the load on public facilities such as schools, utilities, streets, etc.;
- (f) is necessary due to changed or changing conditions;
- (g) will not adversely influence living conditions in the neighborhood;
- (h) will not create or excessively increase traffic congestion or otherwise affect public safety;
- (i) will not create a drainage problem;



- (j) will not seriously reduce light and air to adjacent area;
- (k) will not adversely affect property value in the adjacent area;
- (l) will not be a deterrent to the improvement or development of adjacent property in accord with existing regulations; and
- (m) will not constitute a grant of special privilege to an individual owner so as to compromise the protection of the public welfare.

Section 3. Page No. 45 of the Zoning Atlas, made a part of Ordinance No. 11000, as amended, the Zoning Ordinance of the City of Miami, Florida, by reference and description in said Ordinance, is hereby amended to reflect the changes made necessary by this Amendment.

Section 4. All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 6. This Ordinance shall become effective thirty

¹ This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.

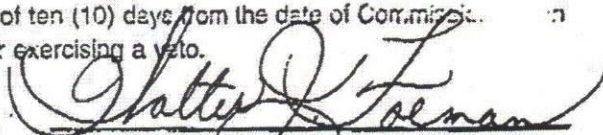
(30) days after final reading and adoption thereof.^{1/}

PASSED ON FIRST READING BY TITLE ONLY this 16th day of November, 1999.

PASSED AND ADOPTED ON SECOND AND FINAL READING BY TITLE ONLY this 14th day of December, 1999.

JOE CAROLLO, MAYOR

In accordance with Miami Code Sec. 2-35, since the Mayor did not indicate approval of this legislation by signing it in the designated place provided, said legislation becomes effective with the elapse of ten (10) days from the date of Commission regarding same, without the Mayor exercising a veto.


Walter J. Foeman, City Clerk

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS



ALEXANDER VILLANUELO
CITY ATTORNEY

W786:YMT:eij:BSS

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