



# City of Miami Marked Agenda City Commission

City Hall  
3500 Pan American Drive  
Miami, FL 33133  
www.ci.miami.fl.us

*Manuel A. Diaz, Mayor*  
*Joe Sanchez, Chairman*  
*Angel González, Vice Chairman*  
*Johnny L. Winton, Commissioner District Two*  
*Tomas Regalado, Commissioner District Four*  
*Jeffery L. Allen, Commissioner District Five*  
*Joe Arriola, City Manager*  
*Jorge L. Fernandez, City Attorney*  
*Priscilla A. Thompson, City Clerk*

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Thursday, November 18, 2004

10:00 AM

City Hall Commission Chambers

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## PLANNING AND ZONING ITEMS

**Present:** Vice Chairman González, Commissioner Winton, Chairman Sanchez and Commissioner Allen

**Absent:** Commissioner Regalado

**Note for the Record:** The Planning and Zoning Meeting convened at 9:31 a.m. with all members of the City Commission present. The meeting adjourned at 7:45 p.m. During part of this time, the Regular Commission meeting was also held.

The following items shall not be considered before 10:00 am.

**PZ.1 04-00573 ORDINANCE First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN BY CHANGING THE LAND USE DESIGNATION FOR THE PROPERTIES LOCATED AT APPROXIMATELY 2143 AND 2161 SOUTHWEST 6TH STREET AND 2160 SOUTHWEST 5TH STREET, MIAMI, FLORIDA, FROM "MEDIUM DENSITY MULTIFAMILY RESIDENTIAL" TO "RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544, from "Medium Density Multifamily Residential" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 2143 and 2161 SW 6th Street and 2160 SW 5th Street

APPLICANT(S): Edward D. Pascoe, Owner and Salomon Sutton/Punta Diamante, LLC, Contract Purchaser

APPLICANT(S) AGENT: Simon Ferro, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on May 19, 2004 by a vote of 6-2. See companion File ID 04-00573a.

PURPOSE: This will change the above properties to Restricted Commercial.

**MOVED:** Joe Sanchez

**SECONDED:** Jeffery L. Allen

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez and Allen

**ABSENT:** Commissioner Regalado

**PZ.2 04-00573a**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 34, 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 CHANGING THE ZONING CLASSIFICATION FROM "R-3" MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL TO "C-1" RESTRICTED COMMERCIAL, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 2160 SOUTHWEST 5TH STREET AND 2143 AND 2161 SOUTHWEST 6TH STREET, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from R-3 Multifamily Medium-Density Residential to C-1 Restricted Commercial to Change the Zoning Atlas

LOCATION: Approximately 2160 SW 5th Street and 2143 and 2161 SW 6th Street

APPLICANT(S): Edward D. Pascoe, Owner and Salomon Sutton/Punta Diamante, LLC, Contract Purchaser

APPLICANT(S) AGENT: Simon Ferro, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended denial to City Commission on June 14, 2004 by a vote of 5-4. See companion File ID 04-00573.

PURPOSE: This will change the above properties to C-1 Restricted Commercial.

MOVED: Joe Sanchez

SECONDED: Johnny L. Winton

Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.

AYES: Commissioner González, Winton, Sanchez and Allen

ABSENT: Commissioner Regalado

PZ.3 04-01128

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN BY CHANGING THE LAND USE DESIGNATION OF THE PROPERTIES LOCATED AT APPROXIMATELY NORTHWEST 22ND STREET AND NORTHWEST 2ND AVENUE, MIAMI, FLORIDA, FROM "INDUSTRIAL" TO "GENERAL COMMERCIAL;" MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544, from "Industrial" to "General Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately NW 22nd Street and NW 2nd Avenue

APPLICANT(S): Artists Lofts, LLC

APPLICANT(S) AGENT: Lucia A. Dougherty, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on September 22, 2004 by a vote of 8-0. See companion File ID 04-1128a.

PURPOSE: This will change the above properties to General Commercial.

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez and Allen

**ABSENT:** Commissioner Regalado

**PZ.4 04-01128a**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 21, 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 CHANGING THE ZONING CLASSIFICATION FROM "I" INDUSTRIAL TO "C-2" LIBERAL COMMERCIAL, FOR THE PROPERTIES LOCATED AT APPROXIMATELY NORTHWEST 22ND STREET AND NORTHWEST 2ND AVENUE, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from I Industrial to C-2 Liberal Commercial to Change the Zoning Atlas

LOCATION: Approximately NW 22nd Street and NW 2nd Avenue

APPLICANT(S): Artists Lofts, LLC

APPLICANT(S) AGENT: Lucia A. Dougherty, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on October 18, 2004 by a vote of 9-0. See companion File ID 04-01128.

PURPOSE: This will change the above properties to C-2 Liberal Commercial.

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez and Allen

**ABSENT:** Commissioner Regalado

**PZ.5 04-01101**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, OF THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLES 4 AND 6, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS AND SECTION 614 SD-14 LATIN QUARTER COMMERCIAL-RESIDENTIAL, AND RESIDENTIAL DISTRICTS; IN ORDER TO MODIFY THE C-1 RESTRICTED COMMERCIAL AND SD-14 ZONING CLASSIFICATIONS WITH REGARDS TO FOOTPRINT LIMITATIONS; ADDING CONDITIONS FOR APPROVAL; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on September 1, 2004 by a vote of 6-0.

PURPOSE: This will relax footprint regulations in the C-1 Restricted Commercial and SD-14 Latin Quarter Commercial-Residential, and Residential Districts for projects that provide liners.

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

Motion that this matter be **PASSED ON FIRST READING PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez and Allen

**ABSENT:** Commissioner Regalado

**PZ.6 04-01179**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, RELATING TO HOME OCCUPATIONS BY AMENDING ARTICLE 9, SECTION 906 OF THE ZONING ORDINANCE, IN ORDER TO MODIFY THE REQUIREMENTS CONCERNING HOME OCCUPATIONS IN R-4, COMMERCIAL, AND SPECIAL DISTRICTS; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on October 6, 2004 by a vote of 7-1.

PURPOSE: This will allow for extensions to home occupations in certain districts to promote live/work.

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

Motion that this matter be **PASSED ON FIRST READING PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez and Allen

**ABSENT:** Commissioner Regalado

**PZ.7 04-01180**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING ORDINANCE NO. 11000, OF THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLES 4 AND 9, IN ORDER TO MODIFY CONDITIONAL PRINCIPAL USES IN THE C-1 AND C-2 ZONING DISTRICTS AND TO MODIFY PROVISIONS OF SECTION 945, PHARMACEUTICAL LABORATORIES, TO BE CONSISTENT WITH SUCH CHANGES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on October 6, 2004 by a vote of 7-0.

PURPOSE: This will eliminate pharmaceutical laboratories from the C-1 Restricted Commercial zoning district.

**MOVED:** Angel González

**SECONDED:** Jeffery L. Allen

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez and Allen

**ABSENT:** Commissioner Regalado

**PZ.8 04-01181**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, OF THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6 SPECIAL DISTRICTS, MORE PARTICULARLY BY AMENDING SECTIONS 623 AND 625 IN ORDER TO ALLOW EXCEPTIONS TO SETBACK AND USE LIMITATIONS CONDITIONALLY; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on October 6, 2004 by a vote of 8-0.

PURPOSE: This will allow arcades within the Coral Way and SW 8th Street special districts.

**MOVED:** Angel González

**SECONDED:** Jeffery L. Allen

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez and Allen

**ABSENT:** Commissioner Regalado

The following items shall not be considered before 2:30 pm.

**PZ.9 04-00723**

**RESOLUTION**

APPROVING WITH CONDITIONS, A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 9, 13 AND 17 OF ZONING ORDINANCE NO. 11000, FOR THE **OPUS** PROJECT, TO BE LOCATED AT APPROXIMATELY 1237 BISCAYNE BOULEVARD, 324 AND 444 NORTHEAST 13TH STREET, MIAMI, FLORIDA, TO CONSTRUCT A 57-STORY MIXED-USE STRUCTURE CONSISTING OF 408 TOTAL MULTIFAMILY RESIDENTIAL UNITS, APPROXIMATELY 17,160 SQUARE FEET OF RETAIL/OFFICE USE, AND 570 TOTAL PARKING SPACES; DIRECTING TRANSMITTAL; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: Major Use Special Permit for the Opus Project

LOCATION: Approximately 1237 Biscayne Boulevard and 324 and 444 NE 13th Street

APPLICANT(S): 1237 Biscayne Blvd, LLC, Owner and 1237 Biscayne Development Group, LLC, Contract Purchaser

APPLICANT(S) AGENT: Lucia A. Dougherty, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions\*.

URBAN DEVELOPMENT REVIEW BOARD: Recommended approval with conditions\* to City Commission on April 21, 2004 by a vote of 6-0.

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on June 16, 2004 by a vote of 6-0.

ZONING BOARD: Granted the special exception on June 28, 2004 by a vote of 8-0.

\*See supporting documentation.

PURPOSE: This will allow the development of the **Opus** Project.

**CONTINUED**

A motion was made by Commissioner González, seconded by Commissioner Allen, and was passed unanimously, with Commissioner Winton absent, to continue Item PZ.9 to the Commission Meeting currently scheduled for January 27, 2005.

**PZ.10 03-0188**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DENYING THE APPEAL FILED BY RIVERHOUSE PIER I LIMITED ("APPELLANTS"), AND AFFIRMING A DECISION OF THE HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD ("HEPB"), WHICH DESIGNATED EAST COAST FISHERIES LOCATED AT 40 SW NORTH RIVER DRIVE AS A HISTORIC SITE.

**R-04-0760**

**MOVED: Jeffery L. Allen**

**SECONDED:** Tomas Regalado

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner González, Sanchez, Regalado and Allen

**ABSENT:** Commissioner Winton

**PZ.11 04-00953 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AFFIRMING THE DECISION OF THE ZONING BOARD AND THEREBY GRANTING A SPECIAL EXCEPTION AS LISTED IN ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, TO ALLOW A BAR, WITH A TIME LIMITATION OF TWELVE (12) MONTHS IN WHICH A BUILDING PERMIT MUST BE OBTAINED, SUBJECT TO THE FOLLOWING CONDITIONS BY THE PLANNING AND ZONING DEPARTMENT: 1) THE APPROVAL OF THIS SPECIAL EXCEPTION SHALL RUN WITH THIS OPERATOR ONLY; ANY CHANGES TO A DIFFERENT OPERATOR SHALL REQUIRE A SEPARATE SPECIAL EXCEPTION, AND 2) THIS APPROVAL IS SUBJECT TO THE APPLICANT GETTING THE APPROVAL OF THE VARIANCE AS A COMPANION ITEM IN THIS AGENDA, FOR THE PROPERTY LOCATED AT APPROXIMATELY 1252 SOUTHWEST 22ND STREET, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A."

**R-04-0762**

**MOVED:** Jeffery L. Allen

**SECONDED:** Tomas Regalado

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner González, Regalado and Allen

**NOES:** Commissioner Sanchez

**ABSENT:** Commissioner Winton

**Note for the Record: Items PZ.11 and PZ.12 were consolidated.**

**PZ.12 04-00953a RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , DENYING THE APPEAL, AFFIRMING THE DECISION OF THE ZONING BOARD, THEREBY GRANTING A VARIANCE FROM ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, OFFSTREET PARKING REQUIREMENTS FOR BARS, ZONED "C-1" RESTRICTED COMMERCIAL WITH AN "SD-23" CORAL WAY SPECIAL OVERLAY DISTRICT, TO WAIVE TEN (10) OF THE REQUIRED FIFTEEN (15) PARKING SPACES, FOUR (4) SPACES PROVIDED, FOR THE PROPERTY LOCATED AT APPROXIMATELY 1252 SOUTHWEST 22ND STREET, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A." THIS VARIANCE WAS GRANTED PER PLANS ON FILE WITH A TIME LIMITATION OF TWELVE (12) MONTHS IN WHICH A BUILDING PERMIT

MUST BE OBTAINED, SUBJECT TO THE FOLLOWING CONDITIONS BY THE PLANNING AND ZONING DEPARTMENT: 1) IF THE STRUCTURE FOR WHICH THE VARIANCE IS GRANTED TERMINATES FOR ANY REASON, INCLUDING AN ACT OF GOD, THE VARIANCE SHALL TERMINATE, AND 2) RECORDATION OF THESE CONDITIONS IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**R-04-0763**

**MOVED:** Jeffery L. Allen

**SECONDED:** Tomas Regalado

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner González, Sanchez, Regalado and Allen

**ABSENT:** Commissioner Winton

**Note for the Record: Items PZ.11 and PZ.12 were consolidated.**

**PZ.13 04-01168**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), GRANTING THE APPEAL FILED BY DACRA DESGIN MOORE, LLC ("APPELLANT"), AND MODIFYING A DECISION OF THE HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD ("HEPB"), WHICH DESIGNATED THE BUENA VISTA POST OFFICE/MOORE FURNITURE BUILDING LOCATED AT 4000-4040 NORTHEAST 2 AVENUE, MIAMI, FLORIDA AS A HISTORIC DISTRICT, BY AMENDING THE DESIGNATION REPORT TO ELIMINATE THE ATRIUM OF THE MOORE FURNITURE BUILDING AS AN INTERIOR SPACE SUBJECT TO REGULATION.

**R-04-0761**

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.14 04-01207**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DENYING OR GRANTING THE APPEAL BY THE PALM GROVE NEIGHBORHOOD ASSOCIATION AND ANDREW DICKMAN, ESQUIRE, AFFIRMING OR REVERSING THE DECISION OF THE MIAMI ZONING BOARD, THEREBY APPROVING WITH CONDITIONS OR DENYING THE CLASS II SPECIAL PERMIT APPLICATION NO. 04-0157 ISSUED ON JULY 15, 2004, TO ALLOW NEW CONSTRUCTION FOR THE PROPERTY LOCATED AT APPROXIMATELY 7460 BISCAYNE BOULEVARD, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A."

REQUEST: Appeal of a Zoning Board Decision of a Class II Special Permit Appeal

LOCATION: Approximately 7460 Biscayne Boulevard

APPLICANT(S): Biscayne Corridor Development Corp.

APPLICANT(S) AGENT: Tony Recio, Esquire

APPELLANT(S): Palm Grove Neighborhood Association, Eileen Bottari and Abbie Cuellar, Adjacent Property Owners

APPELLANT(S) AGENT: Andrew W.J. Dickman, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial of the appeal and uphold the Zoning Board's decision of the director's decision.

ZONING BOARD: Denied the Class II Special Permit appeal on October 4, 2004 by a vote of 6-3.

PURPOSE: The approval of this appeal will not allow the new construction of a mixed-use structure.

**CONTINUED**

**A motion was made by Commissioner Winton, seconded by Chairman Sanchez, and was passed unanimously, to continue Item PZ. 14 to the Commission Meeting currently scheduled for December 9, 2004, at a time certain of 5 p.m.; further requesting the developer to meet with the area homeowners association to attempt to compromise on the treatment of the rear of the proposed building.**

**PZ.15 04-01208**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , GRANTING THE APPEAL BY THE MORNINGSIDE CIVIC ASSOCIATION, INC. AND ROD ALONSO, RON STEBBINS, SCOTT CRAWFORD AND ELVIS CRUZ, REVERSING THE DECISION OF THE MIAMI ZONING BOARD, AND THEREBY DENYING CLASS II SPECIAL PERMIT APPLICATION NO. 03-0309, ISSUED ON JULY 21, 2004, TO ALLOW NEW CONSTRUCTION FOR THE PROPERTY LOCATED AT APPROXIMATELY 5101 BISCAYNE BOULEVARD, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A."

**R-04-0764**

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez and Allen

**ABSENT:** Commissioner Regalado

**PZ.16 04-01209**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S)

, GRANTING THE APPEAL BY THE MORNINGSIDE CIVIC ASSOCIATION, INC. AND ROD ALONSO, RON STEBBINS, SCOTT CRAWFORD AND ELVIS CRUZ, REVERSING THE DECISION OF THE MIAMI ZONING BOARD, AND DENYING CLASS II SPECIAL PERMIT APPLICATION NO. 03-0308 ISSUED ON JULY 21, 2004, TO ALLOW NEW CONSTRUCTION FOR THE PROPERTY LOCATED AT APPROXIMATELY 5225 BISCAYNE BOULEVARD, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A."

**R-04-0765**

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez and Allen

**ABSENT:** Commissioner Regalado

**PZ.17 04-00671**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN BY CHANGING THE LAND USE DESIGNATION FOR THE PROPERTIES LOCATED AT APPROXIMATELY 201 THROUGH 261 SOUTHWEST 6TH STREET, MIAMI, FLORIDA, FROM "INDUSTRIAL" TO "RESTRICTED COMMERCIAL;" MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544, from "Industrial" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 201-261 SW 6th Street

APPLICANT(S): 261 Brickell, LLC, Owner and Omega Alpha Engineering USA Group, Contract Purchaser

APPLICANT(S) AGENT: Gloria M. Velazquez, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended denial.

MIAMI RIVER COMMISSION: Unanimously recommended approval to City Commission on September 13, 2004.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on June 2, 2004 by a vote of 7-1. See companion File ID 04-00671a.

PURPOSE: This will change the above properties to Restricted Commercial.

**12617**

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

Motion that this matter be **ADOPTED PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.18 04-00671a**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 36, 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 CHANGING THE ZONING CLASSIFICATION FROM "SD-4" WATERFRONT INDUSTRIAL DISTRICT AND "I" INDUSTRIAL TO "SD-7" CENTRAL BRICKELL RAPID TRANSIT COMMERCIAL-RESIDENTIAL DISTRICT FOR THE PROPERTIES LOCATED AT APPROXIMATELY 227-243 SOUTHWEST 6TH STREET, 261 SOUTHWEST 6TH STREET AND 201-227 SOUTHWEST 6TH STREET, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**REQUEST:** To Amend Ordinance No. 11000, from SD-4 Waterfront Industrial District and I Industrial to SD-7 Central Brickell Rapid Transit Commercial-Residential District to Change the Zoning Atlas

**LOCATION:** Approximately 227-243 SW 6th Street, 261 SW 6th Street and 201-227 SW 6th Street

**APPLICANT(S):** 261 Brickell, LLC, Owner and Omega Alpha Engineering USA Group, Contract Purchaser

**APPLICANT(S) AGENT:** Gloria M. Velazquez, Esquire

**FINDINGS:**

**PLANNING AND ZONING DEPARTMENT:** Recommended denial.

**MIAMI RIVER COMMISSION:** Unanimously recommended approval to City Commission on September 13, 2004.

**ZONING BOARD:** Recommended approval to City Commission on July 12, 2004 by a vote of 6-3. See companion File ID and 04-00671.

**PURPOSE:** This will change the above properties to SD-7 Central Brickell Rapid Transit Commercial-Residential District.

**12618**

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

Motion that this matter be **ADOPTED PASSED** by the following vote.

AYES: Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.19 04-00565**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN BY CHANGING THE LAND USE DESIGNATION OF THE PROPERTIES LOCATED AT APPROXIMATELY 3525, 3541 AND 3545 SOUTHWEST 22ND TERRACE, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" TO "RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544, from "Duplex Residential" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 3525, 3541 and 3545 SW 22nd Terrace

APPLICANT(S): Coral East Development Corp.

APPLICANT(S) AGENT: Ines Marrero-Priegues, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on May 5, 2004 by a vote of 4-2. See companion File ID 04-00565a.

PURPOSE: This will change the above properties to Restricted Commercial.

**12619**

**MOVED:** Tomas Regalado

**SECONDED:** Angel González

**UNANIMOUS**

Motion that this matter be **ADOPTED PASSED** by the following vote.

AYES: Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.20 04-00565a**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 42, 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 CHANGING THE ZONING CLASSIFICATION FROM "R-2" TWO-FAMILY RESIDENTIAL TO "C-1" RESTRICTED COMMERCIAL WITH AN "SD-23" CORAL WAY SPECIAL OVERLAY DISTRICT FOR THE PROPERTIES LOCATED AT APPROXIMATELY 3525, 3541 AND 3545 SOUTHWEST 22ND TERRACE, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "

EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from R-2 Two-Family Residential to C-1 Restricted Commercial with an SD-23 Coral Way Special Overlay District to Change the Zoning Atlas

LOCATION: Approximately 3525, 3541 and 3545 SW 22nd Terrace

APPLICANT(S): Coral East Development Corp.

APPLICANT(S) AGENT: Ines Marrero-Priegues, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended denial to City Commission on July 12, 2004 by a vote of 5-4. See companion File ID 04-00565.

PURPOSE: This will change the above properties to C-1 Restricted Commercial with an SD-23 Coral Way Special Overlay District.

## 12620

MOVED: Tomas Regalado

SECONDED: Angel González

UNANIMOUS

Motion that this matter be **ADOPTED PASSED** by the following vote.

AYES: Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.21 04-01163**

## **ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN BY CHANGING THE LAND USE DESIGNATION OF THE PROPERTY LOCATED AT APPROXIMATELY 721 NORTHWEST 1ST AVENUE, MIAMI, FLORIDA, FROM "MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION AND UTILITIES" TO "RESTRICTED COMMERCIAL;" MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544, from "Major Institutional, Public Facilities, Transportation and Utilities" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 721 NW 1st Avenue

APPLICANT(S): Planning and Zoning Department

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on October 20, 2004 by a vote of 5-0.

PURPOSE: This will change the above property to Restricted Commercial.

**12621**

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

Motion that this matter be **ADOPTED PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.22 04-00984b**

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 62, ZONING AND PLANNING, OF THE CITY OF MIAMI CODE BY ADDING A NEW ARTICLE XI ENTITLED, "ARTS AND ENTERTAINMENT MURAL REGULATIONS"; CREATING DEFINITIONS; PROVIDING FOR LICENSE AND PERMIT REQUIREMENTS; PROVIDING FOR AN APPLICATION AND APPROVAL PROCESS; PROVIDING FOR VIOLATIONS AND ENFORCEMENT PROCESS; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend the Miami City Code

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PURPOSE: This will add a new Article XI to the Miami City Code entitled, "Arts and Entertainment Mural Regulations."

**NOTE: Language in 04-00984b incorporates language passed on First Reading on September 23, 2004 and October 28, 2004 from 04-00984 and language proposed on October 28, 2004 from 04-00984a.**

**CONTINUED**

A motion was made by Vice Chairman González, seconded by Commissioner Allen, and was passed unanimously, to continue Item PZ.22 to the Commission Meeting currently scheduled for December 9, 2004.

**PZ.23 04-00927a ORDINANCE****First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN BY CHANGING THE LAND USE DESIGNATION OF THE PROPERTIES LOCATED AT APPROXIMATELY 3686-88 SOUTHWEST 15TH STREET AND 3685-87 SOUTHWEST 16TH STREET, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" TO "RESTRICTED COMMERCIAL"; MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544, from "Duplex Residential" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 3686-88 SW 15th Street and 3685-87 SW 16th Street

APPLICANT(S): Napoleon & Eumelia Alvarez, David & Irene Mermelstein and Ignacio and Odilia Rios, Owners and Strategic Properties Group, Inc., Contract Purchaser

APPLICANT(S) AGENT: Adrienne F. Pardo, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on September 22, 2004 by a vote of 3-5. See companion File ID 04-00927b.

PURPOSE: This will change the above properties to Restricted Commercial for the proposed **Urbanea** Major Use Special Permit Project.

**MOVED:** Tomas Regalado

**SECONDED:** Jeffery L. Allen

**UNANIMOUS**

Motion that this matter be **PASSED ON FIRST READING PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.24 04-00927b ORDINANCE****First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 40, 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 CHANGING THE ZONING CLASSIFICATION FROM "R-2" TWO-FAMILY RESIDENTIAL TO "C-1" RESTRICTED COMMERCIAL FOR

THE PROPERTIES LOCATED AT APPROXIMATELY 3686-88 SOUTHWEST 15TH STREET AND 3685-87 SOUTHWEST 16TH STREET, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from R-2 Two-Family Residential to C-1 Restricted Commercial to Change the Zoning Atlas

LOCATION: Approximately 3686-88 SW 15th Street and 3685-87 SW 16th Street

APPLICANT(S): Napoleon & Eumelia Alvarez, David & Irene Mermelstein and Ignacio and Odilia Rios, Owners and Strategic Properties Group, Inc., Contract Purchaser

APPLICANT(S) AGENT: Adrienne F. Pardo, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on July 26, 2004 by a vote of 9-0. See companion File ID 04-00927a.

PURPOSE: This will change the above properties to C-1 Restricted Commercial for the proposed **Urbanea** Major Use Special Permit Project.

**MOVED:** Tomas Regalado

**SECONDED:** Angel González

**UNANIMOUS**

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.25 04-01131**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN BY CHANGING THE LAND USE DESIGNATION OF THE PROPERTIES LOCATED AT APPROXIMATELY 517, 555 AND 603 NORTHWEST SOUTH RIVER DRIVE, MIAMI, FLORIDA, FROM "INDUSTRIAL" TO "RESTRICTED COMMERCIAL;" MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544, from "Industrial" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 517, 555 and 603 NW S River Drive

APPLICANT(S): MSJ Holdings, Inc. and 5 Street Terminal, Inc., Owners and Shear Construction Development, Inc., Contract Purchaser

APPLICANT(S) AGENT: Lucia A. Dougherty, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

MIAMI RIVER COMMISSION: Pending November 1, 2004 report to City Commission.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on September 22, 2004 by a vote of 3-5. This is a denial of a motion to approve, which failed to obtain the required five favorable votes. See companion File ID 04-01131a.

PURPOSE: This will change the above properties to Restricted Commercial.

**MOVED:** Joe Sanchez

**SECONDED:** Johnny L. Winton

**UNANIMOUS**

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.26 04-01131a**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 35, 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 CHANGING THE ZONING CLASSIFICATION FROM "SD-4" WATERFRONT INDUSTRIAL DISTRICT TO "C-1" RESTRICTED COMMERCIAL, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 517, 555 AND 603 NORTHWEST SOUTH RIVER DRIVE, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from SD-4 Waterfront Industrial District to C-1 Restricted Commercial to Change the Zoning Atlas

LOCATION: Approximately 517, 555 and 603 NW S River Drive

APPLICANT(S): MSJ Holdings, Inc. and 5 Street Terminal, Inc., Owners and Shear Construction Development, Inc., Contract Purchaser

APPLICANT(S) AGENT: Lucia A. Dougherty, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

MIAMI RIVER COMMISSION: Pending November 1, 2004 report to City Commission.

ZONING BOARD: Recommended approval to City Commission on October 18, 2004 by a vote of 5-4. See companion File ID 04-01131.

PURPOSE: This will change the above properties to C-1 Restricted Commercial

**MOVED: Joe Sanchez**

**SECONDED: Johnny L. Winton**

**UNANIMOUS**

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES: Commissioner González, Winton, Sanchez, Regalado and Allen**

**PZ.27 04-00674**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, TO PROVIDE FOR A NEW ARTICLE NO. 8.1 ENTITLED TREE PROTECTION; CONTAINING INTENT, DEFINITIONS AND APPLICABILITY; PROVIDING FOR TREE REMOVAL PERMIT APPLICATIONS, REQUIREMENTS, REVIEW, FEES, AND CRITERIA FOR REMOVAL; PROVIDING FOR TREE MITIGATION AND PROTECTION, APPEALS, ENFORCEMENT, PENALTIES AND REMEDIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on June 2, 2004 by a vote of 8-0. Also recommended approval to City Commission on November 3, 2004 by a vote of 7-0. See companion File ID 04-00674a.

PURPOSE: This will create a new article to the Zoning Ordinance entitled, "Tree Protection."

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

**Motion that this matter be PASSED ON FIRST READING WITH MODIFICATIONS PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Regalado and Allen

**ABSENT:** Commissioner Sanchez

A motion was made by Commissioner Winton, seconded by Commissioner Regalado, and was passed unanimously, to pass Item PZ.27 on first reading.

A motion was made by Commissioner Winton, seconded by Vice Chairman González, and was passed unanimously, to reconsider item PZ.27.

Note for the Record: Item PZ.27 subsequently passed on first reading with modifications.

**PZ.28 04-00674a**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 62, "ZONING AND PLANNING" OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY CREATING ARTICLE XII ENTITLED, "TREE TRUST FUND;" ADDING AN INTENT STATEMENT AND PROVIDING FOR ADMINISTRATION AND REGULATIONS; AND PROVIDING FOR TRUST FUND PAYMENTS AS SPECIFIED IN SECTION 8.1.6.6 OF ZONING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend the Code of the City of Miami

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval. See companion File ID 04-00674.

PURPOSE: This will amend the Miami City Code by creating a new article entitled, "Tree Trust Fund."

**MOVED:** Johnny L. Winton

**SECONDED:** Tomas Regalado

**UNANIMOUS**

**Motion that this matter be PASSED ON FIRST READING PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen