

If the proposed changes are determined to be substantial, the changes shall be treated as a proposed new application for Class II Special Permit.

If the proposed changes are determined to be nonsubstantial, the director of the department of community planning and revitalization shall, upon receipt of a fee for "nonsubstantial modification" of a Class II Special Permit, as specified in the Code of the City of Miami (section 62-61), be responsible for review and approval, or denial, or approval with conditions of the amendments.

(Ord. No. 11502, § 2, 5-22-97)

Secs. 1506—1509. Reserved.

Sec. 1510. Class II Special Permit for preservation of natural or archaeological features.

1510.1. Intent.

The preservation of natural features of land such as trees, vegetation, geological, and other characteristics and the preservation of features of archaeological significance are declared to be in the public interest. If the requirements set out herein are met, said preservation justifies the relaxation of certain otherwise applicable zoning regulations by granting a Class II Special Permit for their preservation.

1510.2. Standards.

In addition to other applicable standards required to be met for the issuance of a Class II Special Permit, the director of the department of planning, building and zoning shall determine that the tree(s), vegetation, other natural characteristic(s), or archaeological feature(s) are in the buildable area of the site and not in yard or setback areas required for the development of the site before reaching decision to grant a Class II Special Permit for the preservation of natural or archaeological features:

1510.2.1. Limitations on types of regulations that may be relaxed. The requested Class II Special Permit will be granted only for the relaxation of zoning regulations pertaining to yards, required offstreet parking, height envelope, light plane or open space requirements only.

1510.3. Procedures.

A written application shall be submitted for Class II Special Permits. In addition, the following shall also be submitted:

1510.3.1. Demonstration of justification. A written statement justifying the requested relaxation of otherwise applicable zoning regulations and providing evidence that the natural or archaeological feature sought to be preserved cannot be relocated.

1510.3.2. Notification of adjoining property owners. The applicant shall obtain from all owners of property adjacent to or abutting the subject property a signed statement demonstrating that the signer knows what the applicant is requesting. In cases where

the applicant is unable to obtain such signed statement, the applicant shall notify and enclose a statement for the abutting or adjoining property owner(s) by certified mail, return receipt requested. Such statements or requests for same are a part of the application for the Class II Special Permit, and the application will not be deemed complete without them. Adjacent or abutting property owners may, in addition, indicate their objection or approval of the application. Such objections or statements of approval shall be considered by the director of the department of planning, building and zoning in reaching decisions, but shall not be binding upon the director of the department of planning, building and zoning in its decision.

1510.3.3. Site plan. A site plan indicating the existing natural or archaeological feature(s) by exact size, location on the site, common and botanical name (if any) and a coded plant list (if any), and location of all proposed improvements, including yard, and setback lines.

(Ord. No. 10863, § 1, 3-28-91)

Sec. 1511. Class II Special Permit required for any development between Biscayne Bay and the first dedicated right-of-way.

A Class II Special Permit shall be required for any development on property located between Biscayne Bay and the first dedicated right-of-way pursuant to provisions and standards contained in section 1305 of this ordinance (unless a Special Exception Permit or Major Use Special Permit ("MUSP") is issued pursuant to article 13 of this ordinance).

(Ord. No. 10771, § 1, 7-26-90; Ord. No. 10863, § 1, 3-28-91; Ord. No. 11455, § 2, 2-27-97)

Sec. 1512. Class II Special Permit required for waiver of design standards and guidelines.

Unless otherwise required by this zoning ordinance, as amended, the Code of the City of Miami, as amended or the South Florida Building Code, as amended; all City of Miami Design Standards and Guidelines, incorporated herein by reference, may be waived pursuant to a Class II Special Permit.

1512.1. Criteria to be considered in the granting of waivers of Design Standards and Guidelines. In addition to the considerations listed in section 1305 of this ordinance, the following shall also apply to the review of Class II Special Permits being reviewed pursuant to this section:

- (a) Waivers of Design Standards and Guidelines may be granted when, to do so promotes the intent of the particular district where the proposal is located.
- (b) Waivers of Design Standards and Guidelines may be granted when, the observance of applicable guides and standards for which the waiver is being requested would put the proposed project into a variance situation which is against the public interest.

- (c) Waivers of Design Standards and Guidelines may be granted when, to do so will help minimize or mitigate any potential adverse effect of a specific proposal whose implementation promotes the public interest.

1512.2. Specific findings required. Specific findings shall be made by the Department of Community Planning and Revitalization which establish how the above criteria are met. Additionally, any conditions, restrictions and limitations deemed appropriate shall be implemented in order to ensure compliance with the considerations set forth above, as well as in section 1305 of this ordinance.

(Ord. No. 11386, § 2, 7-25-96)

Sec. 1513. Certificate of compliance in-lieu-of a Class II Special Permit.

1513.1. Intent.

Certificates of compliance are instituted in an effort to facilitate permitting procedures for proposals which fully comply with the applicable special design standards and guidelines, created to promote an elevated quality of design and an enhanced general appearance of districts or areas designated as having special and substantial public interest.

This procedure is intended reduce the time needed to obtain administrative approval for proposals subject to technical review by the Department of Community Planning and Revitalization.

1513.2. Requirements.

A certificate of compliance, in-lieu-of a Class II Special Permit, shall be awarded to a proposal when the following conditions have been met:

- (a) A certificate of compliance in-lieu-of Class II Special Permit application shall be completed by the applicant.
- (b) The Zoning Division shall approve the certificate of compliance in-lieu-of Class II Special Permit application and refer it to the Department of Community Planning and Revitalization.
- (c) The proposal shall be found to comply with the applicable special design standards and guidelines, upon review by the Department of Community Planning and Revitalization.

1513.3. Effect.

Upon compliance with the criteria listed in section 1513.2., and upon payment as specified in section 62-61 of the City Code, a certificate of compliance shall be awarded the proposal and all Class II Special Permit requirements shall be waived.

(Ord. No. 11386, § 2, 7-25-96; Ord. No. 11457, § 2, 2-27-97)

Sec. 1514. Class II Special Permit required for development on property adjacent to the Miami River.

A Class II Special Permit shall be required for any development on property located between the Miami River and the first dedicated right-of-way. In cases where a right-of-way immediately abuts the Miami River, property fronting those sections of right-of-way abutting the Miami River shall also require a Class II Special Permit for any proposed development. Class II Special Permits under this section shall be reviewed pursuant to provisions and standards contained in section 1305 of this ordinance (unless a Special Exception Permit or Major Use Special Permit ("MUSP") is issued pursuant to article 13 of this ordinance).
(Ord. No. 11455, § 2, 2-27-97)

Sec. 1515. Reserved.

Editor's note—Ord. No. 11457, § 2, adopted Feb. 27, 1997, repealed § 1515 which pertained to appeals and derived from Ord. No. 11455, § 2, adopted Feb. 27, 1997. Similar provisions can now be found in § 1520.

Secs. 1516—1519. Reserved.

Sec. 1520. Appeals.

Appeals of Class II Special Permits and certificates of compliance in-lieu-of Class II Special Permit shall be filed pursuant to article 18.
(Ord. No. 11457, § 2, 2-27-97)

)

)

)