

A.2. VILLAGE WEST ISLAND DISTRICT AND CHARLES AVENUE (NCD-2)

2.1 Boundaries

Generally described as bounded by Douglas Road on the west, US 1 and Bird Road on the North, McDonald Street and Abitare Way on the east, and Franklin Avenue and a portion of Marler Avenue along the south. More specifically depicted on the Miami 21 Atlas.

2.2 Intent

Village West Island District is of special and substantial public interest due to the unique role of Grand Avenue and Douglas Road as the "Main Streets" for the surrounding Village West Island District Community and the unique Caribbean and Bahamian character and heritage of the Village West Island District in general. On Charles Avenue this NCD-2 will help define the uses and designs of buildings and help maintain the scale and character of the existing neighborhood. Both Village Island West and Charles Avenue illustrate the incomparable legacy of the African-American community to the City of Miami. The intent of NCD-2 is to identify and recognize this historical significance; to promote gateways, gathering places and activities corresponding to its culture and heritage; to compliment the character of the entire community and promote the history of the Island District; and to promote its successful revitalization and restoration.

Charles Avenue (originally Evangelist Street) has historically housed some of the original Bahamian settlements within the Village West Island District that occupies the neighborhoods around the intersection of Douglas Road and Grand Avenue. This street has been degraded through demolition, abandonment and redevelopment and thereby diminishing the historic integrity to become a historic district; however, it is of special and substantial public interest due to its historic identity and remaining historic structures. This designation will encourage appropriate infill to preserve the context of historic sites on Charles Avenue, including: the Mariah Brown House, home of the first Bahamian settler; the Historic Black Cemetery; the E.F. Stirrup House, home of the first black doctor; historical churches, and several other historic homes.

2.3 Effect of NCD-2 district designation.

The effect of these NCD-2 regulations shall be to modify transect regulations included within the NCD boundaries to the extent indicated herein.

Nothing in these regulations shall be construed as to prohibit additional structures or neighborhoods to become Historic Preservation Overlays.

All demolition permits shall require a Waiver and be referred to the Planning Department for review under the Tree Preservation Ordinance. All submittals shall contain a tree survey by a certified arborist.

2.4 Residential

All T3, Single-Family Residential zoning regulations shall apply within the Village West Island District and Charles Avenue, hereafter referred to as NCD-2, except as modified below. If any such requirements conflict, the more restrictive requirements shall apply.

2.4.1 Charles Avenue

- a. All new construction, major alterations, and additions on Charles Avenue shall be required to be reviewed by the process of Waiver. To ensure the compatibility of new construction on Charles Avenue, the design for any new construction shall also be reviewed by the Urban Development Review Board for its compatibility of scale, materials, roof slope, general form, massing and ornamental details.
- b. Any requests for the demolition of structures that are over fifty (50) years in age along Charles Avenue shall be referred to the Historic Preservation Officer for review of historical significance.
- c. The architectural guidelines contained in the Village West Island District are intended to produce visual compatibility among the buildings on Charles Avenue and throughout the District representing building traditions of early South Florida, the Caribbean, and the early African-American settlers.

2.4.2 Single Family Residential District

- a. Adjacent lots or lots in the same subdivision under single ownership, or developed by a single builder or developer shall not employ the same, similar or duplicate architectural plans. Adjacent buildings under such conditions shall be substantially differentiated in massing, footprint, and exterior detailing.
- b. Front yards
All front yards in the NCD-2 shall be designed in a way that minimizes the impact of garage fronts and off-street parking. Front yards shall provide a more permeable surface and use abundant landscaping and tree canopy throughout.
- c. Building Envelope
For the purpose of this section, a building site shall be defined as one or more lots or portions of lots that are aggregated to form a single family residential site including vacant lots and all permissible accessory uses and structures. Building sites shall not include any portions of land under a different zoning transect.
- d. Height
Height is limited to a maximum of twenty-five (25) feet measured to the midpoint between the eave and roof top and is measured from flood level or average sidewalk elevation, whichever is higher. In addition to the maximum height of twenty-five (25) feet measured to the mid-point of the roof top and eave, chimneys, cupolas or other non-habitable architectural features of twenty-five (25) square feet in area or less may reach a maximum height of thirty (30) feet or as required by the fire code. For Lots with less than ten thousand (10,000) square feet in area, the height limitation for accessory structures shall be thirteen (13) feet.
- e. Green Space

The minimum green space requirement shall be three-tenths (0.3) times the Lot area. The use of permeable material for surfaces in the required yard may allow a 25% reduction in the required green space.

f. Permitted Accessory Uses and Structures

Accessory uses and structures are as permitted in the underlying transect zone, except that detached garages or car shelters on lots ten thousand (10,000) square feet or larger may include a second story as long as the allowable floor lot ratio and building footprint are not exceeded. Said second story may only be used as an owner occupied accessory structure. Two-story accessory structures shall have the same setback requirements as specified for two-story principal buildings.

g. Additional Limitations and requirements

1. *Lots and building sites:*

Wherever an existing single-family residence or lawful accessory building(s) or structure(s) is located on one or more platted lots or portions thereof, such lots shall thereafter constitute only one building site and no permit shall be issued for the construction of more than one single-family residence except by Warrant. Such structures shall include but not be limited to swimming pools, tennis courts, walls, and fences or other at grade or above ground improvements. No building sites in existence prior to September 24, 2005 shall be diminished in size except by Warrant, subject to the criteria specified in Article 4, Table 12 Design Review Criteria.

2. *Garages and Driveways:*

- (a) On new construction or garage additions, no garage shall be located along the same front setback line as the front wall of a residential structure unless the garage door(s) does not face the street. Garage structures with access openings that face the street shall be set back a minimum of twenty (20) feet from the front wall of the principal residential structure.
- (b) Garage structures with access openings that face the street on corner lots which have a maximum depth of less than sixty (60) feet, may be set back a minimum of fifteen (15) feet from the front wall of the principal residential structure.
- (c) Notwithstanding the requirements of the Public Works Department, driveways shall have a maximum width of ten (10) feet within the first five (5) feet of all street-front required setbacks.
- (d) Driveways within a single building site shall not be located closer than twenty-five (25) feet to each other.
- (e) Except as required for the driveway approach, no portion of any driveway in a required yard adjacent to a street shall be within five (5) feet of any property line other than as may be required to allow for turnaround maneuver, in which case said driveway shall be constructed of permeable material in its entirety.
- (f) Tandem parking shall be allowed.
- (g) Garage doors which are more than nine (9) feet wide shall not be allowed.

3. *Fences:*

All fences located within any street-front setback area shall be covered from the public right-of-way view by plant material except when said fence is faced or constructed with oolitic limestone.

4. *Landscaping:*

All landscape shall comply with the City's landscape and tree protection ordinances.

h. Setbacks

1. *Principal Building:*

Setbacks are variable to allow for a variety in architecture and placement of the building footprint. Projections of buildings into required setbacks shall be permitted subject to the criteria and requirements specified herein.

(a) *Minimum Front Setbacks:*

The minimum front setback shall be thirty (30) feet. The structure may project a maximum of ten (10) feet into the minimum required setback of thirty (30) feet provided said projection does not exceed thirty (30) feet in width along the front of the building. Unenclosed porches, entries, or loggias may project a maximum of fifteen (15) feet into the minimum required setback of thirty (30) feet. On corner lots the structure may project a maximum of fifteen (15) feet into the minimum required setback of thirty (30) feet.

(b) *Minimum Side Setbacks:*

The minimum side setback shall be five (5) feet, except for corner lots where the minimum side setback adjacent to the street shall be ten (10) feet. The minimum total side setbacks to be distributed shall be as established in the following table:

TABLE INSET:

Building Site Size in Square Feet	Interior Lots First Story of Structure	Interior Lots Second Story of Structure	Corner Lots First Story of Structure	Corner Lots Second Story of Structure
Less than 7,500	10 feet	15 feet	15 feet	20 feet
7,500--10,000	15 feet	25 feet	15 feet	25 feet
More than 10,000	25 feet	35 feet	25 feet	35 feet

(c) *Minimum Rear Setbacks:*

The minimum rear setback shall be twenty (20) feet.

(d) *Accessory Buildings:*

The minimum side setbacks shall be ten (10) feet.

The minimum rear setback shall be ten (10) feet.

The maximum width of said connection shall be ten (10) feet.

2.5 Village West Island Commercial Districts

a. Limitation.

The square footage of individual retail establishments within Coconut Grove Corridors defined in Appendix A, section 3.5 shall be limited to a maximum size of twenty thousand (20,000) square feet in total floor area used for retail and related services, except as may be modified below for “large-scale retail establishments.” Retail specialty centers as defined in City Code Sec. 4-2 located adjacent to Coconut Grove Corridors listed in Appendix A, section 3.5, may be approved by a Warrant. Special event Class I permits are exempted from the limitations of this section.

b. “Large-scale retail establishment” defined.

A “large-scale retail establishment” for the purposes of NCD-2 is defined as a retail establishment or combination of commercial retail establishment(s), including membership establishments with any commercial retail use, of over twenty thousand (20,000) square feet in gross floor area. The gross floor area includes building gross floor area and ancillary outdoor storage or merchandise display areas. For the purposes of this definition, the floor area does not include motor vehicle parking or loading areas. For the purpose of determining the applicability of the twenty thousand (20,000) square feet of floor area, the aggregate square footage of all adjacent stores or retail tenants that share common checkout stands or a controlling interest, or storage areas, shall be considered one establishment.

c. Exception required for Large Scale Retail establishments.

A “large-scale retail establishment” within the Coconut Grove Corridors listed in Appendix A, section 3.5 shall be permitted only by Exception.

d. Site requirements.

In addition to all requirements in the applicable zoning district, “large-scale retail establishments” must meet the following site criteria and limitations:

1. *Maximum size of retail establishment.*

The maximum size of any individual retail establishment within any Coconut Grove Corridor shall be seventy thousand (70,000) square feet. No individual retail establishment within a Large Scale Retail establishment shall be permitted which exceeds seventy thousand (70,000) square feet.

2. *Minimum lot dimensions.*

“Large-scale retail establishments” may be permitted exclusively in lots having a minimum net area of two (2) acres. Properties which do not meet the two-acre size limitation shall be limited to individual establishments of twenty thousand (20,000) square feet or less.

3. *Minimum setbacks and build-to lines*

Large Scale Retail establishments shall have the following minimum setbacks:

- (a) Any front or side setback abutting a public right-of-way or non-residentially zoned property build-to line is twenty (20) feet. The area from the build-to line to the right-of-way line shall be used for permanent sidewalks with illumination, pedestrian amenities, or landscaping, except in areas as

required for emergency access, or where driveway entrances are located. Landscaping in this setback area shall count toward the green space requirements. This area may not be used for parking or loading at any time.

- (b) Side or rear lot line abutting a residentially zoned property: setback is fifty (50) feet. The setback shall include a 20-foot heavily landscaped buffer area. If an access alley, parking, loading door, delivery area, or inventory storage area is present along this side of the property, then the setback area shall also include an eight-foot-high masonry wall inside of the 20-foot landscape buffer.
4. *Building orientation and facades.*
 - (a) Building facades and elevations shall be designed to minimize the visual impacts of the scale of the building.
 - (b) Large-scale retail structures may be oriented with their entrances toward arterial or collector roadways as defined in the City Comprehensive Plan.
 - (c) Any side with regular public ingress/egress point(s) is to be considered a front. Regular public ingress/egress to the building shall not be located facing residential uses. There may be more than one (1) front. Front and side facade design shall include the following design features to minimize scale impacts and promote activated street frontages:
 - (1) Building design variations at intervals no greater than fifty (50) feet.
 - (2) Storefront windows, with interior spaces visible and lit from within at night, equal to at least fifty (50) percent of the linear length of ground-floor wall on building front elevations as defined herein. Window spacing should be such that no more than twenty (20) percent of the length of the wall may have an uninterrupted length without storefront windows.
5. *Vehicular access.*

Primary ingress and egress to the site must be provided from the arterial(s) and not from secondary roads or collectors and subject to the following:

 - (a) Except as required for emergency access, vehicular driveways shall not be along local roadways as defined in the City Comprehensive Plan.
 - (b) Except where required for emergency access or other compelling public safety reasons, vehicular driveways shall not be located within one hundred (100) feet of residentially-zoned land along the same side of the street, as measured from the nearest point of the driveway.
 - (c) Delivery vehicle access/egress shall be clearly defined in the site plan, and shall only be from arterial roadways, and located no less than one hundred (100) feet from residentially-zoned land along the same side of the street, as measured from the nearest point of the driveway.
 - (d) Where large and bulk merchandise sales are expected, customer pick-up access/egress shall be clearly defined in the site plan, and shall only be from arterial roadways, and located no less than one hundred (100) feet from residentially-zoned land along the same side of the street, as measured from the nearest point of the driveway.
6. *Parking and loading requirements.*
 - (a) One (1) space per every two hundred (250) square feet of gross floor area shall be required for a “large-scale retail establishment.” All required parking must be provided onsite.

- (b) Along collector roads as defined by the City Comprehensive Plan, setback buffers, building design or other features shall screen parking such that no more than thirty (30) percent of the parking lot or facilities are visible from the roadway.
- (c) Along local roads as defined by the City Comprehensive Plan, setback buffers, building design or other features shall completely screen parking such that the parking lot or facilities are not visible from the roadway, except for distances as required by driveways or emergency access.
- (d) All loading and deliveries shall be adjacent to an arterial roadway. Said loading and delivery areas shall be screened from public view by an eight-foot wall.

7. *Green space.*

A “large-scale retail establishment” shall implement landscaping in an area equal in size to, or greater than, fifteen (15) percent of the gross lot area. Landscaping shall be implemented generally so as to provide ample shade areas in the parking lot and abutting sidewalks and to minimize the visual impact of the structure and parking space on the streetscape. To this end, a landscape plan for the site shall be submitted to the Planning Department for review and approval by the Planning and Zoning Advisory Board as part of the required Exception.

8. *Buffer.*

Wherever the property abuts another property with a more restrictive zoning designation, a “large-scale retail establishment” shall provide a twenty-foot wide heavily landscaped buffer. This buffer shall include Florida native trees at no less than fifteen (15) to twenty (20) feet in height, with a diameter at breast height of no less than four (4) to five (5) inches spaced on 15-foot centers. Also included in this buffer shall be hedging and ground cover. This buffer shall be included in the required landscape plan.

9. *Fences and walls.*

Fences and walls shall be erected to a minimum height of eight (8) feet wherever the property abuts another property with a more restrictive zoning designation.

e. Location of “large-scale retail establishment.”

A “large-scale retail establishment” shall be located exclusively on a lot having frontage on one (1) or more arterial roads.

f. Hours of operation.

Except for special events requiring Class I permits, a “large-scale retail establishment” shall open no earlier than 7:00 a.m. on weekends and 8:00 a.m. on weekdays and shall close no later than 11:00 p.m. on weekends and 10:00 p.m. on weekdays. Deliveries to or from any “large-scale retail establishment” shall be limited to the hours of 10:00 a.m. through 3:00 p.m. Monday through Saturday.

g. Variances prohibited.

No variances from the provisions set forth in the site requirements or hours of operation are permitted.

2.5.1 Mixed Use Cultural District

Boundaries: all properties located on Grand Avenue between Margaret Street on the east and the City limits on the west, and Douglas Road between Grand Avenue on the south and Day Avenue on the north.

The Mixed Use Cultural District is intended to give a distinctive cultural character to retail and commercial uses on Grand Avenue and Douglas Road. The intent is to enhance these corridors as a tourist destination, encourage heritage retail and cultural/historic businesses, support current resident-owned businesses, promote a cultural facade, provide more culturally themed businesses, establish a critical mass of retail and provide a culturally themed bridge to all other parts of the District by promoting the culture of the community in this short corridor and entranceway to the commercial main street. To this end, the district is dedicated primarily to culturally themed boutiques, gift shops and book stores, hair salons, apparel, restaurants and cafes, music shops and outdoor plazas, straw markets, cultural facilities, art and upscale cultural entertainment that reflect a Caribbean culture.

a. Use Regulations

The Mixed Use Cultural District shall permit the following Uses in addition to those which are permitted in the underlying transect zones:

1. Permanent structures providing for a Straw Market with Caribbean crafts, foods, apparel, souvenirs, and other goods attractive to tourists, subject to a Waiver with a mandatory referral to the district NET Administrator, and limited to the following items for sale: Heritage retail foods, apparel, souvenirs; bookstores and gift shops with cultural themes; hair salons, including outdoor hair braiding; and music and entertainment reflective of that found in the Caribbean.
2. "Large-scale retail establishments" exclusively for the sale of groceries and not exceeding forty thousand (40,000) square feet shall be permitted within the Mixed Use Cultural District only for properties with an underlying T5 Transect Zone by process of Warrant. "Groceries" are defined as food products, dry groceries (such as meats, poultry, seafood, sushi, dairy products, frozen foods, fruits, vegetables, deli items, prepared foods, baked goods, health and beauty products, pharmaceuticals, and alcoholic beverages) or services commonly provided in a grocery store in Miami-Dade County.
3. Other permissible uses along ground floor locations include:
Bars, saloons, taverns, private clubs, supper clubs, including those with dancing and live entertainment are permitted in such ground floor locations along primary streets or elsewhere within the district only by Warrant, and only subject to limitations on buffer overlay districts.
4. Sales display and outdoor dining within open or partially open space.
5. Vending in open space as per the *City of Miami's Vending in Open Space Regulations*.

b. Height

In order to ensure appropriate scale of infill development along Grand Avenue and Douglas Road, irrespective of the underlying zoning limitations, new single-Use structures shall be limited to a maximum of fifty (50) feet and mixed-use structures shall be limited to sixty-two (62) feet to be accommodated in no more than five (5) stories.

c. Architectural Guidelines

All establishments and businesses in the Mixed Use Cultural District shall conform to the Village Island West and Grand Avenue Architectural and Urban Design Guidelines and shall maintain a facade that is consistent with Caribbean architectural facades as described and as examples are shown within the guidelines.

d. Additional Regulations

1. Existing businesses established prior to the adoption of this code shall be allowed to remain in the Mixed Use Cultural District regardless of their cultural theme without being considered nonconformities.
2. Underground parking shall be permitted in T3 Transect Zones by Warrant for those properties which abut T5 Transect Zones along Grand Avenue between SW 37th Avenue and SW 32nd Avenue. Any T3 designated properties which have underground parking shall be required to be developed with Residential Structures for Residential Use on the surface of the underground parking structure. No replat is required if the T3 Transect Zone properties are tied to the property abutting Grand Avenue by a covenant-in-lieu of Unity of Title. Density limitations shall apply as per the underlying Transect Zone without the limitation of one (1) unit per lot of record for T3-R and two (2) units per lot of record for T3-O and the following minimum setbacks shall apply:
 - (a) T3-R Properties
 - (1) Front: twenty (20) feet
 - (2) Side: five (5) feet
 - (3) Rear: zero (0) feet
 - (b) T3-O Properties
 - (1) Front: ten (10) feet
 - (2) Side: Zero (0) feet
 - (3) Rear: Zero (0) feet
 - (c) Minimum required setbacks may be reduced through the Warrant process.

2.5.2 Market District

Boundaries: all properties fronting on Grand Avenue between Commodore Plaza Street to the east and Elizabeth Street to the west.

The Market District is intended to foster community markets along a portion of Grand Avenue relating to the sale of fruits, vegetables and other crafts indigenous of the Caribbean Islands. The Caribbean Market allows for a tourism destination similar to those found throughout Caribbean nations and heritage of the surrounding community.

a. Use Regulations.

The Market District area shall permit the following uses, in addition to those which are permitted in the underlying transect zone:

1. Farmer's markets and Caribbean crafts and food markets that specialize in the sale of crafts and fresh fruits and vegetables are permitted within this district, subject to a Warrant with a mandatory referral to the district NET Administrator. All regulations contained in this code are applicable, and further subject to the following limitations:
 - (a) Any outdoor market must be located on a parcel of no less than fifteen thousand (15,000) square feet of lot area.
 - (b) An outdoor market shall be limited to no more than sixty-five (65) percent of the area of the subject parcel in display area.
 - (c) An outdoor market may not include any permanent structures. All display tables and other such material must be removed at the end of the permitted time of operation.
 - (d) The outdoor market display area shall be located along the Grand Avenue frontage and be set back no less than twenty-five (25) feet from any abutting residentially zoned property.
 - (e) No outdoor market may be located closer than one thousand five hundred (1,500) feet from another outdoor market.
 - (g) Only handmade crafts, fresh fruits and vegetables, prepared raw foods and drinks derived from fresh fruits and vegetables may be sold in an outdoor market within this district.
- b. Additional Regulations
 1. All establishments and businesses in the Market District shall conform to the Village Island West and Grand Avenue Architectural and Urban Design Guidelines and shall maintain a facade that is consistent with Caribbean architectural facades as described and as examples are shown within the guidelines.
 2. Existing businesses established prior to the adoption of this code shall be allowed to remain in the Market District regardless of their cultural theme without being considered nonconformities.