

### **A.3. COCONUT GROVE NEIGHBORHOOD CONSERVATION DISTRICT NCD-3**

#### **3.1 Boundaries**

Generally described as bounded by Douglas Avenue on the west, Franklin Avenue and a portion of Marler Avenue along the north (Douglas Road – Arbitare Way), Arbitare Way and McDonald Avenue along the west (Main Hwy – Bird Road), Bird Road on the south (McDonald Ave – US 1), US 1 on the north, Rickenbacker Causeway on the east, Biscayne Bay along the east and south, Prospect Drive and along the rear of properties on the south side of Battersea Road to Douglas Road. More specifically depicted on the Miami 21 Atlas.

##### **a. Coconut Grove Sub-Districts:**

1. North Grove- bounded by U.S. 1 on the north, Rickenbacker Causeway on the east, Biscayne Bay on the south and S.W. 27th Avenue on the west.
2. Center Grove- bounded by U.S. 1 on the north, S.W. 27th Avenue on the east, Oak Street on the south, and S.W. 32nd Avenue on the west.
3. South Grove- bounded by Loquat Avenue, Kumquat Avenue, Franklin Avenue, and Main Highway on the north, along the eastern edge of properties located east of Munroe Drive on the east, Biscayne Bay, and Prospect Drive, Battersea Road, and Le Jeune Road on the south, and Le June Road on the west.
4. Village Center- bounded by Oak Street and Tigertail Avenue on the north, S.W. 27th Avenue on the east, Biscayne Bay, along the western edge of the Barnacle State Park, Main Highway, Via Abitare Way and SW 32<sup>nd</sup> Avenue on the west.

#### **3.2 Intent**

The intent of the Coconut Grove Neighborhood Conservation District NCD-3 is to establish a protective series of legislative elements to preserve the historic, heavily landscaped character of Coconut Grove's residential areas; enhance and protect Coconut Grove's natural features such as the tree canopy and green space; and protect the architectural variety within the unique single family neighborhood that comprises Coconut Grove. The community of Coconut Grove predates the City of Miami, and is known for its character, derived from lush landscaping, and naturally occurring vegetation and trees, and its unique property sizes and shapes; bay views; geologic features; proximity to Biscayne Bay; public open space; recreational opportunities; commercial services; and a special character imparted by its tropical vegetation and historic structures.

Properties shall not be platted, re-platted or configured in any way that destroys a median, green space, landscape easement or road configuration that contributes to the character of the subdivision within the NCD-3 area.

#### **3.3 Effect of district designation**

The effect of these NCD-3 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.

### 3.4 Additional notice and review

- a. Additional notice required for Exception and Variance applications.  
All Coconut Grove neighborhood or homeowner associations that wish to receive a courtesy notice of Exception or Variance applications in their areas shall register with their Neighborhood Enhancement Team (NET) Office on a yearly basis. Such registration shall consist of a letter to the Director of the Planning Department or to the Zoning Administrator, in which the association shall request such notification and shall specify the name, address and telephone number of the official representative of the association designated to receive said notice and a list of all the officers of said association. At the time of initial application for an Exception or Variance, the applicant shall obtain the list of all registered neighborhood and homeowner associations pertaining to the application in question from the Planning Director or the Zoning Administrator and shall notify in writing the official representative of all such registered associations in writing, by certified mail, of the application. The applicant shall submit with the application these certified receipts. If any such association have any comments or recommendations, such comments and recommendations shall be submitted in writing to the Planning Director or Zoning Administrator no later than fifteen (15) days from receipt of such notification. Late or misdelivered comments shall not be considered.
- b. All properties located within the Village Center shall be reviewed by the Coordinated Review Committee.

### 3.5 Coconut Grove Corridors

The sub-districts are demarcated, traversed or connected by important corridors subject to their own unique characteristics and considerations. The Coconut Grove corridors are as follows and include the rights of way and the Lots immediately adjacent to the right of way:

- South Bayshore Drive
  - Tigertail Drive
  - S.W. 27th Avenue
  - Bird Avenue
  - MacDonald Street
  - Main Highway
  - Douglas Road
  - Grand Avenue
  - Le Jeune Road
- a. Improvements and new development on these corridors shall conform to the following pedestrian safety and comfort standards:
    1. Where sidewalks exist, the pedestrian shall be buffered from vehicular traffic with streetscape elements and landscaping.

2. Uses to be developed on these corridors shall promote pedestrian activity, such as porches, loggias, windows, entries, plazas, and ground floor retail uses where permissible.
3. The number and dimensions of curb cuts and driveways shall be minimized to reduce the pedestrian/vehicular conflicts up to the minimum permissible by the controlling jurisdiction.

### **3.6 Single-Family Residential District**

The single family residential district is intended to protect the low density residential and dominant tree canopy characteristics of Coconut Grove and prevent the intrusion of additional density, uses, and height.

All T3, Single-Family Residential zoning regulations shall apply within the Coconut Grove NCD-3 Single-Family Residential District, hereafter referred to as NCD-3, except as modified below. If any such requirements conflict, the more restrictive requirements shall apply.

- 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-3 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. Single Family lots less than 10,000 square feet

1. *Setbacks:*

(a) *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.

(1) *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.

(2) *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

(3) *Minimum Rear Setbacks:*

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

(4) *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.

i. Single Family Large Lot Residential designation

1. *Lot size*

Minimum lot size is limited to ten thousand (10,000) square feet and the minimum lot width is limited to one hundred (100) feet in order to preserve the large lot suburban character of certain neighborhoods within Coconut Grove.

2. *Limitations on yards*  
All yards adjacent to South Bayshore Drive shall be a minimum of seventy (70) feet.
- j. Single Family Oversized Lot Residential designation.
1. *Lot Size*  
Minimum lot size shall be twenty thousand (20,000) square feet and minimum lot width shall be one hundred (100) feet.
  2. *Limitations on yards*  
All yards adjacent to South Bayshore Drive shall be a minimum of seventy (70) feet.
- k. Single Family Estate Lot Residential designation.

The intent of these regulations is to allow existing Estate Lots to be developed as single-family estates of a spacious character together with Botanical Gardens, private non-commercial recreational facilities and accompanying structures compatible with residential surroundings. This district is designed to protect and preserve the existing character of estates and allow the building of vacant land considered appropriate for such development in the future.

1. *Lot Size*  
Minimum lot size shall be one (1) acre (43,560 square feet) and a minimum lot width of one hundred (100) feet.
2. *Limitations on yards*  
All yards adjacent to South Bayshore Drive shall be a minimum of seventy (70) feet. Bay windows and balconies may project a maximum of three (3) feet into a yard setback.
3. *Accessory Uses and Structures*
  - (a) Accessory structures shall comply in all other aspects of the underlying single family residential (T3) district unless stated otherwise. Enclosed accessory buildings shall be used only for occupancy of nonpaying guests of the owners of the primary residence or bona fide members of the family or household staff, and no kitchen or cooking facilities shall be constructed or used therein except by approval by the Planning Director of a written agreement with the City stating that such accessory structure will be used only by family members or household staff. The property owner must execute and record in the public records a Declaration of Restriction stating that the use of the site will be reserved for a single family residence. No accessory structure shall be used as or converted to a dwelling unit without the recorded Declaration of Restriction. Further, if any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal

structure and use is established on the lot on which the accessory structure and use is located.

- (b) Attached or unattached accessory structures include: private garages, swimming pools, cabanas, bedrooms, household staff cottage. Nothing contained in this section shall prohibit the construction of an enclosed accessory building containing bedrooms with bath facilities to be used in connection with and as a part of the primary residence within the building lines as provided in this section.
- (c) Open awnings or trellises must meet the setback requirements and applicable open space and lot coverage requirements. These structures may not be converted to permanent additions if such conversion would increase the lot coverage of the principal structure above the allowed percentage.

#### 4. *Height*

Height is limited to two full stories from grade or minimum FEMA elevation as defined within this code. Height is measured to the bottom of the eave. Variations to the Height requirement may be allowed for skylights or solar panels not exceeding three (3) feet above the roof. Such structures shall not cover more than ten (10) percent of the roof structure.

#### 5. *Botanical Gardens*

A Botanical Garden is allowed by Exception. A Botanical Garden shall require a minimum of 5 acres and may also include the following:

- (a) Educational facilities including building for meeting and classrooms
- (b) Scientific research laboratory
- (c) Offices to serve the Botanical Garden
- (d) Residential living units for visiting scholars
- (e) Garden maintenance area
- (f) Gift shop or bookstore area. Outdoor display of merchandise shall be limited to areas not visible from public streets

### **3.6 Reserved for Coconut Grove NCD-3 (R-2) Two-Family Residential District**

### **3.7 Reserved for Coconut Grove NCD-3 (R-3) Multifamily Medium-Density Residential District**

### **3.8 Coconut Grove NCD-3 Commercial Districts**

#### a. *Limitation*

The square footage of individual retail establishments within Coconut Grove Corridors defined in 3.5, and in the Village Center sub-district as defined in 3.1, 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 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” is defined for the purposes of NCD-3 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 check out 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 3.5 shall be permitted only by Exception.
- d. “Large scale grocery stores.”  
Retail establishments exclusively for the sale of groceries and not exceeding forty thousand (40,000) square feet located within the underlying T5 or T6 Transect Zones abutting US-1 (Federal Hwy.) may be permitted by Warrant. “Groceries” is defined as food products, dry groceries (such as household products and paper goods), and other items typically sold (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.
- e. 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.
- (d) Building design variations at intervals no greater than fifty (50) feet.
- (e) 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.

f. 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.

g. 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.

h. Variances prohibited

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

**A.3.8 Reserved. Coconut Grove NCD-3 Sub-District Architectural Guidelines.**

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