



City of Miami

Legislation

Ordinance

City Hall
3500 Pan American
Drive
Miami, FL 33133
www.miamigov.com

File Number: 09-01071

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION DESIGNATING THE PUBLIC RIGHT-OF-WAY ALONG BISCAYNE BOULEVARD FROM APPROXIMATELY THE MIAMI RIVER NORTH TO NORTHEAST 36TH STREET, THE RIGHT-OF-WAY WIDTH IS AS FOLLOWS: FROM SOUTHEAST 4TH STREET TO SOUTHEAST 2ND STREET (100'), FROM SOUTHEAST 2ND STREET TO NORTHEAST 6TH STREET (230'), FROM NORTHEAST 6TH STREET TO NORTHEAST 8 STREET (168'), FROM NORTHEAST 8 STREET TO NORTHEAST 9TH STREET (150'), FROM NORTHEAST 9TH STREET TO NORTHEAST 12TH STREET (220'), AND NORTHEAST 12TH STREET TO NORTHEAST 36TH STREET (100'), MIAMI, FLORIDA, AS A SCENIC TRANSPORTATION CORRIDOR PURSUANT TO CHAPTER 17, SECTION 17-31 (B) (3), OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "ENVIRONMENTAL PRESERVATION DISTRICTS"; AMENDING THE OFFICIAL HISTORIC AND ENVIRONMENTAL PRESERVATION ATLAS OF THE CITY OF MIAMI; SUBJECT TO LIMITATIONS AS SET FORTH; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami Historic and Environmental Preservation Board ("HEPB"), at its meeting of September 1, 2009, following an advertised public hearing, adopted Resolution No. HEPB-2009-63 by a vote of eight to zero (8-0), item No. 12, recommending approval of the designation of Biscayne Boulevard as a Scenic Transportation Corridor in the manner provided for herein; and

WHEREAS, the Miami Planning Advisory Board, at its meeting on October 7, 2009, following an advertised public hearing, adopted Resolution No. PAB-09-0040 by a vote of nine to zero (9-0), item No. P.2, recommending approval as set forth; and

WHEREAS, it is found that the area of Biscayne Boulevard described herein is a geographic area having significant natural or manmade attributes in need of preservation and control, because of its educational, economic, ecological, and environmental importance to the welfare of the general public and the City as a whole; and

WHEREAS, the City Commission, after careful consideration of this matter deems it advisable and in the best interest of the general welfare of the City of Miami and its residents to designate the public right-of-way along both sides of Biscayne Boulevard from approximately the Miami River north to Northeast 36th street, the right-of-way width is as follows: from Southeast 4th Street to Southeast 2nd Street (100'), from Southeast 2nd Street to Northeast 6th Street (230'), from Northeast 6th Street to Northeast 8th Street (168'), from Northeast 8th Street to Northeast 9th Street (150'), from Northeast 9th Street to Northeast 12th Street (220'), and Northeast 12th Street to Northeast 36th Street (100'), Miami, Florida, as a Scenic Transportation Corridor and amend the Official Historic and Environmental Preservation Atlas to reflect this designation;

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

FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

Section 2. The public right-of-way along Biscayne Boulevard from approximately the Miami River north to Northeast 36th Street, the right-of-way width is as follows: from Southeast 4th Street to Southeast 2nd Street (100'), from Southeast 2nd Street to Northeast 6th Street (230'), from Northeast 6th Street to Northeast 8th Street (168'), from Northeast 8th Street to Northeast 9th Street (150'), from Northeast 9th Street to Northeast 12th Street (220'), and Northeast 12th Street to Northeast 36th Street (100'), Miami, Florida, is designated as a Scenic Transportation Corridor pursuant to Chapter 17, Section 17-31 (b) (3) of the Code of the City of Miami, Florida, as amended, entitled "Environmental Preservation Districts," thereby amending the Official Historic and Environmental Preservation Atlas of the City of Miami.

Section 3. If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective thirty (30) days after approval its adoption and signature of the Mayor.{2}

APPROVED AS TO FORM AND CORRECTNESS:



JULIE O. BRU
CITY ATTORNEY

Footnotes:

{1} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

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