

ORDINANCE NO. 1050-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CHAPTER 150, "ZONING CODE" OF THE CODE OF ORDINANCES, BY AMENDING SECTION 150-165 "ABRAHAM TRACT DISTRICT" TO PROVIDE FOR ZONING REGULATIONS OF ADULT-RELATED BUSINESSES; ESTABLISHING INTENT AND PURPOSE RELATED THERETO; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Miami Springs, Florida ("City Council") recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the City's regulations are current and consistent with the needs of the City and the requirements of law; and

WHEREAS, the City Council finds that adult-related businesses require special supervision and regulations to protect and preserve the health, safety and welfare of the employees, patrons and neighbors of adult-related businesses and the citizens of the City; and

WHEREAS, based on the evidence and testimony which has been presented to the City Council, and based upon the findings incorporated in:

1. The "Survey of Texas Appraisers – Secondary Effects of Sexually-Oriented Businesses on Market Values" study by Connie B. Cooper, FAICP and Eric Damian Kelly, FAICP in association with David C. Keuhl, Ph.D. and Shawn Wilson, MAI (2008)(Texas);
2. The "Crime-Related Secondary Effects – Secondary Effects of "Off-Site" Sexually Oriented Businesses" study by Richard McCleary, Ph.D. in association with Alexi Alexander, J.D., Larry Bush, M.A., and Mark Vasquez, B.A. (2008)(Texas);
3. "Crime-Related Secondary Effects of Sexually-Oriented Businesses: Report To The City Attorney" by Richard McCleary, Ph.D. (2007)(Los Angeles, California);
4. "Survey of Findings and Recommendations of Sexually Oriented Businesses" by Eric Damian Kelly, PhD, FAICP and Connie B. Cooper, FAICP (August 2002) (Toledo, Ohio);

5. "A Report on the Secondary Impacts of Adult Use Businesses in the City of Denver," by the Zoning Administration, Office of Planning and Development, Department of Public Safety, Department of Excise and Licenses, Assessor's Office, and in consultation with the City's Attorney's Office, Denver, Colorado (January 1998);
6. "Sexually Oriented Business Ordinance Revision Committee Legislative Report, Houston, Texas (January 7, 1997);
7. "Adult Use Study," by the Newport News Department of Planning and Development, Newport News, Virginia (March 1996);
8. "Report to American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses," by Peter R. Hecht, Ph.D. of the Environmental Research Group (March 31, 1996);
9. "Adult Entertainment Study" by Department of City Planning, City of New York (November 1994);
10. The "Adams County Nude Entertainment Study" by the Adam's County Sheriff's Department (1991)(Colorado);
11. "Effects of Adult Entertainment Businesses on Residential Neighborhoods," by the Department of Planning, Research and Development, City of El Paso, TX (Sept. 26, 1986); and
12. "NLC Summaries of "SOB Land Use" Studies, Crime Impact Studies by Municipal and State Governments on Harmful Secondary Effects of Sexually-oriented Businesses," National Law Center for Children and Families, 1991, 1994, 1996, 1997, 1999, 2000, 2001, 2002, 2005;

the City Council finds that there is convincing documented evidence that adult-related businesses, because of their very nature, have deleterious effects on existing and future business establishments and residential areas, causing increased crime and the deterioration of property values; and

WHEREAS, the City Council finds that adult-related businesses, because of their very nature, have serious objectionable operational characteristics; and

WHEREAS, the City Council finds that the regulation of the location of adult-related businesses is necessary to prevent undesirable adverse secondary impacts on surrounding areas; and

WHEREAS, the City Council desires to minimize and control these adverse secondary impacts and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of adjacent areas; and deter the spread of blight; and

WHEREAS, the City Council, although concerned about these adverse secondary impacts, upholds constitutionally protected speech and expression and does not desire to infringe on or censor constitutionally protected speech and expression; and

WHEREAS, the City Council desires to enact a content neutral ordinance that addresses only the adverse secondary impacts of adult-related businesses; and

WHEREAS, pursuant to §150-130 of the Code of Ordinances, the City Council, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and recommends its approval; and

WHEREAS, the City Council finds that this Ordinance is consistent with the City's Comprehensive Plan; and

WHEREAS, the City Council has determined that it is in the best interests of the City and its citizens to provide for regulations of adult-related businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1. Recitals. That the preceding "Whereas" clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Amendment. That Section §150-165 "Abraham Tract District" of Chapter 150 "Zoning Code" of the Code of Ordinances is hereby amended to read as follows:

CHAPTER 150. ZONING CODE

Section 150-165. Abraham Tract District.

D. Adult-related business regulations.

Reserved

(1) Purpose, authority and findings.

(a) Purpose. In the development and enforcement of this subsection 150-165D., "Adult-related business regulations," the City recognizes that adult-related businesses, because of their very nature, have serious objectionable characteristics and have a deleterious effect upon adjacent business and residential areas. It is desirable, therefore, to protect the well-being of the youth of the City from the objectionable operational characteristics of these adult-related businesses by locating them away from residential areas and public facilities used frequently by minors, such as schools, religious facilities, parks, instructional schools serving minors, and day care centers. The City finds that, just as advertising is designed to stimulate one's appetite for desired goods and services, an overabundance or preoccupation with sexual displays or materials arouses the appetites of those so preoccupied, and encourages criminal sexual behavior.

In recognition of the protections afforded to the citizens of the United States under the First and Fourteenth Amendments to the Constitution of the United States, it is neither the intent nor the effect of this subsection to:

- (i) inhibit freedom of speech or the press; or
- (ii) limit or restrict the content of any communicative materials, including sexually oriented materials; or
- (iii) restrict or deny access by adults to sexually oriented materials protected by the First Amendment; or
- (iv) deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; or
- (v) regulate obscenity, which is regulated by general law (Chapter 847, Florida Statutes).

This subsection balances the legitimate governmental purposes of the City against the above-described constitutional rights, by imposing incidental, content-neutral place, time, and manner regulations of adult-related businesses without limiting alternative avenues of communication. The regulations deemed necessary to control the undesirable effects arising from these businesses are set forth in this subsection. Licensing and operational regulations for these uses are in Chapter 132 of this Code.

(b) Authority. This subsection is enacted pursuant to the City's home rule power to enact regulations to protect the public health, safety and general welfare of the City's residents, and Chapters 163 and 166, Florida Statutes.

(c) Findings. Based on the evidence and testimony presented before the City Council, and on the findings incorporated in:

I. "Survey of Texas Appraisers – Secondary Effects of Sexually-Oriented Businesses on Market Values" study by Connie B. Cooper, FAICP and Eric Damian Kelly, FAICP in association with David C. Keuhl, Ph.D. and Shawn Wilson, MAI (2008)(Texas);

Sexually Oriented Businesses" study by Richard McCleary, Ph.D. in association with Alexi Alexander, J.D., Larry Bush, M.A., and Mark Vasquez, B.A. (2008)(Texas);

III. "Crime-Related Secondary Effects of Sexually-Oriented Businesses: Report To The City Attorney" by Richard McCleary, Ph.D. (2007)(Los Angeles, California);

IV. "Survey of Findings and Recommendations of Sexually Oriented Businesses" by Eric Damian Kelly, PhD, FAICP and Connie B. Cooper, FAICP (August 2002) (Toledo, Ohio);

V. "A Report on the Secondary Impacts of Adult Use Businesses in the City of Denver," by the Zoning Administration, Office of Planning and Development, Department of Public Safety, Department of Excise and Licenses, Assessor's Office, and in consultation with the City's Attorney's Office, Denver, Colorado (January 1998);

VI. "Sexually Oriented Business Ordinance Revision Committee Legislative Report, Houston, Texas (January 7, 1997);

VII. "Adult Use Study," by the Newport News Department of Planning and Development, Newport News, Virginia (March 1996);

VIII. "Report to American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses," by Peter R. Hecht, Ph.D. of the Environmental Research Group (March 31, 1996);

IX. "Adult Entertainment Study" by Department of City Planning, City of New York (November 1994);

X. The "Adams County Nude Entertainment Study" by the Adam's County Sheriff's Department (1991)(Colorado);

XI. "Effects of Adult Entertainment Businesses on Residential Neighborhoods," by the Department of Planning, Research and Development, City of El Paso, TX (Sept. 26, 1986); and

XII. "NLC Summaries of "SOB Land Use" Studies, Crime Impact Studies by Municipal and State Governments on Harmful Secondary Effects of Sexually-oriented Businesses," National Law Center for Children and Families, 1991, 1994, 1996, 1997, 1999, 2000, 2001, 2002, 2005;

the City Council finds as follows:

(i) Establishments exist or may exist within the City where books, magazines, motion pictures, videos, prints, photographs, periodicals, records, novelties, and devices that depict, illustrate, describe, or relate to

specified sexual activities are possessed, displayed, exhibited, distributed, and sold.

(ii) Establishments exist or may exist within the City where:

a. The superficial tissues of one person are manipulated, rubbed, stroked, kneaded, or tapped by a second person, accompanied by the display or exposure of specified anatomical areas; forms of commercial gain, perform or are presented while displaying or exposing specified anatomical areas; or

c. Lap dancing occurs.

(iii) The activities described in subsections (c)(i) and (ii) occur at establishments for the purpose of making a profit and, as such, are subject to regulation by the City in the interest of the health, safety, and general welfare of City residents.

(iv) The competitive commercial exploitation of such nudity and seminudity is adverse to the public's interest, quality of life, tone of commerce, and total community environment.

(v) The commercial exploitation of nudity and seminudity consists of the use of nude and seminude entertainment in connection with or for the promotion of the sale of goods or services, and the receipt of money by the person engaging in nude or seminude entertainment in exchange for or as consideration for nude or seminude performance by such individuals.

(vi) The commercial exploitation of nude and seminude acts, exhibitions, and nude entertainment occurs frequently at commercial establishments either selling or allowing consumption of alcoholic beverages on the premises.

(vii) There is a direct relationship between the consumption of alcoholic beverages and the nude and seminude activities mentioned above, and an increase in criminal activities, disturbances of the peace and good order of the community. The occurrence of these activities is hazardous to the health and the safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole.

(viii) The combination of the sale and consumption of alcoholic beverages with the performance of nude and seminude acts, exhibitions and entertainment is adverse to the public's interest and the quality of life, tone of commerce, and total community environment in the City.

(ix) To promote and preserve the public peace and good order and to safeguard the health, safety, and welfare of the community and its

citizens, it is necessary and advisable for the City to prohibit certain forms of nude and seminude acts, exhibitions, entertainment, and commercial establishments at which alcoholic beverages are, or are available to be, sold or consumed.

(x) There is a direct relationship between the display or depiction of specified anatomical areas as defined in this subsection and an increase in criminal activities and disturbances of the peace and good order of the community, and the occurrence of these activities is hazardous to the health and safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, tone of commerce, and total community environment in the City.

(xi) When the activities described in subsections (c)(i) and (ii) take place in establishments within the City, other activities that are illegal or unhealthy tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and property.

(xii) When the activities described in subsections (c)(i) and (ii) are present in establishments within the City, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, foster an atmosphere that promotes crime, and ultimately lead residents and businesses to move to other locations.

(xiii) The establishments used for the activities described in subsections (c)(i) and (ii) are frequently used for unlawful and unhealthy sexual activities, including prostitution and sexual liaisons of a casual nature.

(2) Definitions.

The following words, terms and phrases, when used in this subsection D., shall have the meanings ascribed to them in this subsection D.(2), except where the context clearly indicates a different meaning.

"Adult bookstore/adult novelty store/adult video store" shall mean an adult-related business which offers adult material for sale or rent for commercial gain, or having such materials as a substantial percentage or significant portion of its sale or stock in trade, or an establishment with a substantial or significant portion or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, or actual sales. A substantial or significant portion of its stock in trade shall be deemed to occur when: (1) forty (40) percent or 600 square feet (whichever is less) of the floor area of the establishment contains the items listed above; or (2) the items listed above comprise at least forty (40) percent of the value of the stock in trade of the

establishment.

"Adult booth" or "booth" shall mean a small enclosed or partitioned area inside an adult-related business that is:

- (a) Designed or used for the viewing of adult material by one or more persons; and
- (b) Accessible to all persons, regardless of whether a fee is charged for access.

The term "adult booth" includes but is not limited to a "peep show" booth, or other booth used to view "adult material." The term "adult booth" does not include a foyer through which a person can enter or exit the establishment, or a rest room.

"Adult dancing establishment" shall mean an establishment where employees display or expose specified anatomical areas to others, regardless of whether the employees actually engage in dancing.

"Adult domination/submission parlor" shall mean an adult-related business specializing in bondage, sadomasochism, humiliating activities or other similar activities which depicts, describes or relates to the "specified sexual activities" or "specified anatomical areas," as defined below.

"Adult entertainment" shall mean any action intended to amuse which is distinguished or characterized by an emphasis on material depicting, describing or relating to specified sexual activities or specified anatomical areas or which features topless dancers, exotic dancers, strippers, male or female impersonators, the modeling of clothing revealing or less than completely and opaquely covering specified anatomical areas, lap dancing or similar activities.

"Adult-related business" shall mean:

(a) Any adult theater, adult mini motion picture theater, adult bookstore/adult novelty store/adult video store, adult motel, adult domination/submission parlor, encounter studio/modeling studio, or adult dancing establishment as these uses are defined in this subsection; or any other establishment or business operated for commercial gain where any employee, operator or owner exposes his or her specified anatomical area for viewing by patrons, including but not limited to massage establishments, whether or not licensed pursuant to Chapter 480, Florida Statutes, tanning salons, modeling studios, or lingerie studios.

(b) Any establishment where an action is taken which is intended to amuse and which is distinguished or characterized by an emphasis on adult entertainment or material depicting, describing or relating to specified sexual activities or specified anatomical areas or which features topless dancers, exotic dancers, strippers, male or female impersonators, the modeling of clothing revealing, or less than completely and opaquely covering, specified anatomical areas, or similar activities.

(c) An adult-related business shall include the entire site or premises on which

the adult-related business is located, including the exterior and interior of the establishment, or any portion thereof, upon which the activities or operations described in subsection (a) and (b) above are being conducted for commercial gain.

(d) Excluded from this definition are any educational institutions, as defined herein, where the exposure of specified anatomical areas is associated with a curriculum or program.

(e) An establishment that possesses an adult-related business license is presumed to be an adult-related business.

"Adult material" shall mean one (1) or more of the following, regardless of whether it is new or used:

(a) Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes, slides or other visual representations; recordings or other audio materials; and novelties or devices that have, as their primary or dominant theme, subject matter depicting, exhibiting, illustrating, describing, or relating to specified sexual activities or specified anatomical areas, as defined below; or

(b) Instruments, novelties, devices, or paraphernalia, which are designed for use in connection with specified sexual activities, excluding bona fide birth control devices.

"Adult mini motion picture theater" shall mean an enclosed building (with theatre style seating or viewing booths) with a capacity of less than fifty (50) persons regularly used for presenting adult material, for observation by patrons therein, which activity requires the exclusion of minors under Chapter 847, F.S. The viewing or adult "booth" referenced in this definition is defined as a small enclosed or partitioned area inside the theater designed or used for the viewing of adult material by one or more persons, which is accessible to all persons, regardless of whether a fee is charged for access. A "booth" shall not include a foyer through which a person can enter or exit the establishment, or a rest room.

"Adult motel" shall mean a hotel, motel, boarding house or rooming house or other place of temporary lodging presenting adult material by means of closed circuit television, for observation by patrons therein.

"Adult motion picture theater" or "adult theater" shall mean an enclosed building with a capacity of 50 or more persons regularly used for presenting adult material for observation by patrons therein, which material may not be exposed to minors under Chapter 847, F.S. Theaters designed to allow the outdoor viewing of adult material are not permitted. An establishment which has adult booths is considered to be an adult theater.

"Alcoholic beverage" shall mean any beverage containing more than 1 percent of alcohol by weight, measured in the manner described in § 561.01(4)(b), F.S., and successor provisions thereto.

"Day care center" shall mean a nonresidential facility that provides supervision and care of children under the age of 18 for periods of less than twenty-four (24) hours a day.

"Encounter studio/modeling studio" shall mean an establishment offering nude or semi-nude encounter/modeling sessions, sessions between opposite or same sex adult individuals, nude dance/photo sessions, or sexual consultations, which have as their dominant or primary theme matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below.

"Establishment" shall mean the site or premises on which the adult-related business is located, including the interior of the premises, or portion of it, upon which certain activities or operations are being conducted for commercial gain.

"Instructional school" shall mean a premises or site upon which a business offers instruction for gymnastics, martial arts, dance, or any other similar skill activities.

"Lap dance" or "lap dancing", also known as a "straddle dance," "face dance," "friction dancing," or "flash dance," shall mean the use by an employee, whether clothed or partially or totally nude, of a part of his or her body to touch, massage, rub, stroke, caress, or fondle the genital or pubic area of a person while at the establishment, or the touching of the genital or pubic area of an employee by a person while at the establishment. It shall be a "lap dance" regardless of whether the "touch" or "touching" occurs while the employee is displaying or exposing a specified anatomical area. It shall also be a "lap dance" regardless of whether the "touch" or "touching" is direct or through a medium. However, incidental touching shall not constitute lap dancing.

"Massage establishment" shall mean:

(1) Any shop, parlor, establishment or place of business wherein all of any one (1) or more of the following named subjects and methods of treatments are administered or practiced: body massage either by hand or by any mechanical or electrical apparatus or device (excluding fever therapy), applying such movements as stroking, friction, rolling, vibration, kneading, cupping, petrissage, rubbing, effleurage, or tapotement.

(2) Provided, however, that, for the purpose of this chapter, the term "massage establishment" shall not include any massage establishment wherein at least fifty (50) percent of the employees on duty full time during the hours that the establishment is open for business are State of Florida licensed massage therapist or other licensed professional listed in the preceding sentence.

(3) Nothing in this chapter shall be construed as applying to state licensed massage therapists, barbers, cosmetologists, manicurists, pedicurists, occupational therapists, physical therapists, physical therapists' assistants, midwives, practical nurses, agents, servants or employees in licensed hospitals, nursing homes or other licensed medical institutions, licensed physicians, osteopaths, chiropractors, podiatrists, naturopathic physicians or other licensed medical practitioners, or their agents, servants

or employees acting in the course of such agency, service or employment under the supervision of the licensee.

"Patron" shall mean any natural person other than an employee, operator, licensee, or governmental officer while such persons are performing duties pursuant to this Code or other law.

"School," for purposes of this subsection, includes premises or a site upon which there is a day care center, nursery school, pre-kindergarten, elementary school, middle school, high school, or library.

"Specified anatomical areas" shall mean:

(a) Less than completely and opaquely covered:

(i) Human genitals and pubic region; or

(ii) Cleavage of the human buttocks; or

(iii) That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola, including the areola; this definition shall include the entire lower portion of the human female breast, but shall not include a portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided the areola is not so exposed; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" shall mean:

(a) Human genitals in a state of sexual stimulation, arousal, or tumescence; or

(b) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellatio, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse or sodomy; or

(c) Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or

(d) Excretory functions as part of or in connection with the activities set forth in subsections (a)—(c).

(3) Supplemental regulations.

(a) Permitted locations. No adult-related business use shall be established, operated or maintained within the City except on property located within the Abraham Tract District. The zoning district regulations for any other zoning district in the City shall not be construed to permit the establishment, operation or

maintenance of any adult-related business use. In no event shall an adult-related business use be established, operated or maintained within the City in which a person shall be allowed to expose specified anatomical areas to public view. Except as otherwise provided by this Code, adult-related business uses may have accessory uses that are incidentally and customarily associated with the principal adult-related business use.

(b) Required distances. No adult-related business use shall be established, operated or maintained within the following specified distances of any of the following uses located within the City:

(i) 300 feet from any other adult-related business use.

(ii) 500 feet from any residentially zoned district or any parcel which is used for single-family or multi-family residential use.

(iii) 500 feet from any religious facility.

(iv) 500 feet from any public or private school which caters to the instruction of children under the age of 18.

(v) 500 feet from any day care center or instructional school whose primary use caters to the care or instruction of children under the age of 18.

(vi) 500 feet from any park.

(c) Measurement of required distances. The minimum required distances in subsection D.(3)(b) shall be measured by following a straight line from any portion of the building used by the adult-related business use, to the nearest point of a parcel located in the City containing one of the uses listed in subsection D.(3)(b)(ii) – (vi). The minimum required distance between adult-related business uses shall be measured by following a straight line between the respective portions of the buildings used by the two adult-related business uses.

(d) Survey required. For purposes of establishing the required distances between adult-related business uses and the uses listed in subsection D.(3)(b), an applicant for a license for an adult-related business pursuant to Code Chapter 119, "Adult-Related Businesses Code," Article II. "Adult-Related Business Licensing" shall furnish a certified survey from a registered surveyor. Such survey shall indicate the distance between the adult-related business use and any of the uses listed in subsection D.(3)(b), as measured in accordance with the requirements of subsection D.(3)(c). In case of any dispute, the measurement scaled by the Planning and Zoning Director shall govern.

(e) Strict compliance required. No adult-related business use shall be established, operated or maintained within the City unless it is in compliance with the Code and any other local, state, or federal law. No variance shall be granted to any requirement of this subsection D.

(f) Review of applications for adult-related business uses. Notwithstanding any other section of this Code applicable to adult-related businesses, applications to establish an adult-related business use shall be reviewed as follows:

(i) The Planning and Zoning Director shall review all of the information submitted to determine the conformity of the application with this subsection.

(ii) The submitted application will be reviewed for completeness within twenty (20) business days, and any corrections, revisions or deficiencies shall be provided to the applicant within that twenty-day period.

(iii) Upon resubmittal of corrected plans, the Planning and Zoning Director shall have ten (10) business days to review the resubmittal and provide any corrections, revisions or deficiencies to the applicant. This process shall continue until the applicant has submitted a complete application or demands that the application be reviewed as is, without further revision.

(iv) If the applicant fails to provide additional information requested by the Planning and Zoning Director, or respond indicating the time that the information will be provided, within forty (40) days of the date of the request, the application shall be deemed withdrawn by the applicant. The applicant shall be entitled to one forty (40) day extension of this timeframe, upon request made within the original forty (40) day timeframe.

(v) The Planning and Zoning Director shall approve or deny the application within forty (40) days of the City's receipt of the complete application, or the date that the applicant demands review as submitted. The Planning and Zoning Director's decision shall be based upon whether the application complies with the requirements of this subsection. Written notice of the decision shall be provided to the applicant, in the form of an approval or a notice of denial. Any notice of denial shall describe the applicant's appeal rights, and be provided to the applicant within ten (10) business days of the decision.

Section 3. Severability. That, if any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 4. Conflicts. That all Ordinances or parts of Ordinances, and all sections and parts of sections, in conflict herewith are repealed to the extent of such conflict.

Section 5. Codification. That the codifiers are hereby directed to codify this Ordinance in accordance with their discretion and their prior codification of the City of Miami Springs Code of Ordinances.

Section 6. Effective Date. That this Ordinance shall take effect in the manner provided by law.

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida, this 25th day of February, 2013.

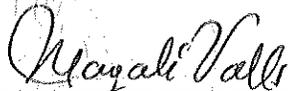
The motion to adopt the foregoing Ordinance was offered on second reading by Councilman Lob, seconded by Vice Mayor Ator, and on roll call the following vote ensued:

Vice Mayor Ator	"aye"
Councilman Best	"aye"
Councilwoman Bain	"aye"
Councilwoman Lob	"aye"
Mayor Garcia	"aye"



Xavier M. Garcia
Mayor

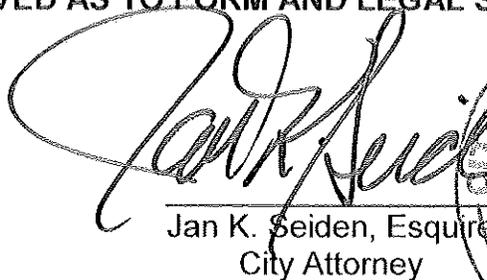
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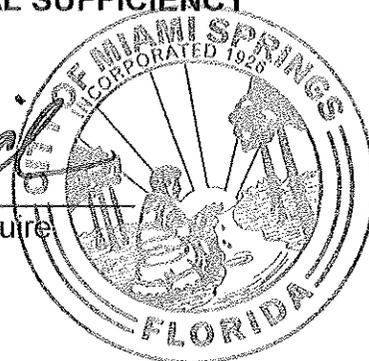
Magali Valls, CMC
City Clerk

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City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney



First Reading: 02-11-2013
Second Reading: 02-25-2013

Words ~~stricken through~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.