

ORDINANCE NO. 1010-2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, AMENDING CODE OF ORDINANCE SECTION 32-100, ARCHITECTURAL REVIEW BOARD-ESTABLISHED; BY REVISING THE AUTHORITY OF THE BOARD IN REVIEWING PROPOSED DEVELOPMENT PROJECTS; ESTABLISHING ADVISORY REVIEW AUTHORITY; SPECIFYING ADVISORY OPINION OF BOARD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.

WHEREAS, the City Council has reviewed the currently existing authority of the Architectural Review Board in conjunction with its efforts to establish District Boundary Regulations and review procedures for the sub-districts of the Airport, Highway, Marine and Business District; and,

WHEREAS, as part of the establishment of development review procedures by the City Council, it has been determined that a revision of the role of the Architectural Review Board in the review process is required; and,

WHEREAS, the City Council wishes to create an environment in the City that is conducive to economic development by facilitating an appropriate and efficient development review process, by which all commercial development projects must abide; and,

WHEREAS, in accordance with the foregoing, the City Council has determined that it is in the best interests of the City and its citizens to amend Code of Ordinance Section 32-100 to specifically provide for the new role and function of the Architectural Review Board in that development review process:

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

Section 1: That Code of Ordinance Section 32-100, Architectural Review Board

- Established, is hereby amended as follows:

Sec. 32-100. Architectural Review Board - Established.

- (A) ...
- (B) ...
- (C) ...
- (D) ...
- (E) ...
- (F) ...
- (G) ...

(H) ~~Recommendations on Plans, Specifications and Designs. As a condition of the granting of any building permit or other related and required building or construction approval, the Board shall consider and make recommendations to the City Council in regard to any act upon plans, specifications and designs submitted in connection with applications for such approvals recommendations. The approval recommendation of at least a majority of the Board, evidenced by their signature on each set of plans, specifications and designs required to be submitted with each application for a permit or other approval, the minutes of the Board action, shall be a prerequisite to the issuance of any building permit or approval for the automatic review of the Board's recommendations by the City Council within thirty days of the action of the Board in regard to any plans, specifications or designs received for review.~~

(I) ~~Notice of Review by Board. In every case where the Board is scheduled to review preliminary plans for additions, exterior alterations and/or new construction of commercial projects, the Secretary of the Board shall cause a notice of the meeting to be given in the following manner:~~

(1) Posting of Property.

~~(a) Each property shall be posted at least five (5) days prior to the Board meeting. Such posting shall consist of a sign, the face surface of which shall not be larger than forty (40) square inches in area, the color of which shall be yellow with black lettering and shall contain the following language:~~

**NOTICE
ARCHITECTURAL REVIEW BOARD
REVIEW OF PRELIMINARY PLANS**

PHONE: _____
HEARING NO: _____
HEARING DATE: _____

~~(b) The sign shall be erected in full view of the public on each street side of such property. Where large parcels of property are involved with street frontages extending over considerable distances, as many signs shall be erected on the street frontage as may be deemed adequate to inform the public.~~

~~(c) If such a sign is placed on a vacant lot or parcel of land, it shall be securely nailed or otherwise fastened securely to a stake or post which itself shall be fastened securely into the ground. Said sign shall not be located nearer than ten (10) feet nor more than fifteen (15) feet from the street property line, provided, however, that where said property is improved by a building, the main part of which is less than ten (10) feet from said property line, the sign may be placed upon the front and/or side of the building, or upon a front and/or side door and/or window of the building. Whenever a building on improved property is located more than ten (10) feet from the street property line, the sign shall be erected as provided for on vacant property.~~

~~(d) The height of such sign shall be erected to project not more than three (3) feet above the surface of the ground.~~

~~(e) It shall be a misdemeanor in the second (2nd) degree, punishable pursuant to Florida Statute 775.082 and 775.083, if any unauthorized person shall tamper with or remove the signs posted pursuant to this section.~~

~~(J) Authority to Require Modifications. It shall be the duty of the Board to require makes such recommendations for changes, if any, in any plans, specifications or designs presented as may be necessary to conform to the policies, standards and ordinances of the City of Miami Springs. The Board may also suggest or recommend such changes in said plans, specifications or designs, as in its judgment may be requisite or appropriate to the maintenance of the standards of construction, architecture, beauty and harmony currently existing in the City.~~

~~(K) Fees for Examination of Plans, Specifications and Designs. For examination of plans, specifications and designs by the Board, there shall be charged and collected by the City, in addition to all other building permit fees which are now or which may hereafter be prescribed by ordinance, the following:~~

- ~~(1) A fee of \$1.00 per \$1,000, or fraction thereof, of the estimated cost of the construction involved, with a minimum fee of \$50.00 for each set of plans, specifications and designs submitted, which shall be paid at the time of the submission of the plans, specifications and designs for examination.~~
- ~~(2) A fee of \$50.00 for each resubmittal shall be paid prior to any subsequent review of the Board.~~
- ~~(3) An additional fee of \$50.00 shall be paid if the project is to be posted prior to the Board's initial review or resubmittal review.~~

- (H) Review of Proposed Projects. As part of the City's Development Review Process for the City's commercial areas, the Architectural Review Board shall review the proposed schematics and designs of all development projects which have completed the mandatory preliminary review process. The Board may suggest or recommend such changes in said schematics or designs, as in its judgment may be requisite or appropriate to the maintenance of the standards of construction, architecture, beauty and harmony currently existing in the City Code of Ordinances.
- (I) Board Advisory Opinion. The minutes of each development review meeting conducted by the Board to review the schematics and designs of any proposed development project shall contain, and constitute, the advisory opinion of the Board on the specific project reviewed. The Board may include within its meeting minutes any additional information or documentation that may be further explanative of its project opinions. All meeting minutes of the Board shall be forwarded to the City Council for review and for consideration of any further action or appearance deemed necessary by the City Council.

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this 14th day of March, 2011.

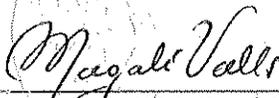
The motion to adopt the foregoing ordinance was offered on second reading by Councilman Best, seconded by Councilman Espino, and on roll call the following vote ensued:

| | |
|-------------------|-------|
| Vice Mayor Ator | "aye" |
| Councilman Best | "aye" |
| Councilman Espino | "aye" |
| Councilman Lob | "aye" |
| Mayor Bain | "aye" |


Billy Bain
Mayor



ATTEST:


Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


Jan K. Seiden, Esquire
City Attorney

First reading: 02/28/2011
Second reading: 03/14/2011

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