

ORDINANCE NO. 1035-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-164, NORTHWEST 36TH STREET, BY CLARIFYING AND EXPANDING THE PRINCIPAL PERMITTED USES AND CORRESPONDING QUALIFYING CONDITIONS; CORRECTING THE MINIMUM FLOOR AREA RATIO; CLARIFYING THE HEIGHT LIMITATIONS OF STRUCTURES; REVISING THE REQUIRED MATERIALS FOR CONSTRUCTION OF PEDESTRIAN WALKWAYS AND BIKE PATHS; ESTABLISHING APPLICABILITY OF CODE SECTION 93-10 FOR DUMPSTER ENCLOSURES; CLARIFYING LANDSCAPING REQUIREMENTS; EXPANDING THE DEFINED HEIGHT OF PARKING LOT LIGHTING FIXTURES; EXPANDING PROHIBITED AMENITY ADVERTISING; PROVIDING A SUBSTITUTE EXEMPTION PROVISION FROM THE APPLICABILITY OF THE DISTRICT BOUNDARY REGULATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE

WHEREAS, as is the case with many newly created ordinance sections during the first year of implementation by the City, a number of issues have arisen regarding the applicability of certain ordinance provisions to proposed projects within the district; and,

WHEREAS, the City Planner, City Revitalization Specialist, City Attorney and other Administrative Staff personnel have reviewed and discussed the implementation of the District Boundary Regulations with reference to the actually proposed district projects during the past year; and,

WHEREAS, all parties have agreed that certain revisions and amendments are required for this code section to appropriately address certain development and redevelopment issues which arise in the practical application of this code section; and,

WHEREAS, it is further agreed that the revision and amendment process being initiated by this ordinance may only be the beginning of the process required to achieve the most appropriate and functional regulations, within the intent and purpose of the district, to encourage future development and redevelopment projects; and,

WHEREAS, the City Council has been fully advised of the intent and purpose of this ordinance and has determined that revisions and amendments to Code Section 150-164 proposed herein are in the best interests of the City and its citizens and are required in order to achieve more practically functional boundary regulations for the Northwest 36th Street District:

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

Section 1: That Code of Ordinance Section 150-164, Northwest 36th Street, is hereby amended as follows:

Section 150-164. Northwest 36th Street.

(A) . . .

(B) Permitted Uses.

(1) Principal uses and structures generally permitted.

(a) . . .

(b) . . .

(c) ~~Business colleges, secretarial schools and similar education facilities.~~ Aviation Schools.

(d) . . .

(e) Cultural or recreational facilities such as urban plazas, health and athletic clubs, theaters, auditoriums, libraries, art galleries and museums; Maximum occupancy of 999.

(f) . . .

- (g) . . .
- (h) ~~Other enterprises or businesses which are similar to enterprises or businesses enumerated herein, which have been approved by the City Council upon application and hearing. All uses identified as permitted uses within a building with other permitted uses but not as a stand alone uses provided in Code Section 150-164(B)(2)(d), with the express condition and limitation that the aforesaid uses are permitted as principal uses only in already existing buildings.~~
- (i) Chapel/viewing services with or without onsite catering, with the express condition and limitation provided in subsection (h) above and the additional restriction that no body preparation or cremation services are permitted onsite.
- (j) Other enterprises or businesses which are similar to enterprises or businesses enumerated herein, which have been approved by the City Council upon application and hearing.

- (2) . . .
- (3) . . .

- (4) Permissible accessory uses and structures; Limitations as to location for new structures only .
- (5) Airport Zoning Regulations. Any development or redevelopment in this District must be in compliance with all applicable Miami-Dade County Airport Zoning Regulations and all applicable Federal Aviation Administration Regulations.

- (C) . . .
- (D) Setbacks, lot coverage and floor area.

- (1) . . .
- (2) . . .
- (3) Floor area limitations.

- (a) For the purpose of this sub-section the floor area ratio (F.A.R.) shall be the total floor area of a building or buildings on a building site divided by the area of the site. See also 150-002(C)(38). The site must have a minimum F.A.R. of 4.0 .01. Sites may be developed up to an F.A.R. of 3.0 through the Floor Area Ratio Bonus Program as determined by the City Council.

- (b) ...
- (c) ...

(E) Height Limitations.

- (1) ...
- (2) ...
- (3) Notwithstanding the foregoing, the heights of all buildings in this District are specifically subject to compliance with all applicable restrictions and limitations provided in the Miami-Dade County Airport Zoning Regulations and the regulations of the Federal Aviation Administration.

(F) ...

(G) Specific Architectural Design Standards.

- (1) ...
- (2) ...
 - (a) ...
 - (b) ...
 - (c) ...
 - (d) ...
 - (e) ...
 - (f) Any onsite paving ~~except~~ pedestrian/bike paths must have decorative pavers.
- (3) ...
- (4) ...
- (5) ...
- (6) ...
- (7) ...
- (8) ...
- (9) ...
- (10) ...
- (11) ...
- (12) ...
- (13) Dumpster, compactor, and mechanical equipment. Dumpster, compactor and mechanical equipment enclosures shall have colors and trim details to match the principal building color. Gates shall be designed and composed of opaque materials (such as wood or prefabricated metal) and painted in a secondary approved color. Chain-link gates, with or without slats, are prohibited. All such equipment enclosures must also be in compliance with the provisions of Code Section 93-10.

- (14) . . .
- (15) . . .
- (16) Landscaping. Landscaping shall be incorporated into the proposed plans, especially as it relates to plant material selections including heights, locations, and buffer design. Flowering shrubs, trees, ground cover, and annuals are encouraged wherever possible to enhance the site design.
 - (a) . . .
 - (i) . . .
 - (ii) . . .
 - (iii) . . .
 - (iv) At NW 36th Street and on side streets, shade trees appropriate palms and/or tree species shall be provided at a maximum of 30-foot intervals, not less than five feet from the curb line.
 - (v) For the purpose of this subsection, the protective masonry wall shall be constructed of CBS concrete block or another Miami-Dade County approved pre-fabricated concrete material. The owner shall be responsible for the maintenance of the protective masonry wall and of all landscaping which shall be maintained at a set height and in good condition so as to present a neat and orderly appearance, and shall be kept free from refuse and debris. ~~All landscaped areas shall be provided with a readily available irrigation system.~~
 - (vi) All landscaped areas shall be provided with a readily available irrigation system.
- 17. . . .
- 18. Lighting. Lighting shall be incorporated into proposed plans. All exterior and site lighting fixtures shall be designed to be compatible with the Pueblo/Mission or Streamline/Depression Moderne architectural styles, especially as it relates to pole heights, fixtures, lighting colors, lamps, pole design and site location.
 - (a) Parking lot pole fixtures shall be limited to 25 feet in height, including the pole and fixture, and designed to meet the all photometric requirements.

19. Advertising. No advertising will be allowed on any exposed amenity or facility, such as benches, and trash containers, umbrellas, or any style or form of building wallscape.

(H) ...

(I) ...

(J) ...

(K) ...

(L) Exemptions. The following applications for development, redevelopment, or building permit will be exempt from the application of this ordinance:

(1) ...

(2) ...

(3) ~~Any project determined by City Council resolution to have been justifiably and appropriately development in conformity with the District Boundary Regulations in existence prior to the enactment of this ordinance. The City Administrative Staff shall retain the authority to exempt any proposed development or redevelopment project for this District that is being proposed for any existing structure or structures from the application of any or all of the provisions of Code Section 150-164. This exemption shall not be applicable to development or redevelopment projects in this District proposed for vacant or "ground up" construction which retains the continuing availability of the City variance process for specific relief from the provision of this code section.~~

(M) ...

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.

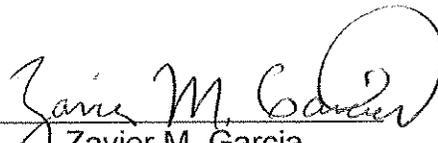
PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this 14th day of May, 2012.

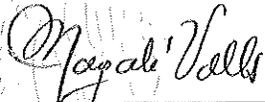
The motion to adopt the foregoing ordinance was offered on second reading by Councilman Best, seconded by Vice Mayor Lob, and on roll call the following vote ensued:

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




Zavier M. Garcia
Mayor

ATTEST:



Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 04-23-2012
Second reading: 05-14-2012