

ORDINANCE NO. 1060-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS REPEALING AND DELETING ARTICLE XIV, MIXED USE DISTRICT, AND CODE OF ORDINANCE SECTIONS 150-145 THROUGH 150-153 IN THEIR ENTIRETY; RESERVING ARTICLE XIV AND CODE SECTIONS 150-145 THROUGH 150-153 FOR FUTURE USE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; DIRECTIONS TO THE CODIFIERS; PROVIDING AN EFFECTIVE DATE

WHEREAS, the Mixed Use District, Code of Ordinance Sections 150-145 through 150-153, was originally enacted to provide "large scale" commercial district regulations for the City; and,

WHEREAS, the district was not successful in application and was subsequently superseded by the enactment of Article XV and the Airport, Marine, and Highway Business District, Code of Ordinance Sections 150-154 through 150-163; and,

WHEREAS, although the two districts provided separate and distinct district boundary regulations for the same properties in the City, and while the Mixed Use District should have been repealed by the enactment of the Airport, Marine, Highway Business District, it is likely that the Mixed Use Business code sections have remained in the Code because the two districts were given sequential code numbering rather than superseding code numbering; and,

WHEREAS, even the Airport, Marine, and Highway Business District codes have been repealed and deleted from the City Code of Ordinances by the enactment of the Northwest 36th Street, Abraham Tract, and Airport Golf Districts; and,

WHEREAS, the code sections of the Mixed Use District have already been effectively repealed by the subsequent enactments of the City Council and should be deleted from the City Code of Ordinances; and,

WHEREAS, the City Council has reviewed the legislative history of the Mixed Use District and Code of Ordinance Sections 150-145 through 150-153 and determined that it is both proper and appropriate and in the best interests of the City and its citizens to repeal and delete the District and its corresponding Code of Ordinance sections from the City Code;

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

Section 1: That Chapter XIV, Mixed Use District, and Code of Ordinance Sections 150-145 through Code of Ordinance Section 150-153 should be repealed and deleted from the City Code in their entirety as follows;

ARTICLE XIV. MIXED USE DISTRICT

Sec. 150-145. Purpose.

The purpose of the mixed use (MUB) district is to provide for the establishment of compatible and complimentary combinations of uses for office development, retail shopping, restaurants, cultural and/or recreational activities, hotels and/or motels, and such other similar uses as are permitted herein, together with all required supporting facilities. MUB district uses shall be established in accordance with the guidelines set forth in the City future land use plan for locations indicated and designated in that plan as mixed use business.

Sec. 150-146. Permitted uses.

- (A) ~~Generally. Principal and accessory uses and structures permitted in the MUB district as set forth herein, are subject to the requirements and limitations as specified. Such uses and structures are permitted only where they form complimentary groupings of facilities and activities, and where a particular combination of proposed uses would be appropriate to the surrounding area by nature of use and design.~~
- (B) ~~Principal uses and structures permitted generally.~~
- ~~(1) Offices, business and professional; studios, and clinics (other than veterinary).~~
 - ~~(2) Agencies for travel and insurance and similar services.~~
 - ~~(3) Hotels and motels.~~
 - ~~(4) Private clubs and lodges.~~
 - ~~(5) Business colleges, secretarial schools, and similar educational facilities.~~
 - ~~(6) Banks, savings and loan associations, and similar financial institutions.~~
 - ~~(7) Retail stores, except those dealing in second-hand merchandise other than antiques.~~
 - ~~(8) Service establishments, including photographic studios; barber and beauty shops; establishments for repair of shoes, small home appliances, clocks and watches, and photocopying service shops not to exceed 2,500 square feet.~~
 - ~~(9) Restaurants.~~
 - ~~(10) Cultural or recreational facilities such as urban plazas, health and athletic clubs, theaters, auditoriums, libraries, art galleries and museums.~~
 - ~~(11) Parking garages.~~
 - ~~(12) Structures and uses other than those listed above, required for performance of governmental functions.~~
 - ~~(13) Structures and uses relating to operation of public utilities and requiring location within the district to serve it or neighborhood districts.~~
 - ~~(14) Community residential school in compliance with the terms, conditions and standards of usage approved by the City Council on September 25, 1991, so long as such school is in compliance with the following conditions of usage, to-wit:~~
 - ~~(a) No school may be located within a 1,000 foot radius of another community residential school.~~
 - ~~(b) No school may occupy more than one structure for "school purposes", and no more than two structures for "residential purposes" relating to the community residential school.~~

- ~~(c) No school shall permit or provide residential housing for more than five students and two adult supervisors in each residential structure.~~
 - ~~(15) Other enterprises or businesses which are similar to enterprises or businesses enumerated herein, which have been reviewed by the City Planning and Zoning Board and approved by the City Council upon application and hearing.~~
- ~~(C) Permissible principal uses and structures; limitations as to location.~~
 - ~~(1) Retail service establishments shall be limited to location on the ground floor of principal structures.~~
 - ~~(2) Retail and service establishments shall front on pedestrian portions of the street right-of-way, or on other pedestrian open space areas with public access from streets, and shall occupy at least 50 percent of the ground floor street frontage.~~
 - ~~(3) Parking garages are permitted as a principal use provided that there shall be no vehicular access to such facilities directly from N. W. 36th Street.~~
 - ~~(4) Parking lots adjacent to N. W. 36th Street are permitted only as a temporary use, subject to improvement of those portions of lots adjacent to principal pedestrian flows so as to provide screening and safety controls to alleviate potential adverse effects on pedestrian movement. These parking lots may be authorized for use not to exceed a period of one year, and thereafter on a year-to-year basis upon proper application approved by the City Planning and Zoning Board and the City Council.~~
- ~~(D) Accessory uses and structures.~~
 - ~~(1) Uses and structures customarily accessory and incidental to specified principal uses and structures, and which do not alter the character of the district, are permitted subject to limitations and provisions established by this ordinance and other applicable City ordinances and regulations.~~
 - ~~(2) Any use permissible as a principal use is allowed as an accessory use subject to limitations and requirements applying to the principal use.~~
 - ~~(3) An accessory use shall include a subordinate structure or portion of the main structure located on the same building site when such use is incidental to the main structure.~~
- ~~(E) Permissible accessory uses and structures; limitations as to location.~~
 - ~~(1) Entrances to accessory parking lots and structures shall be oriented away from N. W. 36th Street, and shall be located behind the principal structure on the same building site.~~
 - ~~(2) Vehicular access to on-site parking, loading, or service shall not be permitted along N. W. 36th Street.~~
 - ~~(3) Access drives are permitted along the adjacent minor street frontage and shall be located and designed in a manner which will insure smooth flow of vehicular and pedestrian circulation.~~

~~Sec. 150-147. Lot and floor area; setbacks.~~

- ~~(A) Maximum lot coverage. The maximum allowable lot coverage for all main and accessory buildings shall not exceed 50 percent of the lot area.~~
- ~~(B) Floor area limitations.~~
- ~~(1) For the purpose of this subchapter 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. The total floor area shall include the gross horizontal area of all floors of any building or buildings on the site for the purposes of determining this ratio.~~
 - ~~(2) For lot areas less than 15,000 square feet in size, the maximum ratio of building floor area to lot area shall not exceed 0.60 F.A.R.~~
 - ~~(3) For lot areas of 15,000 square feet, or greater, the ratio of building floor area to lot area shall not exceed 1.5 F.A.R., except as otherwise modified in this subchapter.~~
 - ~~(4) For parking garages as principal use, the ratio of total floor area to lot area shall not exceed 1.5 F.A.R. Floor area shall include all floor area within the structure used for parking, including area used for restaurants and retail facilities which shall be permitted in connection with parking garages as incidental principal uses. Establishments shall not occupy more than 20 percent of the floor area of parking structure, and shall be located on the ground floor and oriented toward pedestrian flows.~~
- ~~(C) Allowable increase in floor area for buildings providing combination of uses. For developments on lot areas of 15,000 square feet, or greater, the allowable floor area may be increased in conformance with provisions and limitations specified below.~~
- ~~(1) Mixed use buildings. For every square foot of gross area that a building provides of ground level retail, service and supporting uses, the floor area of other permissible use may be increased by one square foot, not to exceed a floor area ratio of 2.00.~~
 - ~~(2) Pedestrian open space. For the purposes of this subchapter pedestrian open space is defined as an area designated for pedestrian outdoor noncommercial uses, excluding parking and other service areas, and which is open to the sky (except where sheltered by projected portions of buildings or arcades). Open spaces shall include landscaped areas, paved terraces, decks and sitting areas, and outdoor recreation areas appropriately designed and improved and located for outdoor uses for occupants and visitors, considering safety, convenience and aesthetic appearance. For every foot of ground level pedestrian open space provided by the development, the allowable building floor area may be increased by one square foot, but the increase shall not exceed 0.20 F.A.R. times lot area.~~
 - ~~(3) Increased floor area ratio. Subject to site plan approval and confirmation by the City Planning and Zoning Board and the City Council, allowable floor area ratio may be increased for developments occupying sites larger than 1.0 acre, and accommodating a mixture of uses in accord with the intent of this district, not to exceed a total of 3.00 F.A.R.~~

- ~~(D) Minimum setbacks for all developments in MUB districts.~~
- ~~(1) Adjacent to N. W. 36th Street, setbacks shall be a minimum of 30 feet from the street right-of-way. No driveway or off-street parking shall be allowed between street rights-of-way and buildings.~~
 - ~~(2) Adjacent to streets other than N. W. 36th Street, setbacks shall have a minimum depth of 12 feet from the street right-of-way.~~
 - ~~(3) There shall be no minimum requirements for interior yards or setbacks, except as may be required by other provisions of the City Code of Ordinances.~~
 - ~~(4) Adjacent to residential districts setbacks shall be a minimum depth of 40 feet.~~
 - ~~(5) At least 70 percent of all setbacks adjacent to any street shall be improved and reserved for pedestrian open space.~~
 - ~~(6) Pedestrian open space may be provided at any level that serves the commercial uses.~~
 - ~~(7) All setbacks may be used for utility rights-of-way.~~

Sec. 150-148. Height limitations.

- ~~(A) Height limitations are as follows.~~
- ~~(1) Structures located within 150 feet from adjoining residential districts shall not exceed a height of 50 feet.~~
 - ~~(2) Structures or portions of structures located adjacent to N. W. 36th Street, and more than 150 feet from adjoining residential districts shall not exceed a height of 120 feet.~~
- ~~(B) Maximum height in the MUB district shall decrease northward from N. W. 36th Street, and toward residential districts to provide a balanced relationship between physical masses and avoid light obstruction to adjoining residential uses.~~

Sec. 150-149. Off street parking and loading.

- ~~(A) *Parking standards and requirements:*~~
- ~~(1) See § 150-016~~
- ~~(B) *Off-street loading.*~~
- ~~(1) For the purpose of this subchapter a loading space is defined as a space within the main building or on the same lot, logically and conveniently located for bulk pickups and deliveries. A loading space shall be scaled to the size of the delivery vehicle anticipated, plus a space of six feet in length greater than the vehicle anticipated to be accommodated. No loading berth shall be less than a minimum of 12 feet in width and a length of not less than 35 feet, and shall be directly accessible from a street without crossing or entering any other required off-street loading or off-street parking spaces.~~
 - ~~(2) All developments shall provide off-street loading which shall be located and designed so as to provide safe and convenient access by delivery vehicles with minimal interference with the movement and parking of other vehicles on the premises. Subject to the approval of the City Planning and Zoning Board and the City Council, loading areas may be required to be placed in locations separated from other activities or screened by appropriate physical barriers.~~

- ~~(3) Required off-street loading stalls shall be reserved for loading purposes, and shall not be used for parking of vehicles other than those in the process of loading or unloading. No vehicle being loaded or unloaded shall project into any public walkway or street.~~
- ~~(4) Off-street loading facilities shall be properly drained to prevent damage to abutting property or public streets, and shall not be used for any purpose other than loading and unloading. At no time shall the loading area be used for storage.~~

~~Sec. 150-150. Site planning.~~

~~The site plan for developments within the MUB district shall provide for safe and efficient functioning of intended uses, including pedestrian and vehicular circulation, and for harmonious and convenient groupings of structures and activities.~~

- ~~(A) Location and design requirements.~~
 - ~~(1) Principal structures shall face towards N. W. 36th Street when possible, or side streets, but in all instances away from residential districts.~~
 - ~~(2) Entrances to accessory parking lots and structures shall not be oriented toward N. W. 36th Street, and shall be located behind the principal structure on the same building site. Vehicular access to on-site parking, loading or service shall not be permitted directly from N. W. 36th Street. Access drives shall be provided from adjacent minor street frontages, and shall be located and designed to insure smooth flow of vehicular and pedestrian circulation.~~
 - ~~(3) Pedestrian access may be provided at any suitable locations, but shall be separated from vehicular access points, except where signalization is used to control pedestrian and vehicular movements.~~
 - ~~(4) Accessory parking lots shall be constructed and designed in accordance with § 150-016~~
 - ~~(5) Loading zones and the parking of commercial vehicles shall be arranged so as to provide safe access from driveways and public streets, to prevent interference with vehicular and pedestrian circulation on the premises, and to avoid friction with traffic passing the premises.~~
 - ~~(6) Developments on sites which occupy the northern sections of the district abutting residential areas shall provide east/west roadways for access and for cross-block circulation, where necessary due to side street traffic diversion. Roadways shall be designed to accommodate smooth vehicular movement, and shall be located not less than ten feet from the adjoining residential district.~~
 - ~~(7) All utilities shall be placed underground, and there shall be appropriate provisions made for servicing such utilities.~~
- ~~(B) Protective screening and landscaping.~~
 - ~~(1) In general, landscaping shall not reduce visibility and create a hazard to vehicular and pedestrian circulation, nor to public safety and security.~~
 - ~~(2) Landscaping shall be required in all accessory open areas, and protective masonry screening and hedges shall be required for the protection of adjacent property.~~

- ~~(3) In addition to landscape regulations established in § 150-016, the following additional requirements shall apply.~~
- ~~(a) Where any development site in this district adjoins a residential district, there shall be a landscaped buffer area, ten feet wide, located along the portion of the site which directly abuts the residential district. Landscaping shall include and continuously be maintained as a hedge not less than three and one-half feet and not greater than six feet in height to form a continuous screen. In addition, one tree shall be provided for each 30 linear feet. The buffer area shall include a 72-inch high masonry wall which shall extend along the length of adjoining property lines, except for sites on through streets, where a masonry wall shall be no closer than ten feet to the property line adjacent and parallel to the street right-of-way. No off-street parking shall be permitted in the buffered area.~~
 - ~~(b) Off-street parking areas shall have at least ten square feet of interior landscaping for each parking space, excluding those spaces abutting a perimeter for which landscaping is to be provided, and all such landscaping shall be continuously maintained by the owner. No row of parking spaces shall exceed ten spaces without a five-foot minimum width of landscaped area to divide any continuation of such row of parking. In addition, other vehicular use areas shall have one square foot of landscape area, and not less than one tree for each 100 square feet of paved area.~~
 - ~~(c) Along N. W. 36th Street and on side streets, shade trees shall be provided at maximum of 30-foot intervals, not less than five feet from the curb line.~~
 - ~~(d) For the purposes of this subchapter, the protective masonry wall may be constructed of CBS concrete block. Stucco and painting are required for all protective boundary walls, and special architectural features such as the use of brick, stone, wood, metal, or glass on these walls may be allowed if approved by the City Planning and Zoning Board and the City Council upon proper application and hearing.~~
 - ~~(e) The owner of MUB property, or his agent 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 healthy, neat, orderly appearance, and shall be kept free from refuse and debris. All landscaped areas shall be provided with a readily available water supply with at least one outlet located within 100 feet of all plant material to be maintained.~~

~~Sec. 150-151. Signs.~~

~~Signs in the MUB district shall meet the requirements specified in § 150-030, and the following additional limitations.~~

- ~~(A) No signs in the MUB district shall face the nearby residential district.~~

- ~~(B) — One sign structure, not exceeding 30 feet in height, and having not more than two sign surface areas, may be erected along principal street frontage from which there is a major entrance to the development. Signs may contain only the name of the establishment and facilities within the development. Each sign surface shall be limited to 30 square feet for each acre or portion thereof, of land occupied by the development.~~
- ~~(C) — For individual establishments, identification signs are permitted, but shall not exceed ten percent of the wall surface area.~~
- ~~(D) — Detached signs shall not be permitted, except for the purposes of parking, vehicular and pedestrian directional signs so long as these signs shall not have a width, length, or diameter exceeding five feet. No billboards shall be allowed.~~
- ~~(E) — Any sign permitted in this district, by this or any other ordinance, shall be required to have the approval of the City Planning and Zoning Board and the City Council before a sign permit is issued.~~
- ~~(F) — Artificial lighting may be used to illuminate the premises of advertising copy and shall be directed away from any adjacent residential area and traffic flow.~~

~~Sec. 150-152. Development procedures.~~

- ~~(A) — Any development within the MUB district shall be required to have the site and development plans approved as provided herein before a building permit is issued, to insure that development is in accord with the intent of this district. It shall be the responsibility of the City Planning and Zoning Board to review such plans, and to make recommendations for modification, approval, or denial in accordance with §§ 150-101, 150-102~~
- ~~(B) — Applications for site and development plan approval shall be submitted to the building and zoning department according to the provisions of the Zoning Code and the additional requirements and procedures specified herein.~~
- ~~(C) — The application for site and development plan approval shall include, but shall not be limited to:

 - ~~(1) — Plans, maps, studies, and data which may be necessary to determine whether the particular proposed development meets the intent of MUB district, and the specific requirements and standards contained in this subchapter.~~
 - ~~(2) — A survey showing property and ownership lines; existing structures, alleys, easements, and utility lines.~~
 - ~~(3) — A preliminary development concept plan for the proposed development including the following information:

 - ~~(a) — General nature of the proposed development, planned uses and activities, and the name of the developer.~~
 - ~~(b) — Location, height, floor area, external appearance, and use of existing structures, if any, and approximate location, orientation, height, floor area ratio, and use of proposed structures.~~
 - ~~(c) — Proposed water and sanitary sewer installations, and the name of the water and sewer utility.~~
 - ~~(d) — Points of ingress and egress for vehicular and pedestrian traffic, circulation patterns within the project, including location and design of east/west roadways, where required.~~
 - ~~(e) — Location, character, and scale of parking and service facilities, including area and number of parking spaces, character of structural parking, if any, location of loading areas and commercial vehicle parking.~~~~~~

- ~~(f) Preliminary storm sewer plan.~~
- ~~(g) Conceptual landscape plan.~~
- ~~(h) Additional material and information as may be required by the proper agencies of the City.~~
- ~~(D) Where a proposed development is planned to be constructed in stages, the timing of the first stage shall be indicated. The information concerning the nature of the development, uses, location, and floor areas to be developed shall also be supplied. The same information shall be provided for succeeding stages. Initiation of succeeding stages shall be made dependent upon the completion of earlier stages and the supplying of any information that may be required by the proper City agencies.~~
- ~~(E) When a proposal contains provisions concerning the establishment and continuing operation and maintenance of improvements and facilities for common use by the occupants of the project and the general public, but which are not provided, operated or maintained at general public expense, the owner shall give assurance in the manner provided below to the City that such improvements and facilities will be maintained without future expense to the City, and that the development will conform to approved site and development plans.~~
- ~~(F) The City may, in its discretion, require a surety performance bond to insure that the owner and developer will comply with the requirements and provisions of this subchapter, or such other security as may be deemed appropriate by the City Council.~~

~~Sec. 150-153. Fees and appeals.~~

- ~~(A) Each application filed with the building and zoning department shall be accompanied by the payment of a nonreturnable fee of \$350.00 to cover the expenses incurred by the City in processing and reviewing the application for development.~~
- ~~(B) The applicant shall reimburse the City for the cost of any legal or engineering services which exceed the usual and normal amount of services rendered to the City in reviewing or processing any application, so long as the additional services were required as a result of the applicant and his application.~~
- ~~(C) The City Planning and Zoning Board shall have the responsibility to review all site and development plans and to make recommendations for modification, approval, or denial to the City Council in accordance with §§ 150-152(A) and 150-101 and 150-102~~
- ~~(D) Any decision or recommendation by the City Planning and Zoning Board may be appealed or reviewed by the City Council in accordance with the procedures set forth in § 150-113~~

Section 2: That Chapter XIV and Code of Ordinance Sections 150-145 through 150-153 are hereby reserved for the future use of City.

Section 3: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.


Section 4: That the codifiers are hereby directed to codify this ordinance within their discretion and their prior codification of the City of Miami Springs Code of Ordinances.

Section 5: That this Ordinance shall take effect immediately upon adoption.

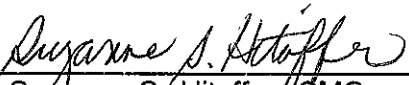
PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this 9th day of December, 2013.

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

Vice Mayor Bain	"aye"
Councilman Windrem	"aye"
Councilman Lob	"aye"
Councilman Petralanda	"aye"
Mayor Garcia	"aye"

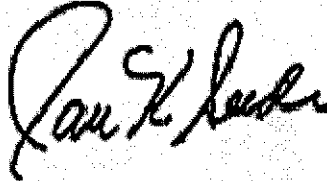

Zavier M. Garcia
Mayor

ATTEST:


Suzanne S. Hitaffer/CMC
Acting City Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY


Jan K. Seiden, Esquire
City Attorney

First reading: 11-12-2013
Second reading: 12-09-2013

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