

ORDINANCE NO. 1111 – 2019

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, UPDATING THE CITY’S LAND DEVELOPMENT CODE OF ORDINANCES; CLARIFYING DEFINITION OF FLOOR AREA RATIO IN SECTION 150-002 OF THE CODE; MODIFYING THE LOCATION OF COLUMNS IN PARKING GARAGES IN SECTION 150-016; UPDATING CERTAIN BUILDING REQUIREMENTS IN THE CENTRAL BUSINESS DISTRICT IN SECTION 150-070; CORRECTING A CONFLICT BETWEEN THE BUILD-TO LINE AND SETBACKS AND ACCESS POINTS IN SECTION 150-164 OF THE CODE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Miami Springs (the “City”) as a result of certain recent cases the City Planner, Building and Code Department, and other administrative officials of the City have had occasion to review the Code definitions; and,

WHEREAS, the aforesaid reviews have resulted in various recommendations for the clarification and updating of the aforesaid Code definitions; and,

WHEREAS, it was further agreed by the City Staff that the subject definitional provisions required updating; and,

WHEREAS, the City Council hereby finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the City.

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

Section 1. Recitals. The above-stated recitals are hereby confirmed, adopted and incorporated herein and made a part hereof by this reference.

Section 2. Amending Chapter 150 of the City Code. The Code of Ordinances of the City of Miami Springs, Florida, is hereby amended by as follows:

CHAPTER 150 – ZONING CODE

* * *

Sec. 150-002. Definitions.

* * *

(C) The following words and phrases shall have the following meanings ascribed to them respectively:

* * *

(38) Floor area. The sum of the gross horizontal areas of the several floors of a building or buildings. Exclusions:

* * *

(e) Floor space used for permitted or required accessory off-street parking spaces, ~~located not more than 20 feet above grade~~ in any building except single-family and two-family dwellings or buildings accessory thereto.

* * *

Sec. 150-016. Off-street parking facilities; paving and drainage; lighting; landscaping; and minimum number of off-street parking spaces; off-street parking requirements for single-family residential and duplex zoning districts.

(A) *General provisions.* Before a permit is issued for the construction or use of the building, structure, or facility, other than a one- or two-family residence, an off-street parking plan, drawn to scale, shall be submitted to and approved by the building and zoning department and the Zoning and Planning Board. This plan shall accurately designate the number of required spaces and shall show their location, size, access aisles, driveways, sprinklers, or water outlet locations, the location and size of buildings, if any, to be served, and the location, size, and description of all landscape materials, and shall designate by name and location the plant materials to be installed or, if existing, to be used in accordance with the requirements of the City. All off-street parking plans shall be submitted to the Zoning and Planning Board in compliance with § 150-100

* * *

(9) Each off-street parking space shall be a minimum of nine feet wide by ~~49~~ 18 feet in length. All parking spaces and parking aisles shall conform to the dimensions and configuration standards ~~shown in the appendix, specified by the Miami-Dade County Code.~~

(11) Dimensions shown for parking stalls are minimum; ~~columns and other obstructions will not be allowed within these areas.~~

* * *

Sec. 150-070.1. – Miami Springs Gateway Overlay District

* * *

(C) *Design Standards.* . . .

* * *

3. *Uses.* The uses in the CBD shall remain in effect for the Gateway District, except that hotels shall be prohibited in the Gateway District. Additionally, first floor uses along road rights of way shall be limited to restaurant and/or retail. The ground floor shall contain occupiable, air-conditioned space for permitted commercial uses with a minimum depth of 40 feet from the building façade for those portions of the building along road rights of way, except such features as, without limitation, driveways, utility infrastructure, colonnades and outside dining areas. Direct access to such uses and full storefront windows are encouraged. Upper floors may be commercial, office, residential, or a mix of residential, office, and commercial. The mixed-use ratio found in section 150.070 of the Code shall not apply to the Gateway District.

4. *Architectural design.* It is required that all new site development, structures, buildings, remodelings and renovations show proper architectural design concepts and be appropriate to their surroundings. All new construction and remodeling and renovation of existing buildings and structures within the Gateway District shall:

* * *

f. limit any residential elements to upper floors. Residential dwelling units in the upper floors shall be have an average square foot requirement of no less than 900 square feet, with an individual unit minimum

requirement of no less than 800 square feet.
Efficiencies, studio, and loft apartments are prohibited.

* * *

(D) *Project Review Process.* The following formal approval process for the City shall apply to all new construction and redevelopment projects within the Gateway District.

1. Optional informational and pre-application meeting with City Staff.

2. Mandatory application preliminary review meeting with City Staff.

3. Applications for variances, if any, shall be submitted to the City Board of Adjustment for review and consideration in accordance with the procedures set forth in Code §§ 150-110 through 150-113.

4. The City Zoning and Planning Board will 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 Code §§ 150-101 and 150-102.

5. The decisions and recommendations of the City Board of Adjustment and Zoning and Planning Board will be reviewed for final approval by the City Council in accordance with the procedures set forth in Code § 150-113.

6. The City Council shall authorize the preparation and issuance of a Development Order for each project application that has completed the Development Review Process.

(E) *Site Plan Review.* Any development within the Gateway 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. Applications for site and development plan approval shall be submitted to the Planning Office according to the provisions of the Zoning Code and the additional requirements and procedures specified herein.

1. The application for site and development plan approval shall include but shall not be limited to:

a. Plans, maps, studies and data which may be necessary to determine whether the particular proposed development meets the intent of the Gateway District, and

the specific requirements and standards contained in this subsection;

b. A survey showing property and ownership lines; existing structures, alleys, easements and utility lines;

c. A traffic study providing such information as, without limitation, a location map showing the project site in relation to proximate major road systems in and out the City, the anticipated peak morning and evening trips to be generated by the proposed project, the current level of service for roadways and intersections within 500 feet of the project, in and out of the City's jurisdiction, inclusive of the following roads in the City of Hialeah: Okeechobee Road, Palm Avenue, Hialeah Drive, and East 1st Avenue;

d. General nature of the proposed development, planned uses and activities and the name of the developer;

e. A site plan showing setbacks, height, floor area ratio, orientation and all existing and proposed site development as required by this ordinance. Landscaping Design may be incorporated into the site plan or submitted as a separate plan.

f. Dimensioned floor plan(s) and cross sections;

g. To the extent sought, an explanation of how the project's design and/or amenities are meeting the creative excellence standards and the proposed value attributed to each element;

h. Exterior colored elevations of each building facade (including, but not limited to, renderings, sketches, and/or perspectives). Elevations must be mounted on 24-inch by 36-inch boards and submitted to the City prior to public meetings;

i. One set of identical uncolored elevations shall be submitted in paper format. Elevations must include all items affecting the appearance of the building including, but not limited to, site amenities, street furniture, air-conditioning grilles, compressors, mechanical equipment, exterior colors and material designations, exterior lighting, landscaping, and all signs. These drawings shall be referenced to the

color and/or material samples submitted with the application and on the mounted drawings. Photographs and other similar documents which provide sufficient information will suffice for small-scale projects where applicable;

j. Detailed drawings for all signs, (with color and text styles, referenced in the application), except those which cannot be determined because the occupancy of the space is not known, in which case, only the text shall be excluded;

k. A description of exterior material designations and surface treatments (with attached samples, catalog specs, or colored brochures) including roofs and ground treatments. Sample materials may be submitted as segments, catalog cuts, or photographic records attached to the application. Large, bulky materials whose size or shape will not fit easily with the application file will not be accepted;

l. Exterior façade color samples complying with the City of Miami Springs approved color palette shall be submitted with the application (including that of signs);

m. All lighting proposed (i.e. fixture types and locations, materials, lamp design, illumination colors, etc.) shall be included within a site photometric plan and fixture schedule;

n. Other information as may reasonably be required by the City Staff to provide information needed to process the application;

o. One, professionally crafted, two-point perspective color rendering of the project and one rendered landscaped site plan for review by City Staff. This shall be completed prior to public meetings. Digital images of the plans and renderings must be submitted in JPG, JPEG, TIF, or TIFF formats, resample at no greater than an 11-inch by 17-inch paper size, with a resolution of 200 dots per inch (dpi), for use in a Microsoft PowerPoint presentation at the City Council meeting;

p. 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;

g. 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.

r. Any additional materials and information as may be required by the proper agencies of the City;

s. Where a proposed development is planned to be constructed in phases, the timing of the first phase 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;

t. When a proposed development 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 a manner approved by the City Council 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; and

u. Such other requirements as may be prescribed by the Code.

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

a. Any building or structure for which final site plan approval has been obtained prior to the enactment of this section;

b. A project determined by the City Planner to be of a temporary nature such that meeting the intent of the ordinance would not be practical.

c. 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. This exemption shall not be applicable to development or redevelopment projects in the Gateway 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.

3. Fees. Each application filed with the City shall be accompanied by the payment of a fee, as set by the City Council, from time to time, to cover the expenses of the City in processing and reviewing the application for development.

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Sec. 150-164. - Northwest 36th Street [District].

* * *

(B) Permitted uses.

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(4) *Permissible accessory uses and structures; limitations as to location for new structures only.*

- (a) For corner properties, entrances to accessory parking lots and structures shall be oriented away from NW 36th Street, and shall be located behind the principal structure on the same building site.
- (b) To the extent possible, vehicular access to on-site parking, loading, or service shall not be allowed be limited the side or rear of the property along NW 36th Street. Garbage collection, deliveries, or other service vehicle stationing shall be restricted to the side or rear of the property.

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(D) *Setbacks, lot coverage, and floor area.*

~~(1) Build to line. The build to line for properties adjoining NW 36th Street shall be 15 feet. The build to line shall be defined as an~~

~~alignment established a certain distance from the property line to a line along which the building shall be built.~~

(12) Minimum setbacks.

* * *

(23) Floor area limitations.

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Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Miami Springs. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. **Effective Date.** This Ordinance shall become effective immediately upon adoption.

PASSED ON FIRST READING this 10th day of December, 2018, on a motion made by Councilman Best and seconded by Vice Mayor Petralanda.

PASSED AND ADOPTED ON SECOND READING this 14th day of January, 2019, on a motion made by Councilman Best and seconded by Councilwoman Zapata.

Vice Mayor Jaime Petralanda
Councilman Bob Best
Councilwoman Maria Mitchell
Councilwoman Mara Zapata
Mayor Billy Bain

YES
YES
NO
YES
YES



BILLY BAIN, MAYOR

ATTEST:



ERIKA GONZALEZ-SANTAMARIA, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:



WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY