

ORDINANCE NO. 1113 – 2019

**AN ORDINANCE OF THE CITY OF MIAMI SPRINGS,
FLORIDA, AMENDING CHAPTER 150 OF THE CITY'S
CODE OF ORDINANCES BY MODIFYING SECTION
150.070, "CBD CENTRAL BUSINESS DISTRICT",
IMPROVING DEVELOPMENT STANDARDS BY
CHANGING THE REQUIRED PLACEMENT OF
BUILDINGS AND PARKING AND ENHANCING THE
BUFFER BETWEEN CBD AND RESIDENTIAL
PROPERTIES; PROVIDING FOR IMPLEMENTATION;
PROVIDING OF INCORPORATION INTO THE CODE;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CONFLICTS; AND PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, recent activity in the City of Miami Springs (the "City") Central Business District ("CBD") has brought it to the attention of the City Council that the CBD needs to strengthen its development criteria;

WHEREAS, the Council desires to protect neighboring residential areas and improve the aesthetics and activity in the CBD by modifying CBD regulations; 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, AS FOLLOWS: ¹

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:

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with ~~double-strikethrough~~ and double underline.

CHAPTER 150 – ZONING CODE

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Sec. 150-070. - CBD central business district.

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(E) *Parking standards and requirements.*

1. In the Central Business District, there shall be no requirement to provide any off-street parking in excess of the off-street parking that is currently in existence in this "built-out" area of the City.
2. All existing buildings in the CBD are grandfathered in for any use currently allowed in this district without the need to provide any additional off-street parking despite any change of use that might intensify the use of any building and normally require a corresponding increase in the amount of off-street parking.
3. That as a consequence of this provision, any existing building in the CBD may be occupied for any currently allowed use as listed under subsection (B) without the need of securing an off-street parking variance or providing any additional off-street parking due to an increase in any intensity of use.
4. Nothing contained herein shall be construed to authorize or permit the physical expansion or addition to any existing building in the CBD over or in any area of established and existing off-street parking.
5. That the aforesaid provisions shall not be applicable to any of the following:
 - (a) When an existing building in the CBD is demolished and subsequently replaced by the construction of a new building on the property.
 - (b) When an existing building in this district is "effectively demolished" by the razing of more than 51 percent of the square footage of the existing structure and the subsequent reconstruction of that portion of the building previously demolished.
 - (c) When any additional area of occupancy and use is physically constructed and added onto, or attached to, any existing building in this district.
 - (d) When a new building is constructed on a previously vacant lot or parcel of property. If any of the foregoing instances occur, all off-street parking requirements and provisions contained in the Code of Ordinances shall remain applicable thereto.
 - (e) All parking for new buildings, whether on vacant properties or properties where the building has been demolished or effectively demolished, shall be located in the rear of the building, screened

from view to the maximum extent possible from the street fronting the property.

* * *

(J) *Front yard.* ~~Front yard required for a building designed for commercial or mixed use.~~ All buildings shall be built to the front property lines except as follows and the front of the building shall occupy 100 percent of the property frontage, except that the frontage of the ground floor may be reduced to permit the placement of such features as, without limitation, driveways, utility infrastructure, and colonnades.

1. ~~A landscaped setback of 15 feet may be permitted for beautification purposes only, at the option of the property owner.~~
2. Projections beyond the face of the building (such as upper floors or balconies that cantilever beyond the footprint of the lower level) cannot extend beyond the front property line. Awnings or brows may extend beyond the front property line, as otherwise permitted in this Code.

(K) *Side yard required.* No side yard is required for a building designed for either commercial or mixed use, except where required for protective screening, as required in subsection (M) below.

Projections beyond the face of the building (such as upper floors that cantilever beyond the footprint of the lower level) cannot extend beyond the side property lines. No projections can extend into the protective screening area, as required in Subsection (M) below

* * *

(M) *Protective screening.* Where any lot in this district adjoins a residential district, the property owner shall set aside a five-foot strip of land adjoining the boundary of the residential district shall be set aside as a buffer and used for plantings and ~~or masonry walls, to form an effective screen for the protection of the residential area by the owner of the commercial or mixed-use lot at his expense.~~ A six-foot masonry wall shall be constructed within the buffer area along the property line. The buffer area shall also be landscaped with trees, hedges, shrubs, and other plantings, arranged in such a way as to maximize the effectiveness of the plantings as a screen. No structure, except the screen or wall, or utilities or drainage facilities, shall be placed or permitted in the area. No vehicular access shall be permitted over the area, except for the installation or maintenance of screening, utilities, and drainage facilities.

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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 28th day of May, 2019, on a motion made by Vice Mayor Best and seconded by Councilwoman Mitchell.

PASSED AND ADOPTED ON SECOND READING this 10th day of June, 2019, on a motion made by Vice Mayor Best and seconded by Councilwoman Zapata.

Vice Mayor Bob Best	<u>YES</u>
Councilwoman Maria Mitchell	<u>YES</u>
Councilwoman Mara Zapata	<u>YES</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>YES</u>

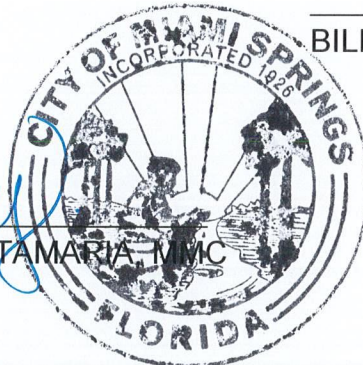


BILLY BAIN, MAYOR

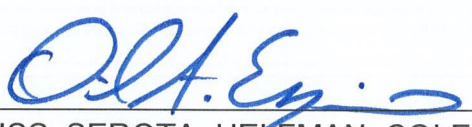
ATTEST:



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