ORDINANCE NO. 1013-2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS DELETING ALL REFERENCES TO THE 36TH STREET SUB-DISTRICT OF THE AIRPORT, MARINE AND HIGHWAY BUSINESS DISTRICT CONTAINED IN ARTICLE XV AND IN CODE OF ORDINANCE SECTIONS 150-154, 150-155, 150-157, 150-158, 150-160 AND 150-161; ESTABLISHING CODE OF ORDINANCE SECTION 150-164, NORTHWEST 36TH STREET DISTRICT; PROVIDING PURPOSE; PERMITTED USES; PERMISSIBLE PRINCIPAL USES AND STRUCTURES - LIMITATIONS AS TO LOCATION; ACCESSORY USES AND STRUCTURES; PERMISSIBLE ACCESSORY USES AND STRUCTURES - LIMITATIONS AS TO LOCATION; PROHIBITED USES; SETBACKS, LOT COVERAGE AND FLOOR AREA; HEIGHT LIMITATIONS; OFF-STREET PARKING AND LOADING; SPECIFIC ARCHITECTURAL DESIGN STANDARDS; REVITALIZATION SPECIALIST (RS); DEVELOPMENT REVIEW PROCEDURES; PRE-APPLICATION MEETING; DEVELOPMENT REVIEW; EXEMPTIONS; FEES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; DIRECTIONS TO CODIFIERS; EFFECTIVE DATE.

WHEREAS, the City Council of the City of Miami Springs has actively supported the commercial development of the properties located along Northwest 36th Street; and,

WHEREAS, in anticipation of achieving its goal of commercially developing the properties along Northwest 36th Street, the City Council has proposed, debated, approved and authorized various Evaluation and Appraisal Report ("EAR") and Comprehensive Plan ("Comp Plan") Amendments; and,

WHEREAS, the City Council recently authorized the hiring of Calvin, Giordano and Associates ("Consultants") to provide the consultation services required for the implementation of its "EAR" and "Comp Plan" Amendments; and,

WHEREAS, the City's Consultants have suggested that the implementation process is best served by the establishment of the three previous sub-districts of the Airport, Marine and Highway Business District as stand-alone Districts; and,

WHEREAS, in light of the City Council's stated priority for the development of the Northwest 36th Street Corridor, the Consultants have proposed the deletion of all references to the 36th Street Sub-District from the Airport, Marine and Highway Business District and the contemporaneous creation of a new "Northwest 36th Street District"; and

WHEREAS, the City Council has reviewed the proposed deletions from the Airport, Marine and Highway Business District, and the District Boundary Regulations proposed for the establishment of the new "Northwest 36th Street District", and has determined that the adoption of the foregoing Ordinance amendments are in the best interests of the City and its citizens:

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

Section 1: That Code of Ordinance Article IV, Airport, Marine and Highway Business District, and Code of Ordinance Sections 150-154- 150-157, 150-158, 150-160 and 150-161 are hereby amended as follows:

ARTICLE XV: AIRPORT, MARINE AND HIGHWAY BUSINESS DISTRICT

Sec. 150-154. Purpose.
The purpose of the Airport, Marine and Highway Business District (AMHBD) is to provide for large-scale commercial uses on large sites with a limited number of highway access driveways. The zoning regulations set forth herein are meant to allow a wide range of compatible uses. Such uses and structures are allowed 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.

The AMHBD is divided into the following three smaller districts due to the diverse nature and location of each of the sub-districts, to-wit:

(A) *Airport Golf*; the area surrounding the golf course which is bounded by Curtiss Parkway, Fairway Drive and Deer Run.

(B) *Abraham Tract*; south of 36th Street.

Sec. 150-155. Permitted Uses.

(a) Principal uses and structures permitted generally.

(1) Restaurants.

(2) Hotels.

(3) Offices, business and professional; studios and medical and veterinary clinics; boarding for veterinary services only.

(4) Agencies for travel and insurance and similar services.

(5) Automobile rental agency.

(6) Business colleges, secretarial schools and similar educational facilities.

(7) Banks, savings and loan associations and similar financial institutions.

(8) Catering business.

(9) Retail stores, except those dealing in second-hand merchandise other than antiques.

(10) Service establishments, including personal service establishments such as barber and beauty shops, manicure/pedicure shops, skin care (aesthetics), physical therapy clinics, etc. No physical therapy clinic shall be open for business between the hours of 10:00 p.m. and 6:00 a.m.

(11) Service establishments for the repair of shoes, small home appliances, clocks and watches, printing/photocopying service shops; not to exceed 2,500 square feet.

(12) Service establishments for the repair of small aviation- or marine-related avionics or electronics; not to exceed 2,500 square feet.

(13) Stereo/video/electronics rental, sales and/or service.

(14) Dry cleaning and/or laundry; self-service or laundromat only when sanitary and safe disposal of wastewater is provided, and when operated without producing smoke or noxious fumes or odors.

(15) Domestic pet grooming only, prohibiting a "pet shop" type business or the boarding, maintaining or keeping of domestic pets on-premises anytime between 7:00 p.m. and 7:00 a.m.

(16) Cultural or recreational facilities such as urban plazas, health and athletic clubs, theaters, auditoriums, libraries, art galleries and museums.

(17) Gas stations.

(18) Parking garages.

(19) Funeral homes.

(20) Post office.

(21) Structures and uses required for necessary performance of governmental functions.

(22) Structures and uses relating to operation of public utilities and requiring location within the district to serve it or neighborhood districts.

(23) 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.

(C) Permissible principle uses and structures; limitations as to location.

(1) Any retail service establishments shall be limited to 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 allowed as a principal use.

(D) Accessory uses and structures.

Uses and structures customarily accessory and incidental to specified principal uses and structures, and which do not alter the character of the district, are allowed subject to limitations and provisions established by this ordinance and other applicable City ordinances and regulations.

(E) Permissible accessory uses and structures; limitations as to location.

Access drives are allowed 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. 150-156. Prohibited Uses.

(A) Adult bookstore, except in Abraham Tract, as will be more specifically provided by regulatory ordinance.

(B) Adult-related business, except in Abraham Tract, as will be more specifically provided by regulatory ordinance.

(C) Arcades, billiard and pool parlors.

(D) Automotive auctions, sales and service facilities.

(E) Bar or package store.

(F) Clinical laboratory.

(G) Gun shop or gun range.

(H) Pawn shop.

(I) Any residential uses, except in the Abraham Tract Area.

(J) Storage facilities

(K) Any large- or medium-scale repair or service facilities.

(L) Any industrial or any large- or medium-scale manufacturing operation or facilities.

(M) Open air, tented, or booth-operated flea markets or any other retail/wholesale operation not contained within a business building, except as otherwise allowed by § 110-01 through 110-03.

(N) Any other use that is not compatible with, or is disruptive or offensive to, any adjacent residential zoning district by reason of proximity to the district through noise generation, offensive operational by-products (such as odor, dust, smoke, gas, vibrations, etc.,) or by the creation of any nuisance condition.

Sec. 150-157. Lot and floor area; setbacks.

(A) Maximum lot coverage: The maximum allowable lot coverage for all main and accessory buildings shall be determined by the F.A.R. and setback regulations.

(B) Floor area limitations.

(1) 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).

(2) In Airport Golf, the maximum ratio of building floor area to lot area shall not exceed 1.0 F.A.R.

(3) Sites located in the Abraham Tract may have an F.A.R. up to 2.5 only after Board of Adjustment and City Council review and approval. Preliminary approval for proposed development projects with an F.A.R. greater than 1.0 shall be given only for specific projects which are determined by the City to substantially increase public transit use and decrease private automobile use. At a minimum, such projects in the Abraham Tract shall only be approved they conform to the following standards:

(a) They shall not have a higher density or intensity than called for by Miami-Dade County's Future Land Use Element for Metropolitan Activity Centers;

(b) They shall be located and site designed so that principal building entrances are within 750 feet walking distance of a transit stop or stops;

(c) They shall have between principal building entrances and the transit stop or stops an attractively paved, landscaped, rain-protected and shaded pedestrian pathway;

(d) They shall have no more than 75 percent of the parking otherwise required for the uses which they contain;

(e) They shall contain a mix of uses that include at least three of the following:

(1) *Commercial* such as: Hotels, indoor amusement, movie theaters, *restaurants,* neighborhood shopping centers, community shopping centers, regional shopping centers, small-size stores, medium-size stores, department stores, convenience stores, beauty and personal services, gym and health clubs.

(2) *Residential* such as: 7-15 units/acre, 15-24 units/acre, over 24 units/acre.

(3) *Institutional* such as: High-intensity recreation, cultural facilities, day care centers, parks, intermediate schools, secondary schools, colleges, religious facilities, correctional facilities, social service agencies, government agencies.

(C) Notwithstanding the foregoing, all proposed development in this portion south 36th Street shall be subject to review and approval by Miami-Dade County and Miami-Dade County Aviation.

(D) Minimum setbacks for all developments in AMHBD.

(1) Adjacent to streets a minimum 10 ft. front yard setback is required from the property line.

(2) In that area of the AMHBD bounded by Deer Run and Fairway and Eldron Drives, there shall be a 20 foot rear yard setback required for the following parcels:

(1) 627 Eldron Drive
(2) 655 Eldron Drive
(3) West 150 feet of 151 Fairway Drive

Beginning with the east 150 feet of 151 Fairway Drive, there shall be a required 35 foot rear yard setback for all properties eastward to 500 Deer Run. All properties in this section of the AMHBD shall be required to construct and maintain a six (6) foot high masonry wall along the rear property line adjacent to the Golf Course as part of any new construction project.

(3) Adjacent to residential districts, rear yard setbacks shall have be a minimum depth of 5 feet.

(4) Adjacent to residential districts, side yard setbacks shall have a minimum depth of thirty (30) feet which shall include the required ten (10) foot landscaped buffer area provided in Code Section 150-160 (B) (3) (a).

(5) Pedestrian open space may be provided at any level that serves the commercial uses.

(6) All setbacks may be used for utility rights-of-way.

Sec. 150-158. Height limitations.

(A) For those structures north of N. W. 36th St. in the AMHBD:

Structures located within 150 feet from adjoining residential districts or those to be located North of Fairway Drive shall not exceed four stories or a height of 55 feet (to the highest point of the structure).

(B) For those structures in the Abraham Tract:

(1) Structures located in this district south of 36th Street shall not exceed a height 120 feet.

(2) Notwithstanding the foregoing, the maximum height allowed in this portion south of 36th Street shall be subject to review and approval by Miami-Dade County and Miami-Dade County Aviation.

Sec. 150-159. Off-street parking and loading.

(A) Parking standards and requirements:

See § 150-016. – However, in those cases where parking spaces are located within a parking structure or within the proposed building, parking space dimensions may be reduced to 8.5 ft. x 18 ft.

(B) Off-Street loading.

(1) For the purpose of this sub-section 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 3the approval of the City Zoning and Planning 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. 150-160. Site planning.

The site plan for developments within the AMHBD 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) Access drives shall be provided from adjacent minor street frontage, and shall be located and designed to insure smooth flow of vehicular and pedestrian circulation.

(2) Pedestrian access may be provided at any suitable location, but shall be separated from vehicular access points, except where signalization is used to control pedestrian and vehicular movements.

(3) Accessory parking lots shall be constructed and designed in accordance with §150.016.

(4) 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.

(5) 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 six feet in height in order 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 be located inside the required hedge and

extend along the length of the adjoining residential property lines, except for sites on through-streets, where a masonry wall shall be no closer than ten feet to the property line and parallel to the street right-of-way. No off-street parking shall be allowed in the buffer area.

b) At least ten percent of the building site shall be reserved for interior landscaping, 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. (Applicable to a "parking-on-grade" condition only).

c) On side streets, shade trees shall be provided at a maximum of 30-foot intervals, not less than five feet from the curb line.

(d) For the purpose of this sub-section, the protective masonry wall may constructed of CBS concrete block or another Miami-Dade County approved pre-fabricated concrete material. Stucco and painting are required for all protective boundary walls, and special architectural features such as the use of brick, stone, wood or metal on these walls may be allowed if approved by the City Zoning and Planning Board and the City Council upon proper application and hearing.

(e) The owner of AMHBD property, or his or her 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 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.

Sec. 150-161. Signs.

Signs in the AMHBD shall meet all the requirements specified in § 150-030, and the following additional limitations:

No signs in either the Airport Golf districtshall face the nearby residential district.

(A) 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.

(B) For individual establishments, identification signs are allowed, but shall not exceed ten percent of the wall surface area.

(C) Detached signs shall not be allowed, 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.

(D) 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.

(E) Any sign allowed in this district, by this or any other ordinance, shall be required to have the approval of the City Zoning and Planning Board and the City Council before a sign permit is issued.

Sec. 150-162. Development Procedures.

(A) Any development within the AMHBD 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 Zoning and Planning Board to review such plans, and to make recommendations for modification, approval, or denial in accordance with § 150-101 and 150-102.

(B) 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.

(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 the AMHBD, and the specific requirements and standards contained in this sub-section.

(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) 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.

(d) 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.

(e) Any additional materials 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 in the following sub-section, (F), 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, at its discretion, require a surety performance bond to insure that the owner and developer will comply with the requirements and provisions of this sub-section, or may require such other security as may be deemed appropriate by the City Council.

Sec. 150-163. Fees and administrative reviews.

(A) Each application filed with the Planning Office shall be accompanied by the payment of a fee, to be determined by the Planning Office depending on the scope of the project, 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 incurred by the City in reviewing or processing any application.

(C) The City Zoning and Planning 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 § 150-101 and 150-102.

(D) Any decision or recommendation by the City Zoning and Planning Board shall be reviewed for final approval by the City Council in accordance with the procedures set forth in § 150-113.

Section 2: That new Code of Ordinance Section 150-164, Northwest 36th Street District, is hereby created as follows:

Sec. 150-164. Northwest 36th Street.

A. Purpose.

The purpose of the NW 36th Street District is to provide for successful commercial operations that enhance the District, provide architectural features that support historic Miami Springs design standards and enhance overall commercial revitalization.

B. Permitted uses.

(1) Principal uses and structures generally permitted.

(a) Hotels.

(b) Offices, business and professional.

(c) Business colleges, secretarial schools and similar educational facilities.

(d) Banks, savings and loan associations and similar financial institutions.

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

(f) Structures and uses relating to operation of public utilities and requiring location within the district to serve it or neighborhood districts.

(g) Mixed-use development of residential uses (up to 20 dwelling units per acre as limited in the City Charter) on upper floors above retail, office, and related uses. Buildings that include residential uses must be built on the northern half of the property if the property is adjacent to NW 36th Street.

(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.

(2) Principle uses and structures generally permitted; limitations as to location.

(a) Bar if related to restaurant within the same building or within a hotel.

(b) Parking lots adjacent to N. W. 36th Street are allowed only as a temporary use, subject to improvement of those portions of lots adjacent to principal 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 Board of Adjustment and the City Council.

(c) Parking garage with first floor commercial uses. This is not applicable to accessory parking garages in connection with a principal use.

(d) The following uses are permitted within a building with other permitted uses but not as a stand alone use:

1. Restaurants
2. Medical and veterinary clinics; boarding for veterinary services only.

3. Clinical laboratory
4. Agencies for travel and insurance and similar services.
5. Automobile rental agency.
6. Catering business.
7. Retail stores.
8. Service establishments, including personal service establishments such as barber and beauty shops, manicure/pedicure shops, skin care (aesthetics), physical therapy clinics, etc. No physical therapy clinic shall be open for business between the hours of 10:00 p.m. and 6:00 a.m.
9. Service establishments for the repair of shoes, small home appliances, clocks and watches, printing/photocopying service shops; not to exceed 2,500 square feet.
10. Stereo/video/electronics rental, sales and/or service.
11. Dry cleaning and/or laundry for customer pick up/drop off only.
12. Domestic pet grooming only, prohibiting a "pet shop" type business or the boarding, maintaining or keeping of domestic pets on-premises anytime between 7:00 p.m. and 7:00 a.m..
13. Post office.
14. Parcel delivery services.
15. Government uses.

(3) _Accessory buildings and structures. Uses and structures customarily accessory and incidental to specified principal uses and structures, and which do not alter the character of the district, are allowed subject to limitations and provisions established by this ordinance and other applicable City ordinances and regulations.

(4) _Permissible accessory uses and structures; limitations as to location.

(a) ___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.

(b) ___Vehicular access to on-site parking, loading, or service shall not be allowed along N.W. 36th Street.

(c) ____Access drives are allowed 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.

C. Prohibited uses.

(1) Adult bookstore.

(2) Adult-related business.

(3) Automotive auctions, sales and service facilities.

(4) Package store.

(5) Gun shop or gun range.

(6) Pawn shop.

(7) Storage facilities

(8) Any large- or medium-scale repair or service facilities over 2,500 square feet.

(9) Any manufacturing operation or facilities.

(10) Open air, tented, or booth-operated flea markets or any other retail/wholesale operation not contained within a business building, except as otherwise allowed by §§ 110-01 through 110-03.

(11) Any other use that is not compatible with, or is disruptive or offensive to, any adjacent residential zoning district by reason of proximity to the district through noise generation, offensive operational by-products (such as odor, dust, smoke, gas, vibrations, etc.,) or by the creation of any nuisance condition.

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.

(2) Minimum setbacks.

(a) Front yard setbacks shall be a minimum and 10 feet from the property line. No off-street parking shall be allowed between the property line and the buildings.

(b) Rear yard setbacks shall be a minimum of 10 feet from the property line

(c) Side yard setback shall be a minimum of 5 feet from the property line or 2.5 feet for architectural structures such as breezeways or arches, or canopies.

(d) Adjacent to residential districts, side yard and rear yard setbacks shall have a minimum depth of 10 feet.

(e) All setbacks may be used for utility rights-of-way.

(f) Architectural elements such as canopies or a port cochere may encroach 5 feet into the front setback.

(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 an minimum

F.A.R. of 1.0. 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) Floor Area Bonus Program. For a project to receive a Floor Area Ratio bonus based on design, it must, at a minimum, be awarded one design bonus from Design Categories A, B, C, and D and/or seek green building certification in Design Category E. Design bonuses for additions to existing buildings are added to the existing FAR of the building; however, the proposed FAR (existing building + addition) shall not exceed a FAR of 3.0.

(c) Schedule of Floor Area Ratio Bonuses for Projects in the NW 36th Street District

Design Category	**Design Bonus**	**Amount of FAR Bonus**
A. Site Planning and Design	a. Pedestrian Amenities - considering pedestrian access, linkage in circulation pattern, relationship to architectural and urban design features, relationship to public and private spaces, accessibility, usability and coordination with adjacent properties.	.25
	b. Open Space - areas shall be open to the sky. The amount of open space shall exceed the area that results from the setback requirements.	.01 for every 10% that exceeds the area resulting from the required setbacks, not to exceed .25
B. Building Features	a. Outdoor Cafe when associated with restaurant on the ground floor of the building.	.01 per seat, not to exceed .05
	b. First Floor Retail or Service Uses with a minimum of 1,000 square feet. Direct access to such uses and full storefront windows are encouraged.	.01 per 1,000 sq. ft. of retail space not to exceed .10
	c. Hotel Units	.01 per hotel room
	d. Meeting rooms, assembly rooms and conference rooms.	.01 per 500 sq. ft. of meeting space not to exceed .25.
	e. Construction of a porte cochere.	.25
	f. Landscape maturity - this bonus applies to landscaping that has achieved a minimum of 50% of maximum average height at time of planting.	.25

Design Category	Design Bonus	Amount of FAR Bonus
C. Improvements: Rights of Way and On- Site Public Spaces	a. Alley improvements - resurfacing and lighting in accordance with the specifications as established by the City Engineer. Includes the placement of all utility lines, transformers and related equipment underground and/or in vaults.	.25
	b. Inclusion of an entry plaza, when not part of a required yard or setback, occupying a minimum of 15% of the building width.	.25 for each 150 sq. ft. of entry plaza, maximum .25
	c. Decorative gates/fences or permitted walls between buildings and surrounding sites. Material composed of wrought iron or aluminum. CBS may be used with wrought iron or aluminum. However, the area of the CBS must not exceed 50% of the total area of the gate, fence or perimeter gate. Alley may be 100% CBS.	0.25 for each 1% of permitted fence/gate, 25 maximum. (.25 x amount of the % = bonus)
D. Site Improvements	a. Public Art that is visible from the public right-of-way, integration with use of public spaces, and activity areas, uniformity of style, location and scale. At a minimum the art work shall cost 1% of total construction cost as indicated on the Building Permit or $25,000 whichever is greater. Does not include water features that are listed below.	.25
	b. Decorative water features - considering movement, sound, reflection, recreation, cooling effect, architectural effect, coordination with plaza or other special place, public-private transition, visual impact, and relation to overall project design. This factor is only applicable for water features that exceed half of one percent of the cost of the building as listed on the Building Permit application.	.25
	c. Street trees, grates and irrigation - landscaping on the public right-of- way shall occur for the entire street frontage of the property and trees shall be planted no further apart than 25 feet on center for palms and 30 ft. on center for canopy trees. Shall only be awarded if funded by the developer.	.25

Design Category	Design Bonus	Amount of FAR Bonus
E. Green Buildings	d. Lighting-installation of decorative lighting per Revitalization Specialist selection and recommendation.	0.25
	h. Green Building Certification. LEED (New Construction or Major Renovation) Silver or greater, or certification by the Florida Green Building Council. (a) The applicant must successfully register the project with the Green Building Certification Institute or the Florida Green Building Coalition, or other third party certifying agency as approved by the City Planner, and provide evidence of such registration. (b) Applicant shall have a minimum of one (1) LEED accredited professional, or other similarly accredited professional, on the design team. Applicant shall provide a copy of the LEED accreditation certificate or similar certification and describe the role of the LEED accredited professional on the design team. (c) The applicant must provide a copy of the pertinent credit checklist indicating which credits the applicant intends to achieve along with a written narrative and detailed drawings and plans illustrating the applicant's intent to meet the prerequisites as described in the applicable LEED Rating System or FGBC Designation for the specific building type. (d) Prior to the issuance of the first principal building permit the applicant shall post a performance bond equal to 5% of the total cost of the construction in order to secure performance and fulfillment of the applicant. In lieu of the bond required by this Section, the City may accept an irrevocable letter of credit from a financial institution	1.0

Design Category	Design Bonus	Amount of FAR Bonus
	authorized to do business in Florida or provide evidence of cash deposited in an escrow account in a financial institution in the State of Florida in the name of the applicant and the City. The letter of credit or escrow shall be in the same amount of the bond if it were posted. If the project fails to meet the criteria required for certification by the Green Building Certification Institute or other nationally recognized certifying agency within one (1) year after receiving the City's certificate of occupancy, the applicant shall either request an extension or forfeit one hundred percent (100%) of the bond. The applicant, for good cause shown, may request an extension of time of up to one (1) additional year to achieve certification. Such extension may be granted at the sole discretion of the City Council after having considered the factors and improvements necessary to achieve the requisite certification. If certification is not achieved within two (2) years after receiving the City's certificate of occupancy, the applicant shall forfeit one hundred percent (100%) of the bond to the City.	

E. Height limitations.

(1) Structures located within 150 feet from adjoining residential districts shall not exceed four stories or a height of 55 feet.

(2) Structures or portions of structures located more than 150 feet from adjoining residential districts shall not exceed a height of 120 feet.

F. Off-street parking and loading.

Existing and new development shall adhere to Sec. 150-016 with the following exceptions for NW 36th Street:

(1)_New Construction and Building Expansion.

(a) The following parking is required for new construction and building expansion:

Use	Proposed Requirements
Medical Office	4 spaces per 1,000 SF.
Multifamily Residential	1 space per bedroom, but no less than 1.5 spaces per unit. Multifamily buildings with more than two dwelling units shall be required to provide supplemental designated guest parking equal to ten percent of the required residential parking spaces.
Mixed-Use	Sum of all uses x 80%
Office	3 spaces per 1,000 SF.

(2) *Accessory Parking Lots.* Accessory parking lots shall be constructed and designed in accordance with § 150-016. Screening shall be used to shield parking and/or truck use yards, storage and activity areas from the public view. Screening shall consist of a minimum six foot block fence and hedge.

(3) *Loading zones and parking of commercial vehicles.* 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.

(4) *Off-street loading.*

(a) For the purpose of this sub-section 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. 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.

(b) All developments shall provide off-street loading which shall be located and designed so as to provide safe and convenient access by delivery vehicles from driveways and public streets with minimal interference with the movement and parking of other vehicles on the premises and to avoid friction with traffic passing the premises. Subject to the approval of the City Zoning and Planning 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.

(c) 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.

(d) 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.

G. Specific Architectural Design Standards.

(1) *General requirements.* The general requirements outlined in this section are minimum aesthetic standards for all site development, buildings, structures, remodeling and renovations for the NW 36th Street District.

(2) *Architectural Design.* It is required that all new site development, structures, buildings, remodeling and renovations show proper architectural design concepts and be appropriate to their surroundings. All remodeling and renovation of existing buildings and structures within the District shall exhibit the Pueblo/Mission Revival or Streamline/Depression Moderne architectural design standards. All new construction shall exhibit Streamline/Depression Moderne architectural design standards. Examples of these styles will be available through the office of the City Planner.

(a) There may be no two identical facades within a one quarter mile radius within the NW 36th Street District. A facade shall be considered to be identical if the fenestration or major architectural elements of the front facade such as roof line, window types and placement, entry type and placement, exterior materials, exterior colors and the vertical planes of the front facade are located in the same location or if major elements, materials and colors of the front facade are repeated to such an extent as to appear to be the same building. For purposes of this definition, a reversed or flipped elevation shall be considered to be an identical facade.

(b) Prototypical or "national identity corporate" designs for buildings are not permitted without respecting the requirements and intent of this ordinance, particularly as a repetitious design proposed to be located in various parts of the city.

(c) Buildings that are of symbolic design (where the logo or corporate identity is integrated into the design for reasons of advertising and marketing) and buildings which are not compatible to the Architectural Design Standards or atmosphere of the City of Miami Springs are prohibited. Symbols attached to buildings are not permitted unless they are secondary in appearance to the buildings and landscape and are an aesthetic asset to the building project and neighborhood.

(d) Building surfaces, walls, roofs, and structures including accessory and ornamental structures shall be in compliance with the Architectural Design Standards.

(e) There shall be definite boundaries to storage, loading, pedestrian and bicycle activity, and parking areas. Landscaping is to be employed on the site, not only to enhance the building or buildings, but also to create a pleasing atmosphere throughout the site. Accessory buildings and structures shall be harmonious with the main building(s) design.

(f) Any onsite paving except pedestrian/bike paths must have decorative pavers.

(3) *Pueblo / Mission Style Architecture.* Pueblo and Mission Style Architecture are similar in many elements and complimentary in others.

(a) Wall surfaces shall be medium or rough textured stucco.

(b) Roofs shall be flat and hidden behind flat or curved parapets. The same parapet design shall repeated over front porches. Parapets shall be topped by textured stucco trims or sloping mission tiles.

(c) Sloping mission tiles are allowed on porches, verandas, or shading structures.

(d) Cylindrical scupper tiles shall pierce the parapet, letting water drain off flat roofs. Parapet corners shall be soft and rounded. The parapets can be of irregular contours.

(e) Exterior walls may taper up.

(f) Arcades, arched openings or rounded beam/column intersections at the porches are allowed.

(g) Rectangular windows and storefronts are allowed when the overall design appearance is consistent with a unified design approach.

(h) Exposed beam ends (vigas) are allowed.

(i) Irregular openings, hand molded shapes and buttresses are allowed.

(j) Applied decorations are not permitted.

(4) *Streamline / Depression Moderne Style Architecture.* Streamline Moderne and Depression Moderne Style Architecture are similar in many design elements and complimentary in others.

(a) The design must be devoid of applied decoration.

(b) The design shall include soft forms, rounded corners, and horizontal compositions including banding of windows and storefronts.

(c) Flat roofs with parapets are required design elements.

(d) Cantilevered slabs serving as canopies or "eyebrows" over the windows (shading from the heat gain effect of direct sunlight) are required. Front porches and courtyard designs are encouraged.

(e) Decorative railings, keystone details, porthole windows, rounded corners and spires are permitted.

(5) *Building form.* Buildings that are four stories or taller shall include the following design features:

(a) Symmetrical or asymmetrical facades with varying roofs.

(b) Wall planes predominate on primary surfaces.

(c) Stucco finished columns shall be square or rectangular, and may taper up.

(d) Balconies, porches, canopies, awnings and verandas are permitted.

(e) Rectangular windows and storefronts are allowed when the overall design appearance is consistent with a unified design approach.

(6) *Exterior materials/colors.* Stucco shall be the primary approved wall surface material.

(a) Accent materials and colors may be used.

(b) The use of tile, wood, brick and finished concrete shall be used as design accents only.

(c) Buildings, accessory structures, perimeter walls, and signs are required to have at least two colors.

(d) When using more than two colors, there shall be one or two base colors and one or two trim colors.

(e) Base colors and materials shall be warm pastels, light pastels, or shades of white selected in compliance with the approved City of Miami Springs color palette.

(f) The trim/fascia colors shall be tones or shades of cream or off-white.

(g) Accent materials and colors are not limited to the approved color palette.

(h) Symbolic color (where the logo or corporate identity is indicated by the color for reasons of advertising and marketing) of the exterior facades or roofs may not be used unless they are in compliance with the approved color palette.

(i) Outside equipment, including hoppers, cranes, mechanical apparatus, playground apparatus, street furniture, bollards, bicycle racks, and so forth, must be in compliance with the approved color palette.

(7) *Balconies, courtyards and verandas* are allowed. The exterior paint colors shall comply with the City of Miami Springs approved color palette.

(8) *Mechanical equipment.* All roof-mounted equipment must be screened by compatible materials equal to the height of the equipment or concealed behind architectural components.

(9) *Front yard accoutrements.* Ornaments and objects d'art visible from street are permitted through the project approval process.

(10) *Utilities.* All utilities shall be placed underground, and there shall be appropriate provisions made for servicing such utilities.

(11) *Windows.* Window replacement must be consistent with the standards and harmonize with the entire facade.

(12) *Garages and accessory buildings and structures.* Garages, storage sheds, enclosures, masonry walls, perimeter walls, signs, poles, fences, decks and other ancillary structures shall be integrated with the architectural style and must be within the approved color palette. Garage doors and loading overhead doors shall not be visible from street-sides unless they are screened or buffered from adjacent properties.

(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.

(14) *Pedestrian orientation.* All proposed nonresidential and multi-family residential development shall contribute to the creation of a pedestrian oriented community by providing the following:

(a) Emphasis on the building's street facades as major elements of the overall streetscape.

(b) Street-level architectural treatment, including covered walks, balconies, awnings, canopies, and other shade producing elements along pedestrian-oriented elevations.

(c) Pedestrian oriented frontage adjacent to building entrances and integrated with adjacent properties.

(15) *Pedestrian/bicycle paths.* Pedestrian access may be provided at any suitable location, but shall be separated from vehicular access points, except where signalization is used to control pedestrian and vehicular movements.

(a) Pedestrian/bicycle paths incorporated into a plan shall have a minimum of six feet of pavement width.

(b) The path shall connect all the residential parcels to park(s) and school(s), recreational areas, and whenever possible, commercial parcels.

(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) *Protective screening and landscaping.* In addition to landscape regulations established in § 150-016, the following additional requirements shall apply:

(i) 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 six feet in height in order to form a continuous screen. In addition, one tree shall be provided for each 30 linear feet. The buffer area shall include a 6 foot high block fence which shall be located inside the required hedge and extend along the length of the adjoining residential property lines, except for sites on through-streets, where a masonry wall shall be no closer than ten feet to the property line and parallel to the street right-of-way. No off-street parking shall be allowed in the buffer area.

(ii) At least ten percent of the building site shall be reserved for landscaping which shall be continuously maintained by the owner.

(iii) 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. (Applicable to surface parking only).

(iv) At N.W. 36th Street and on side streets, shade trees 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 sub-section, 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 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.

(17) *Signs.* Signs shall meet all the requirements specified in § 150-030, and shall be incorporated into proposed plan. The following additional requirements shall apply:

(a) One sign structure, not exceeding 30 feet in height above grade and not more than one third of the height of the building, 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.

(b) Each sign surface shall be limited to 30 square feet for each acre or portion thereof, of land occupied by the development.

(c) Signs may contain only the name of the establishment and facilities within the development.

(d) Monument signs larger than 20 square feet in area shall incorporate landscaping design around the base of the sign.

(e) Decorative wooden or metallic poles are required. For individual establishments, identification signs are allowed, but shall not exceed ten percent of the wall surface area.

(f) Detached signs shall not be allowed, except for parking, vehicular and pedestrian directional signs so long as these signs shall not have a width, length or diameter exceeding five feet.

(g) Artificial lighting may be used to illuminate the premises and shall be directed away from any adjacent residential area and traffic flow.

(h) Standard "U-channel" or solid metal poles are prohibited.

(i) No signs shall face the residential district.

(j) No billboards shall be allowed.

(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 and designed to meet the photometric requirements.

(b) Pedestrian walks shall have decorative pole fixtures no higher than 12 feet high to the top of the fixture.

(c) Lighting fixtures attached to the walls of the buildings shall harmonize with the architectural character of the building and pedestrian light fixtures (if applicable).

(d) Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building(s) or grounds at night than in the day.

(e) Lighting following the form of the building or part of the building or structure or sign will not be allowed, if, the overall effect will be detrimental to the environment.

(19) *Advertising.* No advertising will be allowed on any exposed amenity or facility, such as benches and trash containers.

H. Revitalization Specialist

The Revitalization Specialist will provide recommendations for aesthetic enhancement projects based on the Architectural Design Standards approved by the Miami Springs City Council and commercial revitalization plans of the City.

I. Development Review Procedures.

An application for development review shall be submitted to the City for processing. No construction or alterations governed by this ordinance may begin without such approval. There are two types of approval. These are outlined below:

(1) *Review for projects not requiring City Council approval.* The City Planner and City Building Official shall review all permit applications not requiring City Council approval such as accessory and minor structures such as fences, sheds, replacement of sign faces, new signage, exterior wall re-painting or re-roofing to ensure the improvements are in compliance with the Architectural Design Standards.

(2) *Projects requiring formal review by the City Council.* The following formal approval process for the City shall apply to all new construction, remodeling and renovation projects.

(a) Optional informational and pre-application meeting with City Staff and Revitalization Specialist as described in (J).

(b) Mandatory preliminary review meeting with City Staff and Revitalization Specialist. The requirements of this meeting are described in (K).

(c) The Architectural Review Board shall review the proposed plans and designs which have completed the mandatory preliminary review process and issue an opinion as described in Code Section 32-100.

(d) 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 Sections 150-110 through 150-113.

(e) 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 Sections 150-101 and 150-102.

(f) 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 Section 150-113.

(g) The City Council will authorize the preparation and issuance of a Development Order for each project application which has completed the Development Review Process.

J. Pre-application Meeting.

City Staff and Revitalization Specialist will conduct one optional informational and pre-application meeting. Preliminary review will be undertaken upon the applicant submitting the plans and documents listed below. The review shall not be binding on the City, but may assist the applicant in understanding the intent of the Architectural Design Standards. There shall be no charge to the applicant for this preliminary review process.

The applicant shall submit the following as a condition for the scheduling of the pre-application meeting.

(1) Two sets of preliminary drawings and specifications which may include any or all the following items:

(a) A schematic site plan showing all new construction improvements and/or existing conditions.

(b) A schematic landscape plan (may be incorporated into the site plan) showing all existing and proposed plant material(s).

(c) A schematic floor plan showing new building layout or additions, renovations and remodeling work.

(d) Property plan or survey.

(2) A summary report of this meeting shall be attached to any formal application filed for site and development plan approval.

K. Development Review

Revitalization Development Site Plan Review. Any development within the NW 36th Street 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. 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 the NW 36th Street District, and the specific requirements and standards contained in this sub-section.

(2) A survey showing property and ownership lines; existing structures, alleys, easements and utility lines.

(3) Location map showing the project site in relation to major road systems within the City.

(4) General nature of the proposed development, planned uses and activities and the name of the developer.

(5) 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.

(6) Dimensioned floor plan(s).

(7) Cross-sections.

(8) 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

(9) 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.

(10) 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.

(11) 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.

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

(13) 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.

(14) Other information as may reasonably be required by the City Staff or the Revitalization Specialist to provide information needed to process the application.

(15) One, professionally crafted, two-point perspective color rendering of the project and one rendered landscaped site plan for review by the Revitalization Specialist. 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.

(16) 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.

(17) 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.

(18) Any additional materials and information as may be required by the proper agencies of the City.

(19) 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.

(20) 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.

L. Exemptions.

The following applications for development or building permit will be exempt from the application of this ordinance:

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

(2) 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.

(3) Any project determined by City Council resolution to have been justifiably and appropriately developed in conformity with the district boundary regulations in existence prior to the enactment of this ordinance.

M. Fees.

(1) Each application filed with the City shall be accompanied by the payment of a fee, to be determined by the City depending on the scope of the project, to cover the expenses incurred by the City and Revitalization Specialist in processing and reviewing the application for development.

(2) The applicant shall reimburse the City for the cost of any fees incurred by the City and the Revitalization Specialist in reviewing or processing any application.

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 in the proper manner and format of the City of Miami Springs Code of Ordinances

Section 5: That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

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PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this 28th day of March, 2011.

The motion to adopt the foregoing ordinance was offered on second reading by Councilman Espino, seconded by Councilman Lob, 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: 03/14/2011
Second reading: 03/28/2011

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