

ORDINANCE NO. _____

AN ORDINANCE OF THE MIAMI SHORES VILLAGE COUNCIL, ADOPTING DIVISION 22. MIAMI SHORES DOWNTOWN DISTRICT, APPENDIX A, ZONING, CONTAINED IN THE CODE OF ORDINANCES OF MIAMI SHORES VILLAGE, FLORIDA, PROVIDING FOR THE ADOPTION OF THE “ARCHITECTURAL DESIGN MANUAL,” AND ZONING CODE REGULATION TO IMPLEMENT THE MANUAL, SETTING FORTH THOSE CONDITIONS, CREATING, DEFINING AND REGULATING THE MIAMI SHORES DOWNTOWN DISTRICT AS AN OVERLAY, AMENDING THE LIST OF PERMITTED USES AND AMENDING THE PARTIAL LIST OF USES DEEMED TO BE NOT INCLUDED IN THE LIST OF PERMITTED USES IN THE B1 DISTRICT LOCATED WITHIN THE MIAMI SHORES DOWNTOWN DISTRICT, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at the December 5, 2016 Council Meeting, the Village Council, in accordance with Sec. 1001 of the Village Code of Ordinances, requested that the Planning Board review the “Architectural Design Manual” developed by RMA Consulting, consider its adoption by the village and code changes to implement the manual; and,

WHEREAS, together with the Planning Director, the Planning Board reviewed information pertinent to the “Architectural Design Manual”, heard presentations from RMA Consulting on the manual and held a series of workshops and public hearings at which testimony was offered; and,

WHEREAS, during the Planning Board’s public hearings, workshops and deliberations, the Board considered the appropriateness of adopting a design manual for the downtown and considered the role a design manual may have in improving the desirability, vitality and livability of the Miami Shores downtown and Village; and

WHEREAS, the Planning Board considered the appropriateness of changing the code of ordinances to create and define the Miami Shores Downtown District as an overlay and to adopt changes to the code of ordinances to implement the requirements of the “Architectural Design Manual”, and Miami Shores Downtown District.

WHEREAS, the Planning Board held a public hearing on June 22, 2017, and voted to recommend approval of an amendment to the Code of Ordinances Zoning Appendix A to Adopt the “Architectural Design Manual” and to adopt Division 22 Miami Shores Downtown District, code changes to create, define and regulate uses and development in the Miami Shores Downtown District.

NOW, THEREFORE, BE IT ORDAINED BY THE MIAMI SHORES VILLAGE COUNCIL:

Section 1. That Division 22 Miami Shores Downtown District of the Zoning Appendix A, contained in the Miami Shores Village Code of Ordinances is hereby created and shall read as follows:

ARTICLE V. SUPPLEMENTARY REGULATIONS

DIVISION 22. MIAMI SHORES DOWNTOWN DISTRICT

Sec. 545. Purpose.

This division is intended to provide for orderly and quality development within the “Miami Shores Downtown District,” hereafter referred to as the Miami Shores Downtown District (MSDD), consistent with the design principles of the “Downtown Miami Shores Village, Architectural Design Manual,” hereafter referred to as the Architectural Review Manual (ARM) and the “downtown design manual.” This will protect the general health, safety, and welfare of the community by making efficient use of the land, which is consistent with the visual character and vision of the community.

- (1) Design requirements and guidelines, and the code of ordinances are critical tools in guiding private development in a way that realizes the communities’ goals and objectives. These design requirements and guidelines, and special zoning code provisions are intended to:
 - a. Cultivate a community identity, create an image and coordinate the visual aesthetic of the downtown;
 - b. Raise the level of community expectations for the quality of the built environment;
 - c. Respect the need for continued re-investment in the downtown;
 - d. Foster the attractiveness and functional utility of the downtown as a place to live and work;
 - e. Balance parking needs with an accessible, walkable pedestrian-oriented environment;
 - f. Ensure that new developments maintain or improve neighborhood character and livability;
 - g. Promote economic vitality and preserve and protect property value;
 - h. Communicate these purposes to the applicant and to assist the applicant in achieving these purposes; and
 - i. Provide clear objectives for those starting on the planning and design of projects in the downtown as identified in Sec. 546.

Sec. 546. Scope.

The provisions of the Architectural Design Manual apply to private parcels located within the “Miami Shores Downtown District” defined as the B1 zoned properties abutting on NE 2nd Avenue or the adjoining side streets, and located between NE 101st Street and NE 94th Street.

Sec. 547. Architectural Design Manual adopted.

The “Downtown Miami Shores Village, Architectural Design Manual” as amended is hereby adopted and made part of this ordinance and shall apply to all property in the Miami Shores Downtown District as described in Sec. 546. Building design and construction must conform with the Architectural Design Manual and design and construction that does not conform is prohibited.

The requirements and guidelines within the ADM are the minimum standards and where the specific requirements of the code of ordinances vary or conflict with the regulations contained in the Miami Shores Village Code of Ordinances, the stricter provisions shall apply.

Sec. 548. Miami Shores Downtown District land use restrictions.

- (1) The goals of the Architectural Design Manual are supported by Miami Shores Downtown District development and first floor land uses that:
 - a. Encourage active uses at the street level.
 - b. Generate pedestrian activity throughout the day and in the evening.
 - c. Restrict purely daytime uses from locating at street level.
 - d. Prohibit incompatible uses.

- (2) The following land uses are incompatible with the goals and purpose of this division for Miami Shores Downtown District development and are prohibited:
 - a. Engraver,
 - b. Firearms and accessories,
 - c. Flooring store, greater than 5,000 sf
 - d. Furniture store, greater than 5,000 sf
 - e. Sporting goods store, greater than 5,000 sf
 - f. Stationary, office supply store, greater than 5,000 sf
 - g. Toys, hobbies and crafts store, greater than 5,000 sf
 - h. Dry cleaner, except drop-off only.
 - i. Employment agency.

- (3) The following land uses are incompatible with the goals and purpose of this division for Miami Shores Downtown District development and are prohibited at street level facing NE 2nd Avenue:
 - a. Health-care operations; Clinical laboratories, Dentist, General medical clinic, Optical services and supplies, Physicians, X-ray/medical imaging facility.
 - b. Office
 - c. Personal care operations: Child care, dance studio, exercise studio, tutoring, training facility, adult and youth educational and hobby classes.
 - d. Professional operations: Accountants, actuaries, Advertising agency, Appraisers, Architects, Attorneys, Banking-financial, Communications, Insurance Adjusters, Investigators, Investment services, Real estate, Tax services.

Sec. 549. Parking standards in the Miami Shores Downtown District.

Notwithstanding anything in the Miami Shores Village code of ordinances to the contrary, the provisions of this section shall apply to parking in the Miami Shores Downtown District:

- (1) Minimum off-street parking schedule requirement by usage.
 - a. Banks, 1 space / 300 sf
 - b. Government buildings, 1 space / 500 sf
 - c. Office (non-medical), 1 space / 400 sf
 - d. Medical office, 1 space / 400 sf
 - e. Retail, 1 space / 300 sf
 - f. Restaurant, takeout, 1 space / 300 sf
 - g. Restaurant, sit-down, 1 space / 4 seats or 1 space / 300 sf of total area, whichever is less

- (2) Off-site parking facilities for required or additional parking may be located anywhere in the Miami Shores Downtown District and up to one-quarter mile outside the district on B1 District and CF District zoned properties.

- a. Existing parking lots are not required to comply with landscape and screening requirements until such time as the site is redeveloped.

(3) Valet parking in conjunction with Sec. 549 (2) may be used to provide up to 100% of required parking.

Sec. 550. Design Review within the Miami Shores Downtown District.

Design review is required for all new developments and all redevelopments that equal or exceed 50% of the building value, and all exterior changes requiring a building permit. Prospective applicants must engage in a "Pre-Application Review" meeting with planning and building staff prior to the submission of a zoning permit or building permit application or zoning permit.

Sec. 551. Design review process.

(1) Planning board review.

- a. All new construction and all renovations that equal or exceed 50% of the building value before the renovation require review and approval by the planning board prior to an application for building permits.
- b. The planning board will review for compliance with the Architectural Review Manual in addition to all other code of ordinance requirements.
- c. Applicant must complete a planning board application and submit the form to the planning department with all required information in sufficient detail to verify compliance with the ARM and all requirements of the code of ordinances.

(2) Administrative review for projects not subject to planning board review.

- a. All exterior changes requiring a building permit that are not subject to planning board review require administrative review and approval by the building official and planning director.
- b. The planning director will review for compliance with the Architectural Review Manual in addition to all other code of ordinance requirements, and the building official will review for building code compliance.
- c. Applicant must complete a building permit application and submit the application to the building department with all required information in sufficient detail to verify compliance with the ARM and building code compliance.

(3) Referral to planning board.

- a. The planning director may refer any application subject to administrative review to the planning board for review.
- b. An applicant may waive administrative review and request that their project be referred to the planning board for review.
- c. An applicant may appeal the decision of the planning director to the planning board.

Sec. 552. Design review criteria.

An application received pursuant to the provisions of this Division shall be reviewed in accordance with the Architectural Design Manual regulations and guidelines as amended, adopted under Sec. 547, and any supplemental requirements and guidelines adopted by the Village Council.

(1) Requirements and guidelines.

- a. The Architectural Review Manual consists of requirements and guidelines. Development must comply with all requirements. Guidelines provide methods to achieve compliance with the requirement. If the project does not conform to the design criteria, the board and/or staff will indicate the requirements that have not been met.
- (2) Illustrations.
- a. Illustrations are intended to be in harmony with their accompanying text. In the event of conflict between text and an illustration, the text shall govern.

Sec. 553. Imposition of conditions.

The planning board, and the building official and planning director in the case of administrative approval have the authority to impose such approved conditions and safeguards as deemed necessary to protect and enhance the health, safety, and welfare of the surrounding area, and to insure that the proposed project for which design review approval is sought, fully meets the criteria as set forth in this Division.

Sec. 554. Appeal of planning board decision.

Any person aggrieved by any decision of the planning board under the provisions of Article VI or Article VII may appeal to the village council as prescribed in Sec. 800.

Section 2. All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

Section 3. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance, which shall be deemed to be severable therefrom.

Section 4. This Ordinance shall become effective immediately upon adoption on second reading.

Passed on first reading this ____ day of _____, 2017.

Passed and adopted on second reading this ____ day of _____, 2017.

ATTEST:

MacAdam Glinn, Mayor

Ysabely Rodriguez, CMC
Village Clerk

APPROVED AS TO FORM:

Richard Sarafan
Village Attorney