

ORDINANCE NO. 4999

AN ORDINANCE OF THE CITY OF SWEETWATER CITY COMMISSION, AMENDING THE LAND DEVELOPMENT CODE, ARTICLE I - GENERAL PROVISIONS, SECTION 1.02.00 DEFINITONS; ARTICLE II - ZONING, SECTION 2.02.01 ESTABLISHMENT OF DISTRICTS; SECTION 2.05.00 UNIVERSITY CITY DISTRICT REGULATIONS, AS IT PERTAINS TO ELEMENTS RELATED TO INTENT AND APPLICABILITY, DEFINITIONS, USES, LOCATION OF BUILDINGS, MINIMUM LOT REQUIREMENTS, FLOOR AREA, HEIGHT, DENSITY, LANDSCAPE, OFF-STREET PARKING, STRUCTURED PARKING, ZONING RELIEF FROM CERTAIN REQUIREMENTS, AND CREATING SECTION 2.05.24 COMMUNITY BENEFIT PROGRAM, SECTION 2.05.25 LIMITED EXPANSION UNIVERSITY DISTRICT OVERLAY, SECTION 2.05.26 UNIVERSITY DISTRICT STREETScape, SECTION 2.05.27 UNIVERSITY DISTRICT RESPONSIBLE GROWTH INITIATIVES; AMENDING ARTICLE III – CONSISTENCY AND CONCURRENCY DETERMINATIONS, AS IT PERTAINS TO SPECIFIC METHODOLOGY BY PUBLIC FACILITY; AMENDING ARTICLE IV – DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS AS IT PERTAINS TO ELEMENTS RELATED TO DIMENSIONAL DESIGN CRITERIA, STREET, SIDEWALKS AND RIGHT-OF-WAY IMPROVEMENTS, AND OFF-STREET PARKING AND LOADING; AMENDING ARTICLE V – ACCESSORY STRUCTURES AND ANCILLARY USES, AS IT PERTAINS TO WIRELESS SUPPORTED SERVICE FACILITIES; AMENDING ARTICLE VI – SIGNS, AS IT PERTAINS TO DISTRICT REGULATIONS AND DEFINITIONS; AMENDING ARTICLE VII – RELIEF, AS IT PERTAINS TO ADMINISTRATIVE VARIANCES AND WAIVERS, AND CREATING SECTION 7.07.00 SPECIAL USE PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, developments meeting the needs for university, workforce, active-duty military and/or veterans and elderly populations should be distributed throughout the City to match job opportunities and to avoid concentrations of poverty;

WHEREAS, the City seeks to further revitalize and diversify the University District, and its local economy, in order to cohesively grow and share in the economic benefits of its significant growth; and

WHEREAS, the City Commission finds that the enactment of this Ordinance is necessary so as to protect the public health safety and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA AS FOLLOWS:

Article 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this section.

Article 2. That the City Commission hereby amends the Land Development Code as provided for in Exhibit "A".¹

Article 3. All ordinances or portions of the Code of Ordinances of the City of Sweetwater in conflict with the provisions of this ordinance shall be repealed upon the effective date hereof.

Article 4. It is the intention of the Mayor and the City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to the effect such intention, codifiers may change the words "ordinance" or "section" to other appropriate words.

Article 5. If any portion of this ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of the ordinance.

Article 6. This ordinance shall become effective upon its adoption by the City Commission and approval by the Mayor or, if vetoed, upon its reenactment by the City Commission as provided by the Charter of the City of Sweetwater.

- CONTINUE ON NEXT PAGE -

¹ Underlined items are additions. Strike-through items are deletions.

PASSED on first reading this 17 day of September, 2023.

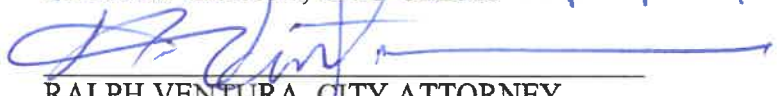
PASSED AND ADOPTED on second reading this 16 day of October, 2023.


JOSE "PEPE" DIAZ, MAYOR


REINALDO REY
COMMISSION PRESIDENT

ATTEST:


CARMEN GARCIA, CITY CLERK Deputy City Clerk


RALPH VENTURA, CITY ATTORNEY

VOTE UPON ADOPTION:

REINALDO REY, COMMISSION PRESIDENT	yes
IAN VALLECILLO, COMMISSION VICE PRESIDENT	yes
SAUL DIAZ, COMMISSIONER	yes
IDANIA LLANIO, COMMISSIONER	yes
JOSE MARTI, COMMISSIONER	absent
ISIDRO RUIZ, COMMISSIONER	absent
MARCOS VILLANUEVA, COMMISSIONER	yes

Exhibit “A”

LAND DEVELOPMENT CODE

Article I – General Provisions

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Section 1.02.00 Definitions

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Senior attainable housing: shall mean Senior housing for households whose earnings are not more than 60 percent of the County's Area Median Income (AMI).

Senior housing: shall mean hHousing that is suitable for the needs of an aging population (55+). Any property owner proposing senior housing shall provide the city with a declaration of restrictions running with the land, and in a form acceptable to the city attorney, covenanting that residences shall be provided exclusively for the use of senior individuals (55+), ~~and their families~~. All subsequent property owners shall be bound by the declaration of restrictions and the limitations set herein.

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Article II – Zoning

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2.02.01. Establishment of districts. In order to classify, regulate and restrict the use of land, water, buildings and structures, to regulate and restrict height and bulk of buildings, to regulate the intensity of land use, and to promote the orderly urban growth of the City of Sweetwater, the city is divided into 15 districts as follows:

IU	Interim Use District
RS	Single-Family Residential District
RD	Duplex Residential District
RTW	Twin Homes Residential District
RM-15	Low Density Multifamily Residential District
RM-24	High Density Multifamily Residential District
UCD	University City District
DCUC	Dolphin Community Urban Center
C-1	Limited Commercial District
C-2	Special Commercial District
C-3	Liberal Commercial District
T-1	Trailer Park District
SPO	Semi-Professional Office District
I-1	Industrial Light Manufacturing District
I-2	Industrial Heavy Manufacturing District
I-3	Industrial Conditional District

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2.05.00. – University city ~~city~~ District and regulations.

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2.05.01. *Intent and applicability.*

1. The city's comprehensive plan (the "CP") contains goals, policies and objectives which call for the creation of mixed-use corridors in high traffic areas of the city which are highly accessible via multiple modes of transportation. The intent of these regulations is to guide development within these mixed-use corridors in order to promote high density, intense development and to encourage quality residential and academic living facilities with direct access to shopping, recreation, entertainment, commercial and employment that will serve to further integrate the city's economy with that of Florida International University (the "university"). It is further intended that ~~dormitory~~ multi-family residential occupancy, university housing, senior housing, active-duty military and/or veteran housing, and workforce housing in this area be promoted and encouraged in combination with office and neighborhood serving retail and service uses.
2. The regulations contain in this article and Chapter 18-A, Code of Miami-Dade County, Florida, shall apply except as otherwise added to or modified herein.
3. ~~The boundaries shown in figure 1 shall constitute the university city mixed-use district ("university city district").~~

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2.05.02. *Definitions.* Words/terms not herein defined shall have the meaning ascribed to them in section 1.02.00 of this Code. For the purpose of the University city ~~D~~istrict, the following words/terms shall have the following meaning:

1. ~~Campus shall mean the Florida International University Modesto A. Madique Campus.~~
2. 1. *Colonnade* shall mean a roofed structure, extending over a private walkway, open to the street and sidewalk except for supporting columns and piers.
3. 2. *Department* shall mean the city's planning and zoning department.
4. 3. *Director* shall mean the department director.
5. ~~Floor area shall equal the floor area within the inside perimeter of the outside walls of the building with no deduction for hallways, stairs, closets, thickness of interior walls, columns or other features. Where the term "area" is used in this section, it shall be understood to be gross area unless otherwise specified. In theaters, assembly halls and similar occupancies, balconies, galleries, stages and mezzanine floors which are not enclosed shall be considered as adding to floor area. Floor area for the university City properties fronting SW 7 Terrace, between SW 107 Avenue to SW 110 Avenue, shall be measured from, and include 30 feet South of the south right-of-way line of SW 7 Terrace of the attributable portions of Tamiami Canal (C-4) and the right-of-~~

~~way portion of SW 7 Terrace, in addition to the respective sum of areas set forth above, provided that a pedestrian friendly improvement along SW 7 Terrace is integrated into the development program and funded by the developer. Said pedestrian friendly improvement shall be reviewed and approved by the mayor or his/her designee in accordance with design approved under Resolution 3944. (Do we need highlighted area FAR is controlled by setbacks, height, density landscaping, parking requirements designed)~~

6. ~~*Floor area, non-residential.* Non-residential floor area is the sum of areas for non-residential use on all floors of buildings, measured from the outside faces of the exterior walls, including interior and exterior halls, lobbies, enclosed porches and balconies used for non-residential uses.~~

~~The following areas, however, shall not be counted as non-residential floor area:~~

- ~~a. — Parking and loading areas within buildings;~~
- ~~b. — Open terraces, patios, atriums or balconies;~~
- ~~c. — Stairways, elevator shafts, mechanical rooms; or~~
- ~~d. — Floor areas specifically excluded from floor area limitations by special provisions of these regulations.~~

7. ~~*Floor area, residential.* The sum of areas for residential use on all floors of buildings, measured from the outside faces of the exterior walls or windows, including interior and exterior halls, lobbies, enclosed porches and private enclosed balconies and floor areas below floodplain.~~

~~The following areas, however, shall not be counted as residential floor area:~~

- ~~a. — Open terraces, patios, atriums, or balconies;~~
- ~~b. — Special purpose areas for common use of occupants, such as recreation rooms or social halls;~~
- ~~c. — Stairways, elevator shafts or mechanical rooms; and~~
- ~~d. — Parking and loading areas within buildings.~~

- 8.4. *Government use* shall mean public administration buildings, fire and police stations, and the like, excluding, however, jails, public work or general services facilities, solid waste transfer facilities and the like.

9. 5. *Gross lot area* shall be equal to the net lot area, except that lots which front a public street shall include 50 percent of the right-of-way width ~~of said streets.~~

- 10.6. *Loading space, off-street* shall mean an area in which goods and products are moved on and off a vehicle, including the stall or berth and apron or maneuvering room incidental thereto.

- 11.7. *Transient dwelling/lodging* shall mean a use consisting of units available for lease or rent by transient guests for a period of typically not more than 30 days. Such use includes hotels, motels, and the like.

- 12.8. *University* shall mean Florida International University any university or college located in Miami-Dade County.

- ~~13.9. University housing bed shall mean one undergraduate, graduate, and/or faculty and staff of a university. University housing District Unit shall mean, and be equivalent to, university housing four beds.~~
- ~~14.10. University housing shall mean a use consisting of fully furnished dwelling units for undergraduate, graduate, and/or faculty and staff of a university or college to lease, rent, or purchase. Leases and rentals of university housing for students shall last for a period of typically not more than a university semester or academic year. Any property owner proposing university housing shall provide the city with a declaration of restrictions running with the land, and in a form acceptable to the city attorney, covenanting that residences shall be provided exclusively for the use of undergraduate, graduate, and/or faculty and staff of a university or college. All subsequent property owners and/or third-party owners of university housing units shall be bound by the declaration of restrictions and the limitations set therein.~~
- ~~15.11. Senior attainable housing shall mean Senior Housing for households whose earnings are not more than 60 percent of the County's Area Median Income (AMI).~~
- ~~12. Senior housing shall mean housing that is suitable for the needs of an aging population (55+). Any property owner proposing senior housing shall provide the city with a declaration of restrictions running with the land, and in a form acceptable to the city attorney, covenanting that residences shall be provided exclusively for the use of senior individuals (55+). All subsequent property owners shall be bound by the declaration of restrictions and the limitations set herein.~~
- ~~16.13. Story shall mean that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. The definition of story shall apply citywide. In any residential building in which the area of the upper floor does not exceed two-thirds of the area of the floor immediately below it, such upper floor shall not be considered a story.~~

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2.05.03. *Uses.* No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose within the ~~University city District~~, except as provided for in these regulations.

A. *Permitted uses.*

1. *Mixed uses.* The vertical or horizontal integration of residential, business, hotels, government and office uses shall be permitted as provided herein. Vertical integration shall consist of any combination of primary uses, with business and/or office uses typically located on the ground floor and office and/or residential uses on the upper floors. Horizontal integration shall consist of any combination of parcels with different primary uses within the same block.

2. *Principal uses.* The following uses shall be permitted within the University District:

a. Multiple-family residential dwelling units, including senior housing, senior attainable housing, active-duty military and/or veteran housing, and workforce housing;

b. Transient dwelling/lodging use;

c. University housing;

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t. Self-storage uses included in a project with residential and/or university housing uses;

t.u. Any other use that the planning and zoning director or his designee deems similar to or consistent with this Article.

2.05.04. *Location of buildings.* Pedestrian comfort should be a primary consideration for the design of the public realm fronting adjacent thoroughfares. Buildings in the University District shall be located towards the front of the property with driveway entrances for parking and services located towards the rear. There shall be no driveway connections to SW 109th Avenue, unless access to the lot shall be otherwise rendered impossible.

2.05.05. *Minimum lot requirements.* ~~There shall be no specific dimensional requirements for any lots.~~ Lots shall be of sufficient size to conform with the requirements and limitations of these regulations: in Table 4.1 under Article IV Section 4.01.

2.05.06. *Floor area.* The maximum floor area for any building, and all permitted uses within the University District, shall be form based, calculated pursuant to the maximum height, density, and building typology and location, as permitted by the University District regulations, calculated by taking the floor area ratio and multiplying it by the gross lot area, as defined in section 2.05.02. ~~All permitted uses within the university city district shall be permitted a maximum floor area ratio of 3.8. In order to encourage pedestrian friendly and mixed-use development, ground floor commercial space not to exceed 0.2 floor area ratio with direct access to the sidewalk and street frontage, shall not count against the floor area. University city properties fronting SW 7 Terrace, between SW 107 Avenue to SW 110 Avenue, shall be permitted a maximum floor area ratio of 4.2; provided that a pedestrian friendly improvement along SW 7 Terrace is integrated into the development program and funded by the developer. Said pedestrian friendly improvement shall be reviewed and approved by the mayor or his/her designee in accordance with design approved under Resolution 3944. For University District properties fronting SW 7 Terrace, the incorporation of a pedestrian-friendly improvement/walkable linear park component along SW 7 Terrace integrated into the development program, and funded by the property owner. Said pedestrian friendly improvement shall be reviewed and approved by the mayor or his/her designee in accordance with design approved under Resolution 3944.~~

2.05.07. *Height.* The maximum height of any building within the University District shall not exceed 15 stories. ~~The maximum height of all the stories shall be 170 320 feet. A single story may have a maximum height of 30 feet, provided that no mezzanine area intended~~

~~for commercial use exceeds 10 percent, and no mezzanine area intended for residential uses exceeds 80 percent of the floor area of that story. The height limitations shall not apply to any roof structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors, or similar equipment required to operate and maintain the building; and/or (provided that such structures shall not cover more than 20 percent of the roof area, nor exceed a height of 15 feet above the roof, nor to fire or parapet walls, which shall not extend more than five feet above the maximum height, nor to structured parking (provided such structure(s) do not exceed 50 feet from grade). to rooftop terraces, entertainment spaces, amenities, commercial uses, etc., which may be encompassed on the roof area.~~

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2.05.08. Density.

~~The maximum density for residential uses shall not exceed 105 units per acre, for the purposes of density calculation. Transient dwelling/lodging units shall be considered as equivalent to one half of a dwelling unit. For purposes of calculating density for university housing uses, a maximum of 210 units per acre shall be allowed. Four university housing beds shall be equivalent to one university housing unit. Density shall be based on net lot area. The maximum occupancy for university housing units occupied by undergraduate, graduate, and/or faculty and staff of a university or college shall be limited to a maximum of four university housing beds per unit. For the purposes of density calculation, individual fully furnished dwelling units containing one to four university housing beds may be permitted, provided the maximum number of university city units per acre is not exceeded. Any property owner proposing transient dwelling/lodging and/or university housing shall provide the city with a declaration of restrictions in a form acceptable to the city attorney stating that if there is a change in the use, the owner shall comply with all provisions of the university city district and regulations.~~

1. Density shall be based on net lot area and shall be calculated within the University District as follows:
 - a. Residential uses lying within the University District establish under Ordinance 3842 shall not exceed 105 units per net acre.
 - b. Transient dwelling/lodging units shall be considered as equivalent to one-half of a dwelling unit shall not exceed a maximum of 105 units per net acre.
 - c. University housing as defined herein shall not exceed 210 units per acre.
 - d. For development projects in line Policy 1.2 of the Future Land Use Element of the City's Comprehensive Plan, providing at least 20% housing meeting the needs of the elderly, active-duty military and/or veterans, and/or workforce housing, shall not exceed a maximum of 210 units per net acre.
2. For development programs that adhere to the criteria under Section 2.05.08 (1)(c) or Section 2.05.08 (1)(d), four housing beds shall be equivalent to one University District Unit; and shall apply to residential mixed-use projects incorporating university housing, workforce housing, active-duty military and/or veteran housing, senior housing and or multi-family dwelling units.
3. The maximum occupancy for University District Unit, per Section 2.05.08(1)(c) or Section 2.05.08(1)(d), shall be limited to a maximum of four university housing beds per unit.

4. Any property owner proposing transient dwelling/lodging and/or university housing, workforce housing, active-duty military and/or veteran housing and/or senior housing shall provide the city with a declaration of restrictions in a form acceptable to the city attorney stating that if there is a change in the use, the owner shall comply with all provisions of the University District and regulations.
5. Existing university housing projects that exhibit design excellence and/or functionality, as set forth in Section 2.05.24, may be eligible to lease up to forty-nine (49%) of units to non-University tenants. Existing university housing projects seeking to lease to non-University tenants shall provide the City with a parking demand study and analysis, setting forth evidence that the proposed program complies with the current off-street parking requirements for new proposed mixed used.
6. Overall density within the University District, subsequent to the enactment of Ordinance No. _____ shall not exceed a total density of 12,000 units; and shall be geographically limited to the area bounded by West Flagler Street on the north, SW 112 Avenue on the west, SW 107 Avenue on the east, and SW 7 Terrace on the south (the "University District Density Cap"). Any proposed increase to the University District Density Cap shall require approval via Ordinance by the City Commission. Such requests shall require, and be supported by, pertinent studies and analyses conclusively setting forth that the proposed increase will meet City concurrency standards, and will not have an adverse effect on the City.

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2.05.11. Landscape. Except as provided herein, landscape shall by Chapter 18A of the Miami-Dade County Code. Within the University city District, the following landscape requirements shall specifically apply:

1. Street trees shall be planted to a maximum of 25 feet average on center, with a minimum four-inch diameter at breast height.
2. Street trees shall not be required when colonnades are provided.
3. For all permitted uses, a minimum of 16 trees shall be required per net lot area. In addition to placement of the required trees on the lot, required trees may be placed in greens, squares, plazas, and medians within the University city District, subject to the approval of the planning and zoning director or his designee.

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2.05.12. Off-street parking. See Article IV section 4.03.00 off street parking and loading' of the City Land Development Code. For any proposed development in the University District, the property owner shall provide the city with a declaration of restrictions running with the land, and in a form acceptable to the city attorney, covenanting and setting forth a parking management plan delineating how off-street parking will be configured and managed based on the proposed use. All subsequent property owners and/or third-party owners of university housing units shall be bound by the declaration of restrictions and the limitations set therein.

Development projects in-line with Policy 1.2 of the Future Land Use Element of the City's Comprehensive Plan, providing at least 20% housing meeting the needs of the elderly, active-duty military and/or veterans, and/or workforce housing, shall provide a minimum of one (1.0) off-street parking space for every one (1) housing bed; and shall apply to residential mixed-use projects incorporating university housing, workforce housing, active-duty military and/or veteran housing, senior housing, and/or multi-family dwelling units. Additionally, any property owner proposing a residential mixed-use project incorporating university housing, workforce housing, active-duty military and/or veteran housing, senior housing, and/or multi-family dwelling units, shall allocate at least fifteen percent (15%) of the total project off-street parking spaces towards the University District Parking Pool, which shall be defined as private off-street parking spaces made available to the public, including paid hourly parking spaces available to the general public and/or parking spaces available for lease to other University District buildings and facilities (the "University District Parking Pool"). University District Parking Pool off-street parking spaces shall be privately managed and administered by the proffering property owner.

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2.05.15. Structured parking. ~~Structured parking shall not be counted toward the floor area calculation, but shall count towards the height. All facades of a parking structure facing a street shall be lined with a habitable liner, architectural treatment, or a combination of the two. Any architectural treatment used to line such a facade shall be approved by the planning and zoning director. The intent of this section is to screen the activities within the parking structure from view from the street. Structured parking shall not be counted towards the number of stories or height permitted (provided such structured parking does not exceed 50 feet in height from grade), regardless of the use of a habitable, business, or office liner.~~

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2.05.16. Review procedure/ administrative site plan and architectural review. All applications for development approval within the University city District that are not otherwise permitted as nonconforming uses or structures shall comply with the requirements of this article and the site plan and architectural. Prior to approval of an administrative site plan review (ASPR) application, applicant shall present the proposed project to the City Commission for informational proposes. Such presentation shall be placed as Special Presentation of the City Commission agenda. Developments shall be processed and approved administratively as follows.

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2.05.17. Zoning relief from certain requirements. Relief from the following requirements of this article shall be permitted only pursuant to the standards and requirements of section Article VII of this Code. ~~With respect to relief from the requirements of Section 2.05.12 and Table 4.3 of Section 4.03.02, such requests or applications shall be supported by a parking demand study and analysis prepared by a registered traffic engineer.~~

- ~~1. Required liner buildings used to screen parking;~~
- ~~2. Colonnade regulations, including minimum horizontal and vertical clearances;~~
- ~~3. Requirements for street trees, greens, plazas, squares and medians;~~
- ~~4. Signage;~~
- ~~5. Open space and recreation space requirements;~~

6. ~~Location of service areas; and~~

7. ~~Parking.~~

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Section 2.05.24. Community Benefits Program. New or existing University District development programs that shall exhibit design excellence and/or functionality, which provides community benefits beyond increased tax base and employment.

Design excellence and/or functionality shall be obtained via the incorporation of a minimum of five (5) of the project elements set forth below:

1. Off-site pedestrian-friendly improvements, including beautification initiatives applied towards the greater University District streetscape, or payments in connection therewith.
2. Payment into the Parking Trust Fund, as set forth in Section 4.03.06 of the Code.
3. For University District properties fronting SW 7 Terrace, the incorporation of a pedestrian-friendly improvement/walkable linear park component along SW 7 Terrace integrated into the development program, and funded by the property owner. Said pedestrian friendly improvement shall be reviewed and approved by the mayor or his/her designee in accordance with design approved under Resolution 3944.
4. Amenities such as swimming pools, fitness centers, recreation rooms, etc.
5. Diverse residential unit types and configurations to promote diversity among residents.
6. Bus passenger shelter(s), comparable trolley stop(s)
7. Dedicated ride-share and delivery areas
8. Redevelopment of a degraded, contaminated or blighted site encompassing a minimum of one half (0.5) gross acre.
9. Corner accents such as towers and/or other architectural features to emphasize the hierarchy of the different ground floor uses and to avoid lengthy facade repetitions.
10. Project design exhibits world-class architecture, urban design elements, and high-end materials and finishes.
11. Permanent art-work display at street level and/or visible from the street, including, but not limited to, sculptures, murals, and building accents.
12. Pedestrian-oriented retail uses that include outdoor seating areas and commercial uses with attractive merchandise window displays and non-repetitive storefronts.
13. Improved entrance and lobby areas for dwelling units, including high-quality materials such as granite, marble, natural stone, wood, etc.
14. Enhanced landscape buffering, in excess of the requirements set forth in Section 2.05.11, that serve to enhance the attractiveness and visual appeal of the University District, and ameliorate impacts to abutting properties.

15. Payment of cost recovery funds in connection with the City's University District streetscape design analysis and study, and in furtherance of the goals set forth in Section 2.05.26.
16. Payment of cost recovery funds in connection with the City's University District SW 112 Avenue Connection guidelines analysis and study, and in furtherance of the goals set forth in Section 2.05.27.
17. Building(s) that meets LEED (Leadership in Energy and Environmental Design) certification for new construction. This includes LEED Certified, LEED Silver, LEED Gold, LEED Platinum, or any other comparable Green Building Standards, including but not limited to National Green Building Standards (NGBS).
18. Open spaces such as colonnades, pocket parks, plazas, wide sidewalks, etc.
19. Open space that achieves Sustainable Site Initiative (SITES) certification from the Green Business Certification Inc. (GBCI) for site and landscape design.
20. Enhanced outdoor furniture, including, but not limited to, benches, lighting, lighting fixtures and trash and garbage containers, etc.
21. Public plaza containing at least one civic/cultural feature.
22. Any other design element(s) or project feature(s) that the Director may deem satisfactory as an element exhibiting design excellence and/or functionality, or that is determined by the City Council to be a community benefit.

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Section 2.05.25. Limited expansion of University District overlay subject to special use permit. Pursuant to the city's comprehensive plan, properties within the area bounded by West Flagler Street on the north, SW 112 Avenue on the west, SW 107 Avenue on the east, and SW 7 Terrace on the south; the University District may be extended via the University District overlay (the "University District Overlay"), subject to the grant of a special use permit as set forth in Section 7.07.00 of this Code, to properties having a land use classification of mixed-use residential commercial, moderate density multi-family residential, medium multi-family residential, or institutional.

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Section 2.05.26. University District streetscape standards. The City shall adopt streetscape design standards to help unify the image of the University District. The guidelines shall address the coordination of elements of paving, street trees, lighting, street furniture, and other related features, and address design and construction of streetscape improvements within public right-of-way and in adjacent public and private outdoor spaces. Subsequent to the City's adoption of the above-reference streetscape design standards, all university District development programs shall incorporate elements set forth therein, in order to help establish and maintain design uniformity throughout the University District

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Section 2.05.27 – University District - Responsible Growth Initiatives. As a result of the continued growth and progress of the City, and as an integral element to multi-modal transportation and traffic patterns to and from the City, University District development programs approved subsequent to the enactment of Ordinance No. _____ shall provide a payment towards off-street improvements in connection with the construction of required facilities and infrastructure for the extension of SW 112 Avenue from SW 7 Terrace to SW 8

Street (the "SW 112 Avenue Connection"). The City shall adopt guidelines related to the SW 112 Avenue Connection, which shall address the coordination of key elements including construction, timelines, costs, etc. Total cost shall be estimated on a per square foot basis. Such payments towards the SW 112 Avenue Connection shall be based on a pro rata share, pursuant to the net acreage of the respective University District development site.

Any future developments located outside of the geographic boundaries of the University District, and approved subsequent to the enactment of the above-mentioned Ordinance, which impact the SW 112 Avenue corridor and traffic patterns to and from the City, shall also make pro-rata payments towards the SW 112 Avenue Connection, as set forth above, and pursuant to Section 3.02.05(F).

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Article III – Consistency and Concurrency Determinations

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3.02.05. *Specific methodology by public facility.* The specific methodology for each type of public facility is provided below.

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- F. *Transportation.* Applicant must provide a traffic statement or study showing the projected LOS on all road segments and overall intersections within one-half mile of the property line of the proposed development, subject to approval by the city engineer. The traffic statement or analysis shall include existing, vested, committed, future background and project traffic. For purposes of this paragraph, committed traffic is from projects that have filed for or received site plan approval. Those roads and overall intersections projected to have a transportation deficiency, if any, must be identified. For deficient roadways, the statement or study must also contain a proportionate-share contribution calculation based upon the number of trips from the proposed development expected to reach the deficient roadway during peak hour, divided by the change in the peak hour maximum service volume of the roadway resulting from construction of an improvement necessary to maintain or achieve the adopted LOS, multiplied by the construction cost, at the time of development payment, of the improvement necessary to achieve or maintain the adopted LOS. The city engineer, at his or her discretion, may require additional analysis and information regarding any development project seeking concurrency approval.

The traffic concurrency management area ("TCMA"), as established in the city comprehensive master plan, shall not be subject to compliance with the above-mentioned transportation concurrency standards. Alternatively, the specific methodology for the TCMA shall be undertaken analyzing the person-trip transportation methodology or an alternate mix-use methodology as approved by the zoning director.

In an effort to address the continued growth and progress of the City, and as an integral element to multi-modal transportation and traffic patterns to and from the City, development programs approved subsequent to the enactment of Ordinance No. _____, which impact the SW 112 Avenue corridor and/or increases the traffic patterns to and from the City, shall provide pro-rata payments towards the SW 112 Avenue Connection, as provided for in Section 2.05.27 of the Code.

- G. *Public schools.* For all residential developments seeking a site plan or final subdivision approval or the functional equivalent, Miami-Dade Public Schools must assess the project impact on the school system; provided however, that university housing within the University City District, as defined by section 2.05.02(14)(10) of this Code, shall not be considered residential development for purposes of school concurrency.

* * *

Article IV – Development Design and Improvement Standards

* * *

4.01.00 – Dimensional design criteria.

4.01.00. All developments shall meet the requirements for minimum lot area, minimum lot width, maximum density, maximum height, minimum setbacks, minimum open space and maximum floor area ratios shown on table 4.1.

TABLE 4.1. DEVELOPMENT DESIGN STANDARDS

					Minimum Setbacks					
Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Density	Maximum Height	Front (feet)	Rear (feet)	Side (feet)	Minimum Setback Between Buildings	Min. Landscape Open Space	Maximum Lot Coverage or FAR
*					*	*				
RD	9,000 <u>7,500</u> ⁽¹⁾	75 ⁽²⁾	6DU/acre	25 feet or 2 stories	25	20	10 ⁽³⁾⁽⁴⁾	N/A	30%	40% lot coverage
*					*	*				

UCD	21,780 <u>43,560</u>	N/A	105 DU/acre; 210 DU <u>acre</u> student- housing (12)	170 <u>320</u> feet or 15- stories	10 ft; 0 ft with colo nnad e	20	5	N/A	10%	<u>Lot</u> <u>coverage</u> N/A <u>FAR</u> 3.8 <u>4.2</u> <u>N/A</u>
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* * *

Notes applicable to table 4.1:

* * *

12. For ~~p~~Projects greater than one (1) acre in the University City District, which provide substantial community benefits beyond increased tax base and employment, and that exclusively provide at least 20% housing as Senior hHousing, active-duty military and/or veteran housing, and/or workforce housing (WH), shall be permitted a density bonus increase as set forth and in-line with Policy 1.2 of the Future Land Use Element of the city's Comprehensive Master Plan.

* * *

4.02.02. *Street, sidewalk and right-of-way improvements.* All developments shall be required to make the following improvements within the half right-of-way abutting the development site:

* * *

- F. All improvements within the S.W. 109th Avenue right-of-way between SW 7th Terrace and SW 5th Street shall be in accordance with the University ~~District City~~ Bridge agreement, and any developer connecting to or improving S.W. 109th Avenue shall obtain all necessary permits from the City of Sweetwater Building and Zoning Department.

* * *

4.03.02. *Off-street parking requirements.*

- A. *Required number of spaces.* All developments within the city shall provide the minimum required number of off-street parking spaces shown on Table 4.2, except as amended herein on Table 4.3 and Table 4.4.

TABLE 4.2

Use	Minimum Required Parking Spaces	
Single-family dwelling	2	
Duplex dwelling	4	
Multiple-family dwelling:		
Studio or 1 bedroom ⁶	1.5 per DU space per unit	
2 bedrooms or more ⁶	2.0 per DU space per unit	
3 bedrooms ⁶	2.5 spaces per unit	
4 bedrooms or more ⁶	3 spaces per unit	
Plus visitor's parking ⁶ .	0.25 per DU space per unit	
* * *		

<u>Bicycle and motorcycle parking</u>	<u>Building with over 50 parking space shall provide designated area for bicycle and motorcycle parking</u>
---------------------------------------	---

DU = Dwelling unit

[Notes:]

* * *

Table 4.3 University City District

Uses	Minimum required parking spaces
Multi-family dwelling	Same as Table 4.2
Studio or 1 bedroom	1 space per unit
2 bedrooms	2 spaces per unit
3 bedrooms	2.5 spaces per unit
4 bedrooms	3 spaces per unit
Transient dwelling/lodging	1 parking space per every two guest rooms, 1 space per 4 employees
University housing	1 parking spaces per bed ¹
* * *	
<u>Bicycle and motorcycle parking</u>	<u>Building with over 50 parking space shall provide designated area for bicycle and motorcycle parking</u>

[Notes:]

1. Notwithstanding the foregoing, new or existing University District development programs that adhere to the Community Benefits Program requirements and provide for workforce, active-duty military and/or veteran housing, and/or senior housing, shall provide the minimum required off-street parking spaces set forth in Section 2.05.24-12 of the Code.

Table 4.4 Dolphin Community Urban Center

USE	Minimum required parking spaces
Multi-family dwelling	
Efficiency and 1 bedroom	1 space per unit
2 or more bedrooms	2 spaces per unit
3 bedrooms	2.5 per unit
4 bedrooms or more	3 per unit
Transient dwelling/Lodging/college and university housing	1 space per every two guest rooms plus 1 per 4 employee.
Office/Commercial/Retail/Restaurants	1 space per 300 square feet of gross area.
<u>Bicycle and motorcycle parking</u>	<u>Building with over 50 parking space shall provide designated area for bicycle and motorcycle parking.</u>

* * *

Article V – Accessory Structures and Ancillary Uses

* * *

5.02.06. Wireless supported service facilities.

(a) *Permitted districts and criteria for antennas.*

* * *

- (1) *Permitted districts.* Antennas used as part of a wireless supported service facility which are mounted on existing structures shall be permitted in the following zoning districts subject to the criteria outlined below.

* * *

- (B) On multi-family residential buildings in an RM-24, University City District, Dolphin community urban center districts.

* * *

Article VI – Signs

* * *

6.06.00. District regulations and definitions.

The following limitations shown on table 6.1 shall be applicable to all signs located on lots within the various zoning districts. The NP designation indicates that the particular sign type is not permitted within the particular zoning district. When a limitation is placed on the square footage, this limitation shall be on the total square footage of all the signs of the type indicated, unless otherwise noted. Table 6.1 is amended by excluding political signs from temporary painted paper, cardboard, or wood and creating a separate designation for political signs. Non-illuminated signs, flat walls signs, and detached signs square footage is amended as set forth in the table.

TABLE 6.1

Sign Type	Zoning District ⁽¹⁾					
	RS, RD ⁽²⁾ , RTW	RM- 15 ⁽²⁾ (3) , RM- 24	Commercial C-1, C2, C3 ⁽⁶⁾ & Dolphin Community Urban Center DCUC	SPO ⁽⁶⁾	Industrial I-1, I-2, I-3	University District City ⁽¹⁰⁾ UCD

* * *

Notes applicable to table 6.1:

* * *

10. For specific regulations see article II section 2.05.02 22 of the land development regulations.

* * *

Article VII – Relief

* * *

7.04.00. Administrative variances and waivers.

* * *

(c) *Exceptions.* The following are exceptions where administrative variances or waivers shall not be authorized:

- (1) Administrative variances or waivers shall not be allowed within the University city District, commercial, industrial, semi-professional office and trailer park zoning districts.

* * *

7.07.00. Special use permits.

7.07.01. Generally.

- A. *Purpose.* There is created or established a use variance to be known as a special use permit. Petitions for special use permits may be granted in individual cases where literal interpretation and strict enforcement of zoning and land use regulations would result in undue or unnecessary hardship to the petitioner; provided, however, that the special use permit will provide substantial justice and will not be contrary to the public interest.
- B. *Granted by city commission.* Upon petition of a property owner or authorized agent or representative, special use permits may be granted by the city commission. The city commission may require appropriate covenants and safeguards as a condition of granting any special use permit. Violation of such covenants and safeguards shall be deemed a violation of this Code and enforced in the same manner as other Code violations. Special use permits run with the land in the absence of any covenant or condition to the contrary.

7.07.02. Limitations on granting special use permits.

- A. *Public hearing.* Public notice of such hearing before the city commission shall be given in accordance with the Code. Upon conclusion of such public hearing, the city commission may consider the said application and, if it chooses to grant same, it shall do so by resolution.
- B. *Required findings.* In order to grant a special use permit, the city commission must review and make a determination based on the following criteria:
 1. The development resulting from the granting of such special use permit shall be in harmony with the general purpose and intent of this chapter and the land development code.
 2. The development resulting from the granting of the special use permit shall be consistent with the comprehensive plan.
 3. The granting of the requested special use permit will provide substantial justice and will not be contrary to the public interest.
 4. The granting of the requested special use permit shall not adversely affect the use and development of neighboring properties in accordance with the uses permitted within designated zoning districts.



City of Sweetwater

MEMORANDUM

September 20, 2023

TO: Jose 'PEPE' Diaz, Mayor
City Commission

FROM: Jorge L. Vera, Zoning Official

RE: Amendment Land Development Code

Pursuant to comments provided by the Florida Department of Transportation (FDOT) Comprehensive Master Plan) amendment (Amendment No. 23-01ESR) submitted to the Florida Department of Commerce, the proposed ordinance for the modification of Amendment No. 23-01ERS is being modified to address the FDOT's.

As such, on October 11, 2023 the ordinance to amend the Land Development Code was approved on first reading by the City Commission. Due to the modifications to the ordinance amending the Comprehensive Master Plan; the ordinance amending the LDC is also being modified to reflect and comply with the modification made to the Comprehensive Master Plan.



CITY OF SWEETWATER NOTICE OF PUBLIC HEARING SECOND NOTICE

There will be a public hearing before the City Commission of the City of Sweetwater **Monday, October 16, 2023 at 6:00 p.m.** at the City of Sweetwater Commission Chambers located at 500 SW 109 Avenue, Sweetwater, Florida, to consider the following amendment to the City of Sweetwater Land Development Code:

AN ORDINANCE OF THE CITY OF SWEETWATER CITY COMMISSION, AMENDING THE LAND DEVELOPMENT CODE, ARTICLE I - GENERAL PROVISIONS, SECTION 1.02.00 DEFINITIONS; ARTICLE II - ZONING, SECTION 2.02.01 ESTABLISHMENT OF DISTRICTS; SECTION 2.05.00 UNIVERSITY CITY DISTRICT REGULATIONS, AS IT PERTAINS TO ELEMENTS RELATED TO INTENT AND APPLICABILITY, DEFINITIONS, USES, LOCATION OF BUILDINGS, MINIMUM LOT REQUIREMENTS, FLOOR AREA, HEIGHT, DENSITY, LANDSCAPE, OFF-STREET PARKING, STRUCTURED PARKING, ZONING RELIEF FROM CERTAIN REQUIREMENTS, AND CREATING SECTION 2.05.24 COMMUNITY BENEFIT PROGRAM, SECTION 2.05.25 LIMITED EXPANSION UNIVERSITY DISTRICT OVERLAY, SECTION 2.05.26 UNIVERSITY DISTRICT STREETScape, SECTION 2.05.27 UNIVERSITY DISTRICT RESPONSIBLE GROWTH INITIATIVES; AMENDING ARTICLE III - CONSISTENCY AND CONCURRENCY DETERMINATIONS, AS IT PERTAINS TO SPECIFIC METHODOLOGY BY PUBLIC FACILITY; AMENDING ARTICLE IV - DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS AS IT PERTAINS TO ELEMENTS RELATED TO DIMENSIONAL DESIGN CRITERIA, STREET, SIDEWALKS AND RIGHT-OF-WAY IMPROVEMENTS, AND OFF-STREET PARKING AND LOADING; AMENDING ARTICLE V - ACCESSORY STRUCTURES AND ANCILLARY USES, AS IT PERTAINS TO WIRELESS SUPPORTED SERVICE FACILITIES; AMENDING ARTICLE VI - SIGNS, AS IT PERTAINS TO DISTRICT REGULATIONS AND DEFINITIONS; AMENDING ARTICLE VII - RELIEF, AS IT PERTAINS TO ADMINISTRATIVE VARIANCES AND WAIVERS, AND CREATING SECTION 7.07.00 SPECIAL USE PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

OBJECTIONS AND WAIVERS OF OBJECTIONS MAY BE MADE IN PERSON AT THE HEARING OR FILED IN WRITING PRIOR TO THE HEARING DATE, IF FURTHER INFORMATION IS DESIRED, CALL 305-221-0411.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. (SEC.286.0105, FLORIDA STATUTES).

PERSONS WHO NEED ACCOMODATION IN ORDER TO ATTEND OR PARTICIPATE IN THIS MEETING SHOULD CONTACT CITY CLERK'S OFFICE AT 305-221-0411 BY NOON THE MONDAY PRIOR TO THE MEETING IN ORDER TO REQUEST SUCH ASSISTACE. (AMERICANS WITH DISABILITIES ACT).

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

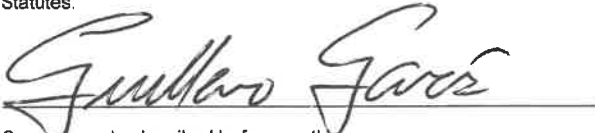
Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF SWEETWATER - PUBLIC HEARING - SECOND
NOTICE - OCT. 16, 2023

in the XXXX Court,
was published in a newspaper by print in the issues of Miami
Daily Business Review f/k/a Miami Review on

09/29/2023

Affiant further says that the newspaper complies with all
legal requirements for publication in chapter 50, Florida
Statutes.

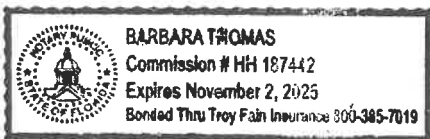


Sworn to and subscribed before me this
29 day of SEPTEMBER, A.D. 2023



(SEAL)

GUILLERMO GARCIA personally known to me



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9/29 23-68/0000686452M