

CITY OF HOMESTEAD, FLORIDA

ORDINANCE NO. 2023-06-16

AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, **AMENDING THE CITY CODE OF ORDINANCES, BY AMENDING CHAPTER 30 “ZONING,” ARTICLE II “ADMINISTRATION,” DIVISION 2 “PROCEDURES FOR ZONING AMENDMENTS, SPECIAL EXCEPTION PERMITS, PLANNED UNIT DEVELOPMENT SUBMITTALS, AND VARIANCES, ETC,” TO PROVIDE REGULATIONS ESTABLISHING ADMINISTRATIVE SITE PLAN REQUIREMENTS AND REVIEW PROCEDURES FOR MULTI-FAMILY AND MIXED-USE RESIDENTIAL DEVELOPMENTS AUTHORIZED PURSUANT TO CHAPTER 2023-17, LAWS OF FLORIDA (“LIVE LOCAL ACT”); AND FURTHER AMENDING ARTICLE IV “SUPPLEMENTAL REGULATIONS,” TO PROVIDE REGULATIONS ESTABLISHING DEVELOPMENT STANDARDS RELATED TO MULTI-FAMILY AND MIXED-USE RESIDENTIAL DEVELOPMENTS AUTHORIZED PURSUANT TO CHAPTER 2023-17, LAWS OF FLORIDA (“LIVE LOCAL ACT”); PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Homestead, Florida (the “City Council”) finds it periodically necessary to amend its Code of Ordinances (the “City Code”) in order to up-date regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the City Council desires to amend the City Code to provide for administrative site plan requirements and review procedures, and establish development standards related to multi-family and mixed-use residential developments authorized

pursuant to Chapter 2023-17, Laws of Florida (“Live Local Act”), (the “Proposed Code Amendments”); and

WHEREAS, staff recommended approval of the Proposed Code Amendments in its report dated June 13, 2022; and

WHEREAS, the City Council, sitting as the Local Planning Agency (the “LPA”), reviewed the Proposed Code Amendments, and voted to recommend approval of the Proposed Code Amendments; and

WHEREAS, the City Council has reviewed this Ordinance at a duly noticed public hearing in accordance with law and determined that it is consistent with the City’s Comprehensive Plan and City Code; and

WHEREAS, the City Council finds that this proposed Ordinance serves to further enhance the protection of the public health, safety and welfare.

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

Section 1. Recitals Adopted. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. City Code Amended. That Chapter 30 “Zoning,” of the City Code of Ordinances is hereby amended to read as follows¹:

Chapter 30 – ZONING

¹ ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.
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ARTICLE II. ADMINISTRATION

DIVISION 2. PROCEDURE FOR ZONING AMENDMENTS, SPECIAL EXCEPTION PERMITS, PLANNED UNIT DEVELOPMENT SUBMITTALS, AND VARIANCES, ETC.

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Sec. 30-47. Unified site plan requirements and review.

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(c) Administrative site plan requirements and review.

- (1) For development outside of a PUD, the following site plan applications may be reviewed and approved administratively by the director of the department of development services (the "director") or designee, pursuant to the standards set forth in subsection (a) of this section. In granting such approvals an administrative site plan application, the director or designee may require the application to be reviewed by the development review committee:

* * *

e. *Multi-Family and Mixed-Use Residential.* The director or designee shall review and approve a site plan, where the proposed development is authorized pursuant to Chapter 2023-17, Laws of Florida ("Live Local Act"), and no further action by the city is required if the proposed development satisfies the land development regulations for multi-family developments in areas zoned for such use and is otherwise consistent with the city's comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use.

ARTICLE IV. - SUPPLEMENTAL DISTRICT REGULATIONS

DIVISION 10. MULTI-FAMILY AND MIXED-USE RESIDENTIAL DEVELOPMENT STANDARDS FOR COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Sec. 30-544. Purpose and intent.

The purpose and intent of the multi-family and mixed-use residential standards is to supplement existing development criteria with specific criteria that apply to the design of multi-family and mixed-use residential buildings and projects. The multi-family and mixed-use residential development standards also encourage and provide enhanced property development within the city.

These standards and guidelines incorporate a basic level of architectural design with site design features that incorporate safe and convenient vehicular use areas and pedestrian ways; and streetscape features that intend to result in a comprehensive plan for building design; and site development consistent with the goals, policies and objectives of the city comprehensive plan.

Sec. 30-545. General district regulations.

The following requirements shall apply throughout the commercial and industrial zoning districts:

(1) Multi-family and mixed-use residential uses shall be permitted if at least 40% of the residential units in the proposed multi-family rental development are, for a period of at least 30-years, affordable as defined in Section 420.0004, Florida Statutes, as may be amended. Mixed-use residential shall mean a residential use combined with a permitted B-1A or B-1 use, as set forth in this Division, with at least 65% of the total square footage used for residential purposes.

(2) Maximum lot coverage: Total lot coverage by buildings, parking, driveways, sidewalks, swimming pools and all other impervious surfaces shall not exceed ninety (90) percent of the total lot area.

(3) Minimum building site area: The minimum building site area shall be one (1) lot or parcel of land thirteen thousand (13,000) square feet in land area for each multiple family structure. Such parcels of land or lots shall have an average width of at least one hundred (100) feet.

(4) Minimum setbacks:

(a) Front yard requirements. There shall be a twenty-five (25) foot front yard required, but in no case shall the front yard be less than fifteen (15) feet.

(b) Side yard requirements. There shall be side yards totaling twenty (20) feet in width, but in no case shall the side yard be less than five (5) feet.

(c) Rear yard requirements. Every principal residential building shall provide a rear yard of a minimum depth of twenty-five (25) feet to the rear lot line. Where a secondary building is located in a rear yard, there shall be a distance of ten (10) to twenty-five (25) feet from the rear of the principal building to the front of the secondary building.

and a minimum of five (5) feet from the rear of the secondary building to the rear lot line.

- (d) Additional setback requirements. All front yard, rear yard and side yard setback requirements shall be increased by five (5) feet for each and every story above two (2) stories high.

(5) Design standards:

- (a) Site plans shall include an entrance feature, which may include a square or some other significant space fitted with trees, fountains, special paving, public art or some other focal point. The entrance feature shall connect seamlessly with the adjoining public realm amenities, which include, but are not limited to sidewalks, light poles, equipment, trash containers, landscaping, and other similar amenities to provide visual enclosure, human scale and uninterrupted pedestrian movement along the sidewalk.
- (b) Street and garden walls (or equivalent landscaped buffers), as determined by the director of the department of development services, shall be provided and constructed of masonry or solid concrete block and stucco (CBS) steel-reinforced wall. The wall shall be designed to be compatible with similar structures in the proposed development and the surrounding area. Street walls shall be set back a minimum of three (3) feet from the required minimum yards setbacks to allow room for landscape hedging on the exterior side of the wall. Street and garden walls may incorporate the following design features.
- i. Vertical columns or structural elements such as pilasters which break the vertical or horizontal plane of the adjoining wall surface;
 - ii. Changes in wall materials or textures such as banding or reveals providing a minimum of two (2) materials or textures for the exterior surface of the wall;
 - iii. Stone or stucco cap moldings and column caps;
 - iv. Street and garden walls may incorporate transparency, by using aluminum, wrought iron, or galvanized steel picket fencing. If this option is chosen, then a minimum of fifty (50) percent of the wall surface shall be transparent, and the transparency shall be located between three (3) and six (6) feet above grade for at least eighty (80) percent of the length. Pillars and posts shall be placed no more than ten (10) feet apart, on average.

Chain link fences are not permitted, except for temporary construction fences. All such walls shall be installed by the developer or landowner prior to the issuance of the first certificate of occupancy. Walls shall be attractively and neatly maintained.

- (c) Common areas shall not be enclosed or encroached upon with a fence, patio or a screen structure for the use of the residents of an individual dwelling unit.
- (e) Decorative pavers shall be required for project entryways and the intersections of internal circulation drives.
- (f) Multi-family and mixed-use residential developments shall be designed and constructed vertically having its primary and/or principal use(s) located within a single building containing two (2) or more stories having a minimum height of thirty-five (35) feet. A mixed-use residential building located within the B-1A Zoning District shall only permit B-1A uses, as set forth in Section 30-241 of the Code, to be located on the ground floor. A mixed-use residential building located within the B-1, B-2, B-3, I-1, I-2 or I-3 Zoning Districts shall only permit B-1 commercial retail uses, as set forth in Section 30-256 of the Code, excluding drive-in uses or facilities, to be located on the ground floor.
- (g) All architectural expression of parking garages (if provided) that faces public open space shall be consistent and harmonious with the proposed development and surrounding area. Ramping shall be internalized wherever possible, and exposed ramps are prohibited.
- (h) Rooftop screening: All rooftop mechanical equipment including but not limited to heating, ventilating, air conditioning machinery, accessory communications equipment, public utility service fixtures, and elevator facilities shall be screened from the public view by a parapet wall or similar solid barrier as approved by the director of development services.
- (i) Multi-family and mixed-use residential developments shall comply with the adopted Miami-Dade County Urban Design Manual set forth in Section 32-9 of the Code and the mixed-use and non-residential development standards set forth in Division 9 of this Article.

(6) Recreational Amenities: Multi-family and mixed-use residential developments shall be required to provide recreational amenities including each of the following: common area and or facilities for gatherings, games and other recreation; exercise rooms; saunas; tennis courts; and swimming pool(s) and Jacuzzi pool(s) with a pool cabana. The minimum size of such facilities shall be as follows:

- a. Common area and or facilities, exercise rooms and saunas in combination: Four thousand (4,000) square feet or fourteen (14) square feet per dwelling unit, whichever is greater;

- b. Combination Swimming pool and Jacuzzi pool, with a cabana: A cabana shall be a minimum of four hundred (400) square feet and contain two (2) changing rooms with bathroom facilities and a water fountain. A combination swimming pool and Jacuzzi pool shall be a minimum of two thousand (2,000) square feet or six and four-tenths (6.4) square feet per dwelling unit, whichever is greater.
 - c. Tennis courts: One (1) tennis court or one (1) tennis court per every two hundred and fifty (250) dwelling units or fraction thereof, whichever is greater.
- (7) Minimum Dwelling Unit Size: Multi-family and mixed-use residential developments shall comply with the following minimum residential unit size requirements: minimum unit sizes for one-bedroom units shall contain a minimum of eight hundred fifty (850) square feet under air; and minimum unit sizes for two-bedroom units shall contain a minimum of one thousand (1,000) square feet under air. An additional one hundred fifty (150) square feet under air shall be provided for each additional bedroom. Up to thirty (30) percent of the residential units may contain a minimum of eight hundred fifty (850) square feet, and at least seventy (70) percent of the residential units shall contain a minimum of one thousand (1,000) square feet.
 - (8) Private Balconies or Patios: All units shall have private balconies or patios. The minimum usable area of each balcony or patio used to meet this requirement shall be eighty (80) square feet. All balconies shall be constructed to provide a minimum depth of four (4) feet.
 - (9) Storage: A minimum of twenty (20) square feet of storage area shall be provided on site for each residential unit.
 - (10) Laundry: A full size washer and dryer shall be provided within each residential unit.
 - (11) Landscaping: Landscaping shall be as required in the applicable provisions of Chapter 29 of the Code.
 - (12) Sidewalks: Sidewalks shall be as required in Section 24-41 et seq. of the Code.
 - (13) Signs: Signs shall be as provided in Section 23-41 et seq. of the Code.
 - (14) Parking: A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit and one (1) off-street parking space for every three hundred (300) square feet of non-residential use. A minimum of one (1) off-street guest parking space shall be provided for every five (5) dwelling units.
Such parking spaces may be provided for by either an attached garage or a commonly owned and maintained covered off-street parking structure. Such parking structure shall be constructed in the same manner and utilize

similar architectural design elements and materials as the dwelling unit it is intended to serve, and shall comply with crime prevention through environmental design (CPTED) design guidelines. No parking space shall be more than fifty (50) feet by the most direct pedestrian route from the door of the multi-family or mixed-use residential building it is intended to serve. A decorative paved connector shall run from the parking structure to the multi-family or mixed-use residential building it is intended to serve. No parking shall be permitted in the required front yard setback.

(15) Reserved

Section 3. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the City of Homestead; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 4. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

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

Section 6. Effective date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED on first reading this 13th day of June, 2023.

PASSED AND ADOPTED on second reading this 21st day of June, 2023.

STEVEN D. LOSNER,
Mayor

ATTEST:

ELIZABETH SEWELL, MPA, MMC, FCRM
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND BENEFIT OF THE CITY ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
City Attorney

Motion to adopt by Councilwoman Ávila, seconded by Vice Mayor Guzman.

FINAL VOTE AT ADOPTION

<i>Mayor Steven D. Losner</i>	<u>YES</u>
<i>Vice Mayor Julio Guzman</i>	<u>YES</u>
<i>Councilwoman Erica G. Ávila</i>	<u>YES</u>
<i>Councilwoman Jenifer N. Bailey</i>	<u>YES</u>
<i>Councilwoman Patricia D. Fairclough- Staggers</i>	<u>YES</u>
<i>Councilman Sean L. Fletcher</i>	<u>YES</u>
<i>Councilman Larry Roth</i>	<u>YES</u>