

ORDINANCE NO. 18-23-2469

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE II "DEFINITIONS," SECTION 20-2.3 "DEFINITIONS" AND ARTICLE III "ZONING REGULATIONS," SECTION 20-3.5 "DIMENSIONAL REQUIREMENTS," SUBSECTIONS 20-3.5E "DIMENSIONAL REQUIREMENTS – SINGLE FAMILY RESIDENTIAL DISTRICTS – ONE STORY," 20-3.5F "DIMENSIONAL REQUIREMENTS – ATTACHED SINGLE FAMILY AND MULTIFAMILY RESIDENTIAL DISTRICTS," AND 20-3.5H "DIMENSIONAL REQUIREMENTS, SINGLE-FAMILY RESIDENTIAL REQUIREMENTS – TWO STORY," TABLE 2 OF THE LAND DEVELOPMENT CODE, TO ADDRESS ARTIFICIAL TURF AND MODIFY REGULATIONS FOR OPEN SPACE AND IMPERVIOUS AREA; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

WHEREAS, the City of South Miami (the "City") has adopted a Land Development Code (the "LDC") to promote the health, safety, community acceptable standard of morals and general welfare of the residents of the City of South Miami through the stated regulations of this LDC; and

WHEREAS, Section 20-3.5, "Dimensional requirements" of the LDC contains references to "landscaped open space," "green space," and "impervious coverage," neither of which terms are presently defined in Section 20-2.3 "Definitions" of the LDC; and

WHEREAS, Section 12-8.1 of the City's Code of Ordinances (the "Code") references artificial turf, but neither the Code nor the LDC define "artificial turf" or provide regulations governing its use; and

WHEREAS, the City Commission finds it periodically necessary to amend the LDC in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, based upon input of residents, City board members, design professionals, and property owners within the City, the City Commission finds that the current limitations on

impervious coverage for residential lots are too restrictive for customary residential development that values an indoor and outdoor lifestyle, and should thus be revised; and

WHEREAS, the City Commission finds that the LDC is in need of additional definitions to ensure consistency of regulations and that an increase to the impervious coverage permitted for residential lots is in the best interest of the City and its residents; and

WHEREAS, on August 8, 2023, the Planning Board, sitting in its capacity as the Local Planning Agency, reviewed this Ordinance and recommended its approval by the City Commission with comments to clarify the applicable definitions; and

WHEREAS, this Ordinance was duly noticed and presented to the City Commission in two readings, with second reading conducted as the required public hearing on September 19, 2023; and

WHEREAS, the City Commission finds that this Ordinance is in the best interest and welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:¹

Section 1. **Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. **Amending Article II, Section 20-2.3 of the Code.** That Section 20-2.3, “Definitions,” of Article II is hereby amended to read as follows:

ARTICLE II. - DEFINITIONS

20-2.3 – Definitions.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are shaded in grey indicated with ~~double-strikethrough~~ and double underline. Changes made at second reading are in bold and dark grey, with ~~double-strikethrough~~ and double underline.

* * *

Artificial turf. Shall mean a surface intended to imitate grass and composed of natural or recyclable materials and installed as a pervious system that exceeds a minimum permeability rate of the greater of 0.8 inches per hour or as set by Miami-Dade County in Chapter 24 of the Miami-Dade County Code, as may be amended from time to time. All artificial turf shall resemble the natural color of grass and be installed and maintained in accordance with all of the following:

- i. Artificial turf may be utilized in open joints of pavement in any location and shall provide a buffer to separate the artificial turf from other landscaping;
- ii. Plant-based and natural infill materials shall be utilized to the greatest extent possible, such as soybean oil in the backing, sugarcane in the thatch, and crushed walnut shell for the infill;
- iii. Synthetic materials, such as polypropylene, polyethylene, latex, and polyurethane, shall be minimized, lead free, and flame resistant;
- iv. Subgrade shall be equipped to provide proper water drainage with an evenly graded, permeable aggregate base that is at least three inches in depth with sufficient space for tree root growth provided; and
- v. Areas containing any pits, tears, marks, discoloration, seam, separations, uplifted surfaces or edges, heat degradation, and excessive wear are prohibited.

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Impervious Coverage. Shall mean the portion of the lot area improved with an impervious surface that does not meet the minimum permeability rate for pervious material of the greater of 0.8 inches per hour or as set by Miami-Dade County in Chapter 24 of the Miami-Dade County Code, as may be amended from time to time. This term is intended to include all portions of the lot that are not landscaped open space. Impervious area also includes artificial turf in the front yard, or artificial turf in the rear yard that covers or is covered by any impervious material or structure.

* * *

Open space. Shall mean that part of a lot, including courts and yards and areas improved with artificial turf, which is open and unobstructed from its lowest level upward, and accessible to all residents on the lot without restrictions except as may be required for safety. Not more than ten (10) percent of any required open space shall be water area.

Open space, active. Shall mean an area intended for rigorous recreational activities such as tennis, baseball, badminton and other games requiring physical exertion. Structures and off-street parking areas related exclusively to such activities shall also be included in the definition.

Open space, landscaped. Shall mean those portions of a lot's open space that are devoid of any impervious material and have vegetation in those areas, including the portion of tree canopy that does not cover any impervious material or structure irrespective of whether such undercanopy area is vegetated. Also referred to as "green space."

Open space, passive. Shall mean an area intended for tranquil recreational activities such as walking, sitting, observing and the less active games like shuffleboard and croquet. Structures and off-street parking areas related exclusively to such activities shall also be included in the definition.

* * *

Section 3. Amending Article III, Section 20-3.5 of the Code. That Section 20-3.5, “Dimensional Requirements,” of the City of South Miami Land Development Code are hereby amended to read as follows:

ARTICLE III. – ZONING REGULATIONS.

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20-3.5 – Dimensional requirements.

Section 20-3.5E
DIMENSIONAL REQUIREMENTS
SINGLE-FAMILY RESIDENTIAL DISTRICTS - ONE-STORY

| | RS-1 | RS-2 | RS-3 | RS-4 | RS-5 |
|---------------------------------|-------------------------|-------------------------|-------------------------------------|--|-------------------------------|
| Min. Lot Size | | | | | |
| Net Area (sq. ft.) | 40,000 | 15,000 | 10,000 | 6,000 | 6,000 |
| Frontage (ft.) | 125 | 100 | 75 | 60 | 50 |
| Min. Yard Setbacks (ft.) | | | | | |
| Front ^c | 50 | 35 | 25 | 25 | 25 |
| Rear ^d | 25 | 25 | 25 | 25 | 25 |
| Side (Interior) ^{a, e} | 12.5 | 10 | 7.5 | 7.5 ^b | 7.5 ^b |
| Side (Street) | 25 | 20 | 20 | 15 | 15 |
| Max. Building Height (ft.) | 25 | 25 | 25 | 25 | 25 |
| Max. Building Coverage (%) | 20 | 30 | 30 30.5 35 | 30 30.5 35 ^r | 30 32.5 |
| Max. Impervious Coverage (%) | 30 <u>40</u> | 40 <u>50</u> | 40 <u>50</u> | 45 <u>55</u> ⁸ | 45 <u>55</u> |

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⁸ Except that a lot of record with an area of two thousand (2,000) square feet or less may have a maximum impervious coverage of seventy-five percent (75%) ~~70%~~. A lot of record with an area of two thousand one (2,001) to three thousand (3,000) square feet may have a maximum impervious coverage of sixty (60%) ~~fifty-five percent (55%)~~.

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Section 20-3.5F
 DIMENSIONAL REQUIREMENTS
 ATTACHED SINGLE-FAMILY AND
 MULTI-FAMILY RESIDENTIAL DISTRICTS

| REQUIREMENT | RT-6 (TH) | RT-9 ^a (2F) | RM-18 (MF) | RM-24 (MF) | MU-AH (MF) |
|---|-------------------------|---------------------------|-------------------------|-------------------------|-------------------------|
| Max. Density (units/acre) | 6 | 9 | 18 | 24 | 24 |
| Min. Size of Development Site | | | | | |
| Net Area (sq. ft.) | 10,000 | 10,000 | 10,000 | 15,000 | (1 acre) |
| Frontage (ft.) | 200 | 100 | 75 | 100 | 100 |
| Min. Land Area per Dwelling Unit ^a | | | | | |
| Net Area (sq. ft.) ^b | 3,000 | na | na | na | na |
| Frontage (ft.) | 25 | na | na | na | na |
| Min. Yard Setbacks (ft.) | | | | | |
| Front: | | | | | |
| 1 and 2 stories | 25 | 25 ^c | 25 | 25 | 25 |
| 3 stories | na | na | na | 30 | na |
| 4 stories | na | na | na | 35 | na |
| Rear: | | | | | |
| 1 and 2 stories | 25 | 25 | 20 | 20 | 20 |
| 3 stories | na | na | na | 25 | na |
| 4 stories | na | na | na | 35 | na |
| Side (Interior): | | | | | |
| 1 and 2 stories | 10 | 7.5 | 12.5 | 12.5 | 12.5 |
| 3 stories | na | na | na | 15 | na |
| 4 stories | na | na | na | 20 | na |
| Side (Street) | | | | | |
| 1 and 2 stories | 15 | 15 | 25 | 25 | 25 |
| 3 stories | na | na | na | 30 | na |
| 4 stories | na | na | na | 35 | na |
| Between Buildings | 20 | 15 | 20 | 20 | 20 |
| Perimeter ^d | 15 | 15 | na | na | na |
| Max. Building Height | | | | | |
| Stories | 2 | 2 | 2 | 4 | 2 |
| Feet | 25 | 25 | 30 | 50 | 30 |
| Max. Impervious Coverage ^b (%) | 40 <u>45</u> | 60 <u>65</u> | 60 <u>65</u> | 70 <u>75</u> | 70 <u>75</u> |

^a The land area per dwelling unit refers to that fraction of a development site (shown in square feet) that supports each unit proposed in the development. In the case of townhouses, this does not mean a platted lot, but may be thought of as the equivalent of a lot area per each townhouse unit. The frontage requirement applies to two-family and single-family structures but not townhouses.

^b Based on lot area ~~size of development site~~.

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Section 20-3.5H
 DIMENSIONAL REQUIREMENTS
 SINGLE-FAMILY RESIDENTIAL DISTRICTS - TWO-STORY

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TABLE 2
New Two-Story Single-Family Residential and Second Story Additions
Percentage Requirements for Maximum Building Coverage,
Impervious Coverage and FAR

| Lot Size (sq. ft.) | Maximum Building Coverage | Maximum Impervious Coverage (% of Lot Area) | Maximum Floor Area Ratio |
|--------------------|---------------------------|---|--------------------------|
| 2,000 | 0.500 | 0.700 75% | 0.900 |
| 3,000 | 0.400 | 0.550 50% | 0.650 |
| 4,000 | 0.400 | 0.550 50% | 0.650 |
| 5,000 | 0.300 | 0.450 50% | 0.550 |
| 6,000 | 0.300 | 0.450 50% | 0.525 |
| 7,000 | 0.300 | 0.438 50% | 0.500 |
| 8,000 | 0.300 | 0.425 50% | 0.475 |
| 9,000 | 0.300 | 0.413 50% | 0.450 |
| 10,000 | 0.300 | 0.400 50% 47.5% | 0.450 |
| 11,000 | 0.300 | 0.400 50% 47.5% | 0.450 |
| 12,000 | 0.300 | 0.400 50% 47.5% | 0.450 |
| 13,000 | 0.300 | 0.400 50% 47.5% | 0.450 |
| 14,000 | 0.300 | 0.400 50% 47.5% | 0.450 |
| 15,000 | 0.300 | 0.400 50% 47.5% | 0.450 |
| 16,000 | 0.296 | 0.396 45% | 0.444 |
| 17,000 | 0.292 | 0.392 45% | 0.438 |
| 18,000 | 0.288 | 0.388 45% | 0.432 |
| 19,000 | 0.284 | 0.384 45% | 0.426 |
| 20,000 | 0.280 | 0.380 45% | 0.420 |
| 21,000 | 0.276 | 0.376 45% | 0.414 |
| 22,000 | 0.272 | 0.372 45% | 0.408 |
| 23,000 | 0.268 | 0.368 45% | 0.402 |
| 24,000 | 0.264 | 0.364 45% | 0.396 |
| 25,000 | 0.260 | 0.360 45% | 0.390 |
| 26,000 | 0.256 | 0.356 45% | 0.384 |
| 27,000 | 0.252 | 0.352 45% | 0.378 |
| 28,000 | 0.248 | 0.348 45% | 0.372 |
| 29,000 | 0.244 | 0.344 45% | 0.366 |

| | | | |
|----------|-------|----------------------|-------|
| 30,000 | 0.240 | 0.340 40% | 0.360 |
| 31,000 | 0.236 | 0.336 40% | 0.354 |
| 32,000 | 0.232 | 0.332 40% | 0.348 |
| 33,000 | 0.228 | 0.328 40% | 0.342 |
| 34,000 | 0.224 | 0.324 40% | 0.336 |
| 35,000 | 0.220 | 0.320 40% | 0.330 |
| 36,000 | 0.216 | 0.316 40% | 0.324 |
| 37,000 | 0.212 | 0.312 40% | 0.318 |
| 38,000 | 0.208 | 0.308 40% | 0.312 |
| 39,000 | 0.204 | 0.304 40% | 0.306 |
| 40,000 + | 0.200 | 0.300 40% | 0.300 |

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Section 4. **Corrections.** Conforming language or technical scrivener-type corrections may be made by the City Attorney for any conforming amendments to be incorporated into the final Ordinance for signature.

Section 5. **Severability.** If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. **Conflicts.** That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. **Implementation.** The City Manager is hereby authorized to take any and all necessary action to implement the purposes of this Ordinance. Any temporary sign permit that was previously issued shall be allowed to remain through its current expiration date and shall not be extended.

Section 8. **Effective Date.** This Ordinance shall become effective immediately upon adoption.

PASSED on first reading on the 5th day of September, 2023.

PASSED AND ADOPTED on second reading on the 19th day of September, 2023.

ATTEST:



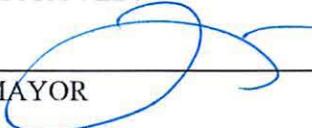
CITY CLERK

READ AND APPROVED AS TO FORM,
LANGUAGE, LEGALITY AND
EXECUTION THEREOF



WEISS SEROTA HELFMAN COLE
& BIERMAN, P.L.
CITY ATTORNEY

APPROVED:



MAYOR

| | |
|-----------------------|-----|
| COMMISSION VOTE: | 5-0 |
| Mayor Fernández: | Yea |
| Vice Mayor Bonich: | Yea |
| Commissioner Calle: | Yea |
| Commissioner Liebman: | Yea |
| Commissioner Corey: | Yea |