

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.

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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 29.5 35	30 29.5 35 ^r	30 32.5
Max. Impervious Coverage (%)	30 40	40 50	40 50	45 55 ⁸	45 55

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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