

ORDINANCE NO. 27-24-2512

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE II "DEFINITIONS," ARTICLE III "ZONING REGULATIONS," AND ARTICLE IV "OTHER REGULATIONS," OF THE LAND DEVELOPMENT CODE TO ESTABLISH REGULATIONS RELATED TO RESIDENTIAL SINGLE-FAMILY DRIVEWAYS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provides municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the City Commission of the City of South Miami ("City") finds it periodically necessary to amend its Land Development Code (the "LDC") to update regulations and procedures to maintain consistency with state law, implement municipal goals and objectives, clarify regulations, and address specific issues and needs that may arise; and

WHEREAS, the City Commission adopted Ordinance No. 33-23-2484 regulating home garages on December 19, 2024, but did not address residential single-family driveways; and

WHEREAS, the LDC does not specifically address design guidelines for residential single-family driveways; and

WHEREAS, on July 2, 2024, the City Commission discussed establishing regulations for residential driveways and directed City staff and the City Attorney to prepare this ordinance; and

WHEREAS, the City Commission desires to establish regulations related to residential single-family driveways; and

WHEREAS, the City Commission finds it in the best interest of the City and its residents to establish regulations that provide minimum standards and design guidelines in order to preserve neighborhood compatibility, enhance curb appeal, and enhance the pedestrian experience and safety; and

WHEREAS, on September 10, 2024, the Planning Board, sitting in its capacity as the Local Planning Agency, reviewed this ordinance and voted to recommend approval to the City Commission; and

WHEREAS, on October 15, 2024, the City Commission approved the ordinance on first reading; and

WHEREAS, on December 10, 2024, the City Commission conducted a duly noticed public hearing as required by law and approved the ordinance on second reading; and

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 “Definitions,” Article III “Zoning Regulations,” and Article IV “Other Regulations,” of the LDC. Article II “Definitions,” Article III “Zoning Regulations,” and Article IV “Other Regulations,” of the LCD, are hereby amended to read as follows:

ARTICLE II. – DEFINITIONS

Section 20-2.3 - Definitions.

Driveway, Residential. Shall mean a private, all-weather, surfaced pathway that provides vehicular access from a public street or alley to a residence. It is typically constructed using durable materials such as asphalt, concrete, or paving stones, and must have a minimum width of 9 feet to accommodate parking of vehicles. Heavy, loose materials such as gravel shall be bordered and contained within a 6”-wide ~~concrete~~ curb. Mulch, or any other particulate substances that are prone to displacement and scattering are not considered suitable for driveway construction. The driveway is intended for the exclusive use of the property's residents and their guests.

Home Garage. Any attached or detached structure, or portion thereof, whether open or enclosed, which is used to park one or more vehicles in association with a single-family dwelling. A home garage or carport shall be accessed by a residential driveway (see section 20-4.4 (C)(2)).

Garage, storage. Shall mean a building, or portions thereof, designed or used exclusively for term storage of motor-driven vehicles, as distinguished from daily storage, and at which motor fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold. All residential garages and carports shall be accessed by a residential driveway (see section 20-4.4 (C)(2)).

ARTICLE III. – ZONING REGULATIONS

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 indicated with ~~double-strikethrough~~ and double underline and are highlighted in grey. Modifications made at second reading are shaded in ~~dark grey~~.

ARTICLE IV. – OTHER REGULATIONS

20-4.4 Off-street parking requirements.

(B) *Space Requirements.* The minimum number of off-street parking spaces required for each permitted or special use listed in Section 20-3.3D is as set forth in the numbered categories below, which categories are cross-referenced in Section 20-3.3D. When calculating the number of spaces required, if the result includes a fractional space, the calculation must be rounded up to the next highest whole number.

- (1) Two (2) spaces per dwelling unit except on properties in the RS-4 and RS-5 districts with less than fifty (50) feet of frontage, where one (1) space per dwelling unit must be provided. Such space(s) may be provided in a residential driveway or within a home garage.

(C) *Dimensional Design Standards.*

(1) Standard non-handicapped parking spaces. All required off-street parking spaces shall be a minimum of nine (9) feet in width by eighteen (18) feet in depth, exclusive of access ways.

(2) Residential. A new driveway shall be permitted by right and may be constructed in the front or side yard setback in single-family residential districts, provided the driveway meets the following requirements:

- (a) Corner lots will be limited to one curb cut per frontage of sixty (60) feet or less. Where a corner lot has a frontage greater than sixty (60) feet in length, up to two curb cuts will be permitted on said frontage. In no event will a corner lot be permitted more than three (3) curb cuts. Interior lots with sixty (60) feet or less of frontage will be limited to one curb cut. Interior lots with sixty (60) feet or more of frontage will be limited to two (2) curb cuts;
- (b) Curb cuts shall be a minimum of nine (9) feet in width and no greater than twenty-two (22) feet wide, and may remain as is when the existing driveway undergoes a material change (resurface);
- (c) Shall be located at least five (5) feet from the front property line and from any side property line, except where the driveway meets the approach, in which case no setback requirement shall apply;
- (d) Shall not exceed thirty-five (35) percent of the area of the front or side yard(s) where the driveway is located, provided however driveways that are resurfaced with approved materials identified in subparagraph (e) may retain their existing legal or legal nonconforming area;
- (e) Shall be constructed of concrete, Grasscrete, concrete pavers, Turkish travertine pavers, porphyry stone, or Chicago brick, encapsulated gravel, or any material approved by the Development Services Director. Materials such as loose gravel shall be contained within

- a 6" wide ~~concrete~~ curb of concrete or alternative material approved by the Development Services Director. Mulch, or any other particulate substances that are prone to displacement and scattering are not considered suitable for driveway construction;
- (f) Shall be designed around existing trees whenever possible and as per Sections 20-4.5(F)(4) and 20-4.5.1(O);
 - (h) Shall not cause the lot or yard to exceed the allowable impervious coverage, as per Sections 20-3.5(E) and (H), as applicable.

Section 3. 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 4. 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 5. 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 6. Implementation. That the City Manager and City Attorney are authorized to take any and all actions necessary to implement this ordinance.

Section 7. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED on first reading on the 15th day of October, 2024.

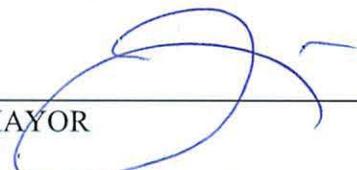
PASSED AND ADOPTED on second reading on the 10th day of December, 2024.

ATTEST:

APPROVED:



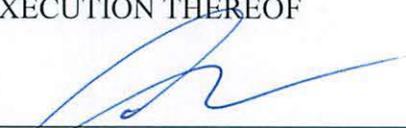
 CITY CLERK



 MAYOR

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

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



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