



ORDINANCE # 2022-01

ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI AMENDING CITY OF WEST MIAMI ZONING ORDINANCE 282; DELETING PARKING CREDITS AND BONUS-PARKING CREDITS; AMENDING PARKING REQUIREMENTS FOR APARTMENT BUILDINGS; DELETING 5.10 RELATING TO MECHANICAL PARKING; ADDING NEW SECTION 5.10 TO PROVIDE FOR SUBMITTAL OF A PARKING MANAGEMENT PLAN FOR CERTAIN DEVELOPMENTS; DELETING SECTION 4.31 OF ZONING ORDINANCE 282, AS AMENDED BY 2014-01 RELATED TO LIVE-WORK UNITS; INCREASING NOTICE REQUIREMENTS FOR NEW CONSTRUCTION IN THE "C" MIXED USE DISTRICT; ALLOWING FOR ONLINE PUBLICATION WHERE ALLOWED BY STATE STATUTE; REPEALING ORDINANCE 2013-01 RELATED TO LIVE WORK UNITS; REPEALING ORDINANCE 2017-03 RELATED TO MECHANICAL PARKING; PROVIDING FOR CONFLICT CORRECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, there is a critical need in the City of West Miami to adjust its zoning-regulations, and

WHEREAS, the City of West Miami has experienced rapid development of multi-family residential units and the consequential growing demands upon city services and infrastructure, and

WHEREAS, the City of West Miami is concerned about the effects that its current regulations could have on traffic, on congestion, on surrounding property values, on demand for city services, and on other aspects of the general welfare and

WHEREAS, the City of West Miami seeks to mitigate traffic issues caused by its presently insufficient parking requirements, and

NOW, THEREFORE, BE IT ENACTED by the Mayor and City Commission of the City of West Miami as follows:

SECTION 1. The foregoing "whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption thereof.

SECTION 2. Section 2 of Zoning Ordinance 282, as amended, shall be amended as follows:

Section 2B.6-3(4)(a), Planning and Zoning Board Procedure Actions; Findings, Recommendation. Within forty-five (45) days after receipt of the

completed application for special use permit for planned development and the review, findings, and recommendation of the Zoning Department, the Planning and Zoning Board shall hold a formal public hearing on the application and make recommendations to the City Commission in the manner herein set out and in the context of the standards applying generally to planned developments and the further particular standards applying to the type of planned development proposed in the application.

Prior to such formal meeting, the Planning and Zoning Board may hold a conferences or workshops with the applicant and his representatives and with City representatives for the purpose of allowing the Planning and Zoning Board to become familiar with the proposed planned development and, specifically, the preliminary development concept plan. No such conferences or workshops shall be held unless fifteen (15) days' notice of such conferences or workshops has been given by:

1. Posting at City Hall; and
2. Posting of notice on each street frontage of the subject property; and such conferences or workshops may be recessed to a date certain, without the giving of additional notice in the manner set out above, and shall not be a public hearing(s). It shall be up to the discretion of the Chairman as to whether questions from the public shall be entertained at such conferences or workshop(s).

(a) Notice.

Notification of the formal public hearing on the application by the Planning and Zoning Board shall specify the nature of the hearing; the type of planned development proposed; the address and legal description of the property involved; and the date, time, and location of the public hearing. Notification shall be given at least fifteen (15) days in advance of the hearing by:

1. Posting at the City Hall; and
2. Advertisement in a newspaper of general circulation in the City of West Miami, Florida, or online publication as authorized by Florida Statute, except where planned development located in R-1 and R-2 zoning district only; and
3. Regular mail to property owners as listed in the most recent tax rolls located within 2,000' feet-of the boundaries of the property proposed for new construction in the "C" Mixed Use District; and
4. Regular mail to property owners as listed in the most recent tax rolls located within 500' feet-of the boundaries of the property proposed for planned development for all other applications; and
5. Posting of notice on each street frontage of the property proposed

for planned development.

6. Increasing application fee for special use permit to Three Thousand Dollars (\$3,000.00).

The City official charged with giving notice shall certify at the start of the public hearing that notice has been given as herein required.

SECTION 3. Section 4.31 of the City of West Miami Zoning Ordinance 282, as amended by Ordinance 2014-01, by creating Section 4.31(b), providing certain uses as live-work units pursuant to Special Use Permits is hereby repealed in its entirety.

SECTION 4. All references to parking credits and bonus-parking credits are hereby deleted in its entirety.

SECTION 5. Section 5. Building Design, of Zoning Ordinance 282, as amended shall be amended as follows:

Section 5.2 The requirement for Off Street Parking shall be determined in accordance with the following table:

LAND USE	LAND USE OFF STREET PARKING (Minimum Number of Spaces)
SINGLE FAMILY RESIDENCE	One space on premises.
DUPLEX	One and one-half spaces on premises for each dwelling unit of 2 bedrooms or less and two spaces on premises for each dwelling unit of 3 bedrooms or more.
APARTMENT	<ul style="list-style-type: none">▪ One and one-half spaces on premises for each dwelling unit of 1 bedroom; two spaces for each dwelling unit of 2 bedrooms; and three spaces for each dwelling unit of 3 bedrooms or more.▪ An additional requirement of 10% of the total minimum number of spaces shall be required as guest parking. These spaces shall not be reserved for any individual unit and may be covered or uncovered. The guest parking shall only be for the use of tenants and their invited guests.▪ In two or more units, two or more parking spaces must be provided without option by tenant to relet spaces.

MOTELS AND HOTELS	One space on premises for each unit.
RETAIL BUSINESS, COMMERCIAL	One space for each 300 square feet or fraction thereof of gross
CHURCHES, THEATERS, AUDITORIUMS AND SIMILAR PLACES OF PUBLIC ASSEMBLY, RESTAURANTS AND PUBLIC DINING ROOMS	One space for each 4 seats or fraction of 4 seats.
OFFICE BUILDINGS, CLINICS, HOSPITALS, WELFARE INSTITUTIONS	6 spaces minimum plus one space for each 300 square feet or fraction thereof of gross floor area over 1800 square feet over 1800 square feet.

Section 5.10 Applicant for a special use permit for an apartment use shall prepare and submit a parking management plan to the city for review and approval. Said parking management plan shall be in place prior to the occupancy of the first residential unit and demonstrate the following:

- a. the requested supply of parking for the mix and range of uses will meet the demand for parking at different times;
- b. mobile services access and parking (ride-sharing, meal delivery, mobile pet grooming);
- c. attentiveness to modes other than automobile, such as bicycle; and
- d. contingency measures for addressing parking problems should they arise;
- e. accessibility of guest parking spaces;
- f. location for signage parking for mobile and on demand services.

Section 5.10.03 providing for mechanical elevating devices for parking overhead is hereby deleted in its entirety.

* * *

SECTION 6. Section 18, City Planning and Zoning Board of Ordinance 282, as amended, is hereby amended as follows:

Section 18.7-3(e) The City Clerk shall place upon the meeting agenda of the City Commission no later than the second meeting following filing of the report of the Board as an item of "old business" consideration of the application in question. Notice in writing of such meeting shall be given to the applicant and owners of property within 2,000' feet of the property in question for new construction in the "C" Mixed Use District

and 500' feet of the property in question for all other applications, and such notice shall recite whether Board recommends approval or denial of the application.

Section 18.13(a) In addition to all required notices provided by other provisions of this ordinance, a written notice shall be sent by mail to owners of property within city limits whose addresses are listed on the Miami-Dade County Tax Roll within 2,000' feet of the property in question for new construction in the "C" Mixed Use District and 500' feet of the property in question for all other applications. The notice shall set forth the subject matter of the zoning proceedings, the time and place of first public hearing, and be mailed at least 15 days prior to the public hearing, at the expense of the applicant. Failure to mail notice to property owners as heretofore provided, shall not affect action taken by the Planning and Zoning Board and the City Commission. However, the public hearing on the application may be continued until such mailing of notices has been completed.

SECTION 7. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made part of Ordinance 282 as amended from time to time, and known as "Zoning Ordinance 282" of the City of West Miami, Florida, which provisions may be renumbered or re-altered and the word "ordinance" be changed to "Section" "Article" or other appropriate word to accomplish its intention.

SECTION 8. All sections or part of sections of the City Code or ordinances or parts of ordinances and all resolutions or part of resolutions in conflict with this ordinance are repealed to the extent of those conflicts.

SECTION 9. Scrivener's Error. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION 10. This ordinance shall become effective upon its adoption and approval by the Mayor and City Commission, as provided by the Charter of the City of West Miami.

Passed and adopted this 19th day January 2022.

Approved:


RHONDA A. RODRIGUEZ, MAYOR

Attest:


ANNERY GONZALEZ, MMC
CITY CLERK

Approved as to form and legal sufficiency:



JOSE A. VILLALOBOS, CITY ATTORNEY

ROLL CALL VOTE:

Offered by Vice-Mayor Diaz-Padron, who moved its adoption. The motion was seconded by Commissioner Blanca. The vote was as follows:

MAYOR RHONDA A. RODRIGUEZ	<u>Y</u>
VICE-MAYOR ERIC DIAZ-PADRON	<u>Y</u>
COMMISSIONER CANDIDA BLANCA	<u>Y</u>
COMMISSIONER JUAN M. BLANES	<u>Y</u>
COMMISSIONER LUCIANO L. SUAREZ	<u>Y</u>

Date of 1 st Reading: <u>December 1st, 2021</u>
Date of Publication: <u>December 29th, 2021</u>
Date of 2 nd Reading: <u>January 19th, 2022</u>