



ORDINANCE #2005 -02

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING SECTION 4.2 "A" USE APARTMENT DISTRICT, 4.21, 4.22, 4.25, 4.26 AND 4.27 OF ZONING ORDINANCE 282 AND SECTION 4.3 "C" USE DISTRICTS 4.32-1, 4.32-2, 4.32-3, 4.32-4 AND 4.32-7 OF ZONING ORDINANCE 282 AND SECTION 5 OF ZONING ORDINANCE 282; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there was a need in the City of West Miami to revitalize and modernize its commercial areas, and

WHEREAS, pursuant to the public's request, the City Commission appointed a Revitalization Board, and

WHEREAS, the Revitalization Board consists of a seven member board that met on numerous occasions and held several hearings on this issue, and

WHEREAS, as a result of said hearing, studies and testimony of professional architects, engineers and land use experts, the board made its recommendation to amend Zoning Ordinance 282 to revitalize the City of West Miami's commercial district.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, Zoning Ordinance 282 shall be amended as follows:

Section I. It is the intent of this ordinance that all developments shall be required to apply for a Special Use Plan Development Permit with emphasis on a "traffic study". The "traffic study" shall provide safeguards with regards to the impact of the development in the proposed area. Selection of the Engineering Company for the "traffic study" shall be from the approved City list.

All developments shall be preferred of a design of Mediterranean "Parisian" style architecture or within the City design guide as meeting the design intent.

"C" Commercial District:

Zoned commercial properties for development of apartments, condominiums, commercial offices and or a mixed use of the categories described above are allowed as follows:

I. **Building Height:**

Ninety (90) feet of building height with five (5) foot of parapet including all equipment and ornamental features shall be the established height.

a. All buildings in the “C” Commercial shall have a maximum of **eight-story structure.**

i. This includes roof system. It excludes a basement located completely below grade (grade to be established by the height of the existing sidewalk).

a. There shall be a maximum height of ninety-five (95’) feet measured from the sidewalk to the highest point of the structure. The required arcade and the roof shall have a minimum height of thirteen (13’) feet; the balance of the ninety-five (95’) feet shall be distributed as determined by the Architect, Florida Building Code and the City Design Guide.

b. The roof shall be a Mansard design with a sixty-degree angle or as approve by the Design Guide as meeting the design intent.

c. The roof systems shall include a dormer type of window, which aligns with the vertical alignment of the windows directly below.

2. **Bulk and Density:**

a. Commercial, apartments and mixed-use buildings located along SW 67 AVE., SW 57 AVE. and SW 8 ST. shall be limited to the following density requirements.

b. Buildings that have apartments, condominiums or offices. **2.5 F.A.R.**

c. Buildings that have mixed use of apartments, condominiums, offices with commercial retail stores on the first floor. **3.0 F.A.R.**

3. **Bulk Density per Net Acre:**

a. One hundred and five (105) units per acre with a minimum unit size of six hundred and fifty (650) square feet.

b. All areas of commercial property within city limits have the same standards.

4. **Off-Street Parking:**

a. One level of underground parking is permitted.

b. Off-Street Parking shall meet all concurrency requirements and shall implement the Miami-Dade County Off-Street Parking Ordinance.

c. All developments shall require a “**traffic study**” as part of the Off-Street Parking requirements. Traffic study must meet all concurrency issues with traffic, curb cut locations and transit related issues of State and County agencies.

- d. All off-street parking shall meet the parking table in the Zoning Ordinance 282 Section 5.
- e. The overall height of the parking garage shall not exceed Fifty (**50'**) feet in a Commercial or Apartment District and thirty five (**35'**) feet in an R5 (commercial off-street parking) District.
- f. The setback for the parking garage in Commercial and Apartment District shall be twenty-five (**25'**) feet from the property line abutting any R1, R2, R3 and R4 Districts. The setback for parking garage in an R5 (commercial off-street parking) district shall be twenty-five (**25'**) feet from the property line abutting any R1 and R2 District.
- g. A twenty-five (**25'**) feet service alley shall be required on parcels abutting to the rear of R1, R2 and Apartment Districts.
- h. A fifteen (**15'**) feet landscape buffer shall be required in the twenty-five feet setback for "R5" district.
- i. All buildings shall not encroach into the vertical plane established by the intersection of the building's vertical wall and a **60-degree** angle beginning at the top of roof elevation of the portion of building facing R1, R2, R3, R4 and A Districts at the corresponding setbacks which dimension shall not exceed thirty-five (**35'**) feet in height.

5. **Building Design:**

- a. The building shall be of Mediterranean "Parisian" style whose front side and rear facades shall contain the following elements:
 - i. The building base shall create an arched arcade, which acts as a pedestrian transition from the adjacent sidewalk. The arcade shall be a minimum of ten (**10'**) feet in depth by thirteen (**13'**) feet in height.
 - ii. The ground floor shall be used for commercial uses, in addition to normal lobby and service areas. Parking bonuses may apply if the commercial uses are small and community oriented.
 - iii. The window fenestration shall include molding and balconies as part of the design. The window linear alignment shall be consistent with the building style.
 - iv. The roof shall have a pitch that is visible from the street and consistent with the building design, a sixty (**60**) degree angle shall be the minimum.

- v. The roof shall be clad with cement slate or clay tile, copper or metal shingles or other materials as permitted by the board shall be used.
- vi. Signage shall be incorporated into the design elements of the building façade.
- vii. Where the site is adjacent to a bus or transit stop, arcade seating and outdoor cafes are encouraged and shall receive Parking credits.
(1 space for a two-bedroom unit, 15 units max)
- viii. Developments with recommended street closures or partial closures of streets adorn with pavers, bollards, seating and canopies shall receive bonus parking credits.
(1 space for a two bedroom unit, 15 units max)

6. **Street Closures:**

- a. Developments with a traffic study recommending street closures or partial street closures shall be allowed to have “uses” that promote outdoor dining, outdoor art displays or special events.

“A” Apartment District:

I. **Building Height:**

Fifty (50’) feet of building height with five (5) feet of parapet including all equipment and ornamental features in the apartment zoned areas.

All buildings fifty (50’) feet of height shall have a setback of twenty-five (25’) feet from the property line, abutting any R1 and R2 districts.

All buildings thirty-five (35’) feet of height shall have a setback of twenty-five (25’) feet from the property line, across from any R1 and R2 districts.

- a. All buildings in the “A” Apartment district shall have a maximum of five-story structure.
 - I. This includes roof system. It excludes a basement located completely below grade (grade to be established by the height of the existing sidewalk).
- b. There shall be a maximum height of fifty-five (55’) feet measured from the sidewalk to the highest point of the structure. The required arcade and the roof shall have a minimum height of

thirteen (13') feet; the balance of the fifty-five (55') feet shall be distributed as determined by the Architect, Florida Building Code and the City Design Guide.

- c. The roof shall be a Mansard design with a sixty-degree angle or as approve by the Design Guide as meeting the design intent.
- d. The roof systems shall include a dormer type of window, which aligns with the vertical alignment of the windows directly below.

All buildings shall not encroach into the vertical plane established by the intersection of the building's vertical wall and a 60-degree angle beginning at the top of roof elevation of the portion of building facing R1 and R2 Districts at the corresponding setbacks which dimension shall not exceed thirty-five (35') feet in height.

2. **Bulk and Density;**

- a. Apartment Use buildings located along SW 66 AVE. shall be limited to the
- b. Apartments and condominiums 2.5 F.A.R.

3. **Bulk Density per Net Acre:**

Forty-eight (48) units per acre with a minimum unit size of six hundred and fifty (650) square feet.

All land areas of apartment district within city limits have the same standards.

All areas of apartment district properties abutting R2 and R5 district properties within city limits have the same standards.

4. **Off-Street Parking:**

- a. One level of underground parking is permitted.
- b. Off-Street Parking shall meet all concurrency requirements and shall implement the Miami-Dade County Off-Street Parking Ordinance.
- c. All developments shall require a "traffic study" as part of the Off-Street Parking requirements. Traffic study must meet all concurrency issues with traffic, curb cut locations and transit related issues of State and County agencies.

- d. All off-street parking shall meet the parking table in the Zoning Ordinance 282 Section 5.
- e. The overall height of the parking garage shall not exceed thirty-five (35') feet in an Apartment District.
- f. The setback for the parking garage in Apartment District shall be twenty-five (25') feet from the property line abutting any R1, R2, R3 and R4 Districts.
- g. A twenty-five (25') feet service alley shall be required on parcels abutting to the rear of Commercial District.
A fifteen (15') feet landscape buffer shall be required in the twenty-five feet setback for "R5" district.
- h. All buildings shall not encroach into the vertical plane established by the intersection of the building's vertical wall and a 60-degree angle beginning at the top of roof elevation of the portion of building facing R1, R2, R3, and R4 Districts at the corresponding setbacks which dimension shall not exceed thirty-five (35') feet in height.

5. Building Design:

- a. The building shall be of Mediterranean "Parisian" style whose front side and rear facades shall contain the following elements:
 - i. The building base shall create an arched arcade, which acts as a pedestrian transition from the adjacent sidewalk. The arcade shall be a minimum of ten (10') feet in depth by thirteen (13') feet in height.
 - ii. The ground floor shall be used for apartment amenities, in addition to normal lobby and service areas.
 - iii. The window fenestration shall include molding and balconies as part of the design. The window linear alignment shall be consistent with the building style.
 - iv. The roof shall have a pitch that is visible from the street and consistent with the building design, a sixty (60) degree angle shall be the minimum.
 - v. The roof shall be clad with cement slate or clay tile, copper or metal shingles or other materials as permitted by the board shall be used.
 - vi. Signage shall be incorporated into the design elements of the building façade.

- vii. Where the site is adjacent to a bus or transit stop, arcade seating is encouraged and shall receive Parking credits. (**1.25** spaces for a two-bedroom unit, **10** units max)

Developments with recommended street closures or partial closures of streets adorn with pavers, bollards, seating and canopies shall receive bonus-parking credits. (**1.25** spaces for a two-bedroom unit, **10** units max)

Section 2. All ordinances or parts of ordinances in conflict herewith are and the same are hereby repealed.

Section 3. If any clauses, section or other part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 4. This Ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED this 16th day of March, 2005

APPROVED

Velia Yedra-Chruszcz, Mayor

FELIX DIAZ, CITY CLERK

Approved as to form and sufficiency

JOSE A. VILLALOBOS, CITY ATTORNEY

Roll Call Vote

Mayor Velia Yedra-Chruszcz _____

Vice-Mayor Cesar Carasa _____

Commissioner Eduardo Muñiña _____

Commissioner Luciano Suarez _____

Commissioner Juan Blanes _____