



CITY OF SOUTH MIAMI

CITY COMMISSION MEETING AGENDA

Tuesday, March 5, 2024, 7:00 PM
CITY HALL/COMMISSION CHAMBERS
6130 SUNSET DRIVE
SOUTH MIAMI, FL 33143

THE CITY OF SOUTH MIAMI HAS A SIGNIFICANT GOVERNMENTAL INTEREST IN CONDUCTING EFFICIENT AND ORDERLY COMMISSION MEETINGS. SPEAKERS PLEASE TAKE NOTICE THAT SECTION 2-2.1(K)(2) OF THE CODE OF ORDINANCES PROVIDES THAT "ANY PERSON WHO MAKES SLANDEROUS OR INTENTIONALLY RUDE, UNCIVIL OR OTHERWISE IMPERTINENT REMARKS, AND WHO REFUSES OR FAILS TO DESIST FROM MAKING SUCH REMARKS AFTER BEING INSTRUCTED TO DO SO, OR WHO SHALL BECOME BOISTEROUS IN THE COMMISSION CHAMBER AND WHO REFUSES OR FAILS TO DESIST FROM SUCH CONDUCT AFTER BEING INSTRUCTED TO DO SO MAY BE FORTHWITH REMOVED FROM THE PODIUM AND FROM CITY HALL FOR THE DURATION OF THAT MEETING AT THE DIRECTION OF THE PRESIDING OFFICER, UNLESS OVERRULED BY A MAJORITY VOTE OF THE COMMISSION. NO CLAPPING, APPLAUDING, HECKLING, OR VERBAL OUTBURSTS SHALL BE PERMITTED FOR ANY REASON, INCLUDING FOR THE PURPOSE OF SUPPORTING OR OPPOSING ANY MATTER, ANY SPEAKER OR A SPEAKER'S REMARKS. NO SIGNS OR PLACARDS SHALL BE ALLOWED TO BE DISPLAYED IN ANY MANNER OTHER THAN WHEN USED FROM THE PODIUM TO EXPRESS AN OPINION OR DISPLAY FACTS. SIGNS TO BE USED AT THE PODIUM MUST BE BROUGHT INTO THE COMMISSION CHAMBERS IN A MANNER SO AS NOT TO UNNECESSARILY DISPLAY THEIR CONTENT UNTIL THE SIGN IS BROUGHT TO THE PODIUM IMMEDIATELY BEFORE THE SIGN IS DISPLAYED FROM THE PODIUM IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY. THE USE OF ACOUSTIC MOBILE COMMUNICATION DEVICE, SUCH AS PHONES, IN THE COMMISSION CHAMBER IS NOT PERMITTED WHILE THE COMMISSION IS IN SESSION. PHONE RINGERS AND OTHER DEVICES THAT EMIT SOUND MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS MUST EXIT THE CHAMBER TO ANSWER INCOMING CALLS. NO CAMERA FLASH OPTIONS SHALL BE USED BY THE PUBLIC DURING ANY PORTION OF THE MEETING EXCEPT DURING RECOGNITION AND AWARD CEREMONIES."

VIRTUAL PARTICIPATION - *Members of the public may also join the meeting via Zoom at (<https://zoom.us/j/3056636338>) and participate. In addition, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom, may listen to and participate in the meeting by dialing +1-786-635-1003 Meeting ID: 3056636338. The public may merely view the meeting live on the City's website: (<https://www.southmiamifl.gov/102/Agendas-Minutes>) ("Granicus") as well as Channel 667 on Atlantic Broadband or by AT&T U-Verse.*

- A. SILENCE OR TURN OFF ALL CELL PHONES**
- B. ROLL CALL**
- C. PRAYER/MOMENT OF SILENCE**
- D. PLEDGE OF ALLEGIANCE**
- E. PRESENTATIONS**

- Ea. Proposed Traffic Circle at SW 58th Avenue and SW 82nd Street
[Traf Cirle PRES-PWDajc.pptx](#)

F. ADD-ON ITEM(S)

G. LOBBYIST(S) ADDRESSING THE CITY COMMISSION TONIGHT MUST HAVE BEEN REGISTERED WITH THE CITY CLERK

H. APPROVAL OF MINUTES

- Ha. 02.06.24
[02.06.24.docx](#)

- Hb. 02.20.24
[02.20.24.docx](#)

I. CITY MANAGER'S REPORT

- la. City Manager's Report
[CM's Report to Commission March 5 2024 \(002\).docx](#)

J. CITY ATTORNEY'S REPORT - *[City Attorney reminder: Remarks are limited to those matters that are not quasi-judicial. Any comment on a quasi-judicial matter may be made when the item is called and the speaker is under oath.]*

K. PUBLIC REMARKS

L. COMMISSION REPORTS, DISCUSSION & REMARKS - (25 minutes)

M. BOARDS AND COMMITTEES, APPOINTMENTS, ETC.

N. CONSENT AGENDA

1. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE RENEWAL OF SERVICES WITH CIVICPLUS, LLC FOR WEBSITE SERVICES FOR A 1-YEAR PERIOD IN AN AMOUNT NOT TO EXCEED \$11,911.89; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[CivicPlus_Website_Memo__2_.docx](#)
[48A715002-Resolution_Approving_Renewal_of_Civic_Plus_Website_Services_v3.docx](#)
[Exhibit A - South Miami - CivicEngage - Renewal SOW - 02082024.pdf](#)
[CivicPlus Master Services Agreement March 2023.pdf](#)
2. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE MUTUAL AID AGREEMENTS, MEMORANDUMS OF UNDERSTANDING (MOU), AND OTHER PROCEDURAL LAW ENFORCEMENT AGREEMENTS WITH GOVERNMENTAL ENTITIES, INCLUDING ANY

AMENDMENTS OR RENEWALS THERETO ON AN ON-GOING BASIS; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[Memo - Resolution Authorizing Execution of Mutual Aid MOU and Other Procedural Law Enforcement Agreements.DOCX](#)
[Resolution Authorizing Mutual Aid Agreements MOUS and Other Procedural Law Enforcement Agreements.DOCX](#)

O. RESOLUTION(S)

3. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A PROPOSAL AND PROJECT AGREEMENT WITH STANTEC CONSULTING SERVICES, INC., FOR A TRAFFIC STUDY AT VARIOUS LOCATIONS IN AN AMOUNT NOT TO EXCEED \$64,830; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS ENGINEERING & CONSTRUCTION)
[Memo-Traffic_Study_FY24-_Stantec.DOC__3_.docx](#)
[48A4239-Resolution Approving Stantec Project Agreement for Traffic Study - CAV2.docx](#)
[Exhibit A - Stantec Prop Traffic study various_11 28 2023.pdf](#)
[Exhibit B - Project Agreement - Stantec - Traffic Calming Study at Various Locations.DOCX](#)
[Res No 056-22-15809.pdf](#)
4. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SCHEDULE OF FEES AND FINES TO MODIFY CERTAIN PARKING RATES AND FEES FOR THE SOUTH MIAMI PARKING GARAGE; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)
[Memo_-_Parking_Garage_Validation_Program_for_Gym__1_\(1\).docx](#)
[Resolution Amending Schedule of Fees and Fines for Gym Members.DOCX](#)
5. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING WSP USA ENVIRONMENT & INFRASTRUCTURE, INC. FOR THE COMMUNITY RATING SYSTEM (CRS) FIVE YEAR RECERTIFICATION REPORT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THE SERVICES IN AN AMOUNT NOT TO EXCEED \$24,930; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PLANNING DEPT.)
[CM_Memo_CRS_Proposal__1_Revised.docx](#)
[Resolution Approving Agreement with WSP for CRS Services.DOCX](#)
[Exhibit A - City of South Miami, FL CRS 2024 Proposal.pdf](#)
[Exhibit B - PSA - WSP USA Environment and Infrastructure Inc - CRS Program Assistance.DOCX](#)
6. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING PARTICIPATION IN A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (VICE MAYOR BONICH)
[Memo Re Form 6 Litigation.docx](#)
[48A3453-Resolution Authorizing Participation in Form 6 Lawsuit.docx](#)

[Form 6 Federal Complaint Filed.pdf](#)

[Form 6 State Complaint Filed.pdf](#)

7. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SCHEDULE OF FEES AND FINES TO MODIFY DAILY VALET PARKING SPACE RENTAL RATES FOR ON-STREET SPACES AND ADOPT A DAILY VALET STORAGE FEE FOR THE SOUTH MIAMI PARKING GARAGE; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; AND AN EFFECTIVE DATE. 3/5 (COMMISSIONER CALLE)
Suggested Action: Commissioner Calle is recommending revising the Parking Schedule of Fees for valet ramping, applying the existing fees for the Red/Bird Road Area (SW 41st Street Between 57th Avenue and 58th Avenue) throughout the City and implementing a “Valet Storage Fee” within the South Miami Parking Garage.

[Memo_Valet_Fee_3-5-24_DRAFT__1_.docx](#)

[Reso_Amending_Schedule_of_Fees_and_Fines_for__Valet_Fees__2024.docx](#)

[Res No 048-23-15982 \(Fee for 41st\).pdf](#)

[Chapter 15C as of 2-27-24.pdf](#)

[Parking Schedule of Fees as of 2-24.pdf](#)

8. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, DESIGNATING MAYOR JAVIER E. FERNÁNDEZ AS THE CITY’S DIRECTOR AND _____ AS THE ALTERNATE DIRECTOR WITH THE MIAMI-DADE LEAGUE OF CITIES; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE. 3/5 (CITY CLERK)

[Memo_League_director_and_alternate.docx](#)

[Resolution_designating_league_director___alternate_director_2024-25.doc](#)

P. RESOLUTION(S) PUBLIC HEARING(S)

9. QUASI-JUDICIAL WARNING:
THE FOLLOWING MATTER IS CONSIDERED TO BE QUASI-JUDICIAL. PLEASE REVIEW THE RESTRICTIONS THAT ARE MORE FULLY SET FORTH AT THE END OF THIS AGENDA.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA [GRANTING APPROVAL OF/DENYING] AN APPLICATION FOR FINAL PLAT APPROVAL PURSUANT TO SECTION 20-4.2 OF THE LAND DEVELOPMENT CODE SEEKING TO SUBDIVIDE A PROPERTY WITHIN THE LOW DENSITY SINGLE-FAMILY RESIDENTIAL (RS-3) ZONING DISTRICT LOCATED AT 7709 SW 67 AVENUE; PROVIDING FOR CONDITIONS; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-PLANNING DEPT.)

[CC_7709_SW_67_Avenue_Final_Plat_Staff_Report_02222024.docx](#)

[48A7072- Final Plat Resolution.docx](#)

[Exhibit B to Plat Resolution.pdf](#)

[Exhibit C to Plat Resolution.pdf](#)

[PB-24-005 Application Documents.pdf](#)

[A01.0-SitePlan-01232024-ss.pdf](#)

[LA 1.0 TREE DISPOSITION 1.10.2023.pdf](#)

[LA 2.0 PLANTING 1.10.2023.pdf](#)

[22-001542 LUDLAM HOMES UPDATE SURVEY DigitallySigned.pdf](#)

Q. ORDINANCE(S) SECOND READING(S) PUBLIC HEARING(S)

10. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING CHAPTER 4 “ALCOHOLIC BEVERAGES,” ARTICLE I “IN GENERAL,” SECTION 4-2 “CONDITIONAL USE APPROVAL OF REQUIREMENTS; NONCONFORMING USE; CERTIFICATE OF OCCUPANCY”, AND CHAPTER 15 “OFFENSES AND MISCELLANEOUS PROVISIONS”, ARTICLE I “IN GENERAL,” SECTION 15-63 “MOBILE VENDORS,” OF THE CITY CODE OF ORDINANCES, TO MODIFY CONDITIONS RELATING TO FOOD SERVICE IN CONNECTION WITH THE SERVICE OF ALCOHOLIC BEVERAGES INCLUDING ALLOWING MOBILE FOOD VENDORS FOR DRINKING PLACE/BAR/LOUNGE WITHIN THE HOMETOWN DISTRICT UNDER CERTAIN CONDITIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)
[4872336-Memo_-_Ordinance_Re_Food_Service_with_Alcoholic_Beverages___Mobile_Food_Vendors_-_SR \(1\).docx](#)
[4872326-Ordinance Allowing Mobile Vendors for Alcoholic Beverage Establishment - SR v2.docx](#)
[AD.pdf](#)
[MH Ad.pdf](#)
11. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SOUTH MIAMI PENSION PLAN TO ALLOW THE PURCHASE OF UP TO FIVE YEARS OF PRIOR MILITARY SERVICE BY ALL PARTICIPANTS; BY AMENDING CHAPTER 16 “PENSIONS”, ARTICLE II “CITY PENSION PLAN”, SECTION 16-21 “PURCHASE OF CREDITED SERVICE”; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[Memo_-_Ordinance_on_Purchase_of_Prior_Military_Service__2__1__1_ \(1\).docx](#)
[4805198-Ordinance_Amending_Pension_Plan_v2_rev_2.23.24 - SR.docx](#)
[No Cost AIS - Service Purchase 2-2024.pdf](#)
[MH Ad.pdf](#)
12. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 7-16. – “PRE-CONSTRUCTION AND CONSTRUCTION STANDARDS FOR SITES”, OF CHAPTER 7 “BUILDINGS,” OF THE CITY’S CODE OF ORDINANCES, TO REQUIRE A RESTORATION BOND FOR CONSTRUCTION WORK IMPACTING CITY PROPERTY AND/OR RIGHTS-OF-WAY, TO PROHIBIT CONSTRUCTION WORK ON LEGAL HOLIDAYS IN RESIDENTIAL DISTRICTS, AND TO REQUIRE A STAGING AND PARKING PLAN FOR CONSTRUCTION SITES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)
[CM_Memo_Construction_Staging_Plans \(1\).docx](#)
[48A7138-Ordinance Re Bond Staging Construction Hours Etc SR.docx](#)
[MH Ad.pdf](#)

R. ORDINANCE(S) FIRST READING(S) PUBLIC HEARING(S)

S. ORDINANCE(S) FIRST READING(S)

13. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE IV “DANGEROUS INTERSECTION SAFETY” OF CHAPTER 17 “STREETS AND SIDEWALKS” TO CREATE SECTION 17-80 OF THE CITY CODE OF ORDINANCES TO AUTHORIZE THE PLACEMENT, INSTALLATION, AND OPERATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES, ESTABLISH TRAFFIC ENFORCEMENT PROCEDURES WHEN SPEED DETECTION SYSTEMS ARE UTILIZED FOR SCHOOL ZONE SPEED LIMIT VIOLATIONS, AND CREATE HEARING PROCEDURES RELATING TO SUCH SCHOOL ZONE SPEED LIMIT VIOLATIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; CODIFICATION; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

[Memorandum Ordinance Creating Section 17-80 Relating to Speed Detection Systems.DOCX](#)
[First Reading - Ordinance School Speed Detection System.DOCX](#)

14. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE III “ZONING REGULATIONS” AND ARTICLE VIII “TRANSIT-ORIENTED DEVELOPMENT DISTRICT” REGULATIONS TO CLARIFY THE EXTENT OF THE TRANSIT-ORIENTED DEVELOPMENT AREA AND MODIFY REQUIREMENTS APPLICABLE TO DWELLING UNITS; AUTHORIZING REVISION OF THE CITY OF SOUTH MIAMI OFFICIAL ZONING MAP CONSISTENT WITH THE NOMENCLATURE OF THE AMENDED REGULATIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

[48A9589-Memo_-_Ordinance_-_TODD_Regulations.docx](#)

[48A9575-48A5447-Ordinance Amend Art. III and VIII LDC Transfer-Oriented Development District Regulations CAv3.DOCX](#)

[Exh A - Ordinance Amend Art. III and VIII LDC Transfer-Oriented Development District](#)

[Exh B - Ordinance Amend Art. III & VIII LDC Transfer-Oriented Development District](#)

T. ADJOURNMENT

PURSUANT TO FLORIDA STATUTE 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION OR ADMISSION OR OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

PURSUANT TO RESOLUTION No. 246-10-13280, “ANY INVOCATION THAT MAY BE OFFERED BEFORE THE START OF REGULAR COMMISSION BUSINESS SHALL BE THE VOLUNTARY OFFERING OF A PRIVATE CITIZEN, FOR THE BENEFIT OF THE COMMISSION AND THE CITIZENS PRESENT. THE VIEWS OR BELIEFS EXPRESSED BY THE INVOCATION SPEAKER HAVE NOT BEEN PREVIOUSLY REVIEWED OR APPROVED BY THE COMMISSION, AND THE COMMISSION DOES NOT ENDORSE THE RELIGIOUS BELIEFS OR VIEWS OF THIS, OR ANY OTHER SPEAKER.”

QUASI-JUDICIAL WARNING FOR CITY COMMISSION MEMBERS:

ANY AGENDA ITEM THAT HAS A QUASI-JUDICIAL WARNING IS CONSIDERED TO BE A QUASI-JUDICIAL MATTER. MEMBERS OF THE CITY COMMISSION MAY NOT HAVE ANY VERBAL COMMUNICATION WITH ANYONE, OTHER THAN AT THE MEETING SCHEDULED TO RESOLVE THE MATTER, UNTIL THE MATTER IS RESOLVED AT A PUBLIC MEETING AND THE MEETING IS ADJOURNED. YOU ARE PROHIBITED FROM MAKING ANY INDEPENDENT INVESTIGATION OF THIS MATTER OTHER THAN A SITE VISIT OR MAKING WRITTEN REQUESTS FOR INFORMATION FROM CITY EMPLOYEES AND RECEIVING WRITTEN RESPONSES FROM THEM IN THEIR OFFICIAL CAPACITY. ALL WRITTEN REQUESTS FOR INFORMATION AND RESPONSES THERETO MUST BE FILED WITH THE CLERK AND A COPY MUST ALSO BE SENT TO THE PLANNING AND ZONING DIRECTOR IF THE MATTER INVOLVES A LAND RELATED ISSUE. YOU MAY NOT HAVE ANY VERBAL COMMUNICATION WITH CITY EMPLOYEES REGARDING THIS MATTER. YOU MAY NOT ENTER ONTO SOMEONE'S PROPERTY WITHOUT THEIR PERMISSION. FURTHERMORE, YOU MAY NOT DISCUSS THE MATTER WITH THE PROPERTY OWNER OR ANYONE ELSE, INCLUDING NEIGHBORS. YOU MUST, IN WRITING, ADVISE THE CLERK OF THE DATE AND TIME OF YOUR SITE VISIT AND, IF THIS MATTER INVOLVES LAND USE, YOU MUST ALSO SEND A COPY TO THE PLANNING AND ZONING DIRECTOR. ALL INFORMATION THAT YOU OBTAIN ON THIS MATTER, OTHER THAN YOUR PERSONAL OBSERVATIONS AT A SITE VISIT AND WRITTEN INFORMATION PROVIDED BY STAFF, MUST BE PRESENTED TO YOU AT THE DULY NOTICED PUBLIC MEETING DURING WHICH THE APPLICANT SHALL BE GIVEN AN OPPORTUNITY TO PRESENT THE APPLICATION AND ANY EVIDENCE IN SUPPORT OF THE APPLICATION. IF THERE IS A BREAK IN THE MEETING, YOU MAY NOT ALLOW OTHERS TO SPEAK TO YOU ABOUT THE MATTER OR ALLOW THEM TO PROVIDE YOU WITH ANY INFORMATION ABOUT THE MATTER. IF THE MATTER REQUIRES MORE THAN ONE HEARING, YOU MAY NOT DISCUSS THE MATTER WITH ANYONE, UNTIL THE MATTER IS RESOLVED BY A FINAL WRITTEN RESOLUTION OR, IF APPLICABLE, ORDINANCE, AND, EVEN THEN, NOT UNTIL THE MEETING IS ADJOURNED. IF YOU RECEIVE AN EMAIL OR ANY WRITTEN OR PRINTED INFORMATION ABOUT THE MATTER BEFORE THE ADJOURNMENT OF THE HEARING AT WHICH A FINAL DECISION IS MADE FROM ANYONE OTHER THAN CITY EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITY, YOU MAY READ IT BUT YOU ARE NOT ALLOWED TO RESPOND TO IT AND YOU ARE REQUIRED TO IMMEDIATELY PROVIDE A COPY OF ANY WRITTEN COMMUNICATION OR DOCUMENT YOU RECEIVE CONCERNING THIS MATTER TO THE CITY CLERK, AND A COPY MUST ALSO BE SENT TO THE PLANNING AND ZONING DIRECTOR IF THE MATTER INVOLVES A LAND RELATED ISSUE. IN ADDITION, IF YOU RECEIVE ANY VERBAL, OR WRITTEN COMMUNICATION (OTHER THAN WHAT HAS ALREADY BEEN DELIVERED TO THE CLERK AND THE PLANNING AND ZONING DIRECTOR) YOU ARE REQUIRED TO DISCLOSE IT AT THE PUBLIC MEETING AND, IF IT WAS VERBAL, YOU ARE REQUIRED TO WRITE A MEMORANDUM THAT INCLUDES THE INFORMATION RECEIVED AND THE NAME AND ADDRESS OF THE PERSON PROVIDING THE INFORMATION, AS WELL AS THE DATE, TIME AND PLACE WHERE THE COMMUNICATION TOOK PLACE. THIS DOCUMENT MUST BE DELIVERED AS SOON THEREAFTER AS POSSIBLE TO THE CITY CLERK, AND IF APPLICABLE TO A LAND RELATED ISSUE, A COPY MUST ALSO BE DELIVERED TO THE PLANNING AND ZONING DIRECTOR.

WARNING REGARDING EX PARTE COMMUNICATIONS:

"EX PARTE COMMUNICATIONS" ARE WRITTEN OR VERBAL EXCHANGES BETWEEN AN ELECTED OR APPOINTED PUBLIC OFFICIAL, AND AN APPLICANT, HIS OR HER REPRESENTATIVES, OR A CITIZEN OR OTHER THIRD-PARTY OUTSIDE OF THE PUBLIC QUASI-JUDICIAL HEARING WHICH IS THE SUBJECT OF THE EXCHANGE. THE FLORIDA LEGISLATURE BY THE ADOPTION OF SECTION 286.0115(1), FLORIDA STATUTES, HAS AUTHORIZED THE ADOPTION OF LOCAL ORDINANCES ALLOWING EX PARTE COMMUNICATIONS IF CERTAIN PROCEDURES ARE FOLLOWED TO ENSURE THAT THE WRITTEN OR VERBAL EXCHANGE IS MADE PUBLIC, WHICH IS DESIGNED TO REMOVE ANY PRESUMPTION OF PREJUDICE THAT WOULD OTHERWISE RESULT IF THE EXCHANGE WERE KEPT PRIVATE AND NOT DISCLOSED. EX PARTE COMMUNICATIONS MUST BE PUBLICLY DISCLOSED PRIOR TO OR AT THE QUASI-JUDICIAL HEARING AT WHICH THE DECISION IS TO BE MADE. ALL DECISIONS MADE AT A QUASI-JUDICIAL HEARING MUST BE BASED ON COMPETENT SUBSTANTIAL EVIDENCE. VERBAL EX PARTE COMMUNICATIONS ARE HEARSAY, ARE NOT COMPETENT EVIDENCE, AND MAY NOT FORM THE SOLE BASIS FOR MAKING ANY QUASI-JUDICIAL DECISIONS, BUT THEY MAY BE USED TO SUPPORT OR EXPLAIN OTHER COMPETENT EVIDENCE.

PURSUANT TO ORDINANCE §2-2.1, CITY CODE, THE SOUTH MIAMI CITY COMMISSION HAS ADOPTED THESE PROCEDURES TO ALLOW THE USE OF EX-PARTE COMMUNICATIONS AS FOLLOWS:

1. THE ELECTED OR APPOINTED PUBLIC OFFICIAL SHALL DISCLOSE IN WRITING THE SUBJECT OF THE COMMUNICATION AND THE IDENTITY OF THE PERSON, GROUP, OR ENTITY WITH WHOM THE COMMUNICATION TOOK PLACE, AS SOON AS PRACTICABLE AFTER THE COMMUNICATION TAKES PLACE, WITH THE CITY CLERK AND MADE A PART OF THE RECORD AT THE HEARING BEFORE FINAL ACTION ON THE MATTER.
2. A LOCAL PUBLIC OFFICIAL MAY READ A WRITTEN COMMUNICATION FROM ANY PERSON. ANY WRITTEN COMMUNICATION THAT RELATES TO QUASI-JUDICIAL ACTION PENDING BEFORE A LOCAL PUBLIC OFFICIAL, SHALL NOT BE PRESUMED PREJUDICIAL TO THE ACTION, PROVIDED SUCH WRITTEN COMMUNICATION IS DISCLOSED AND MADE A PART OF THE RECORD BEFORE FINAL ACTION ON THE MATTER.

3. A LOCAL PUBLIC OFFICIAL MAY CONDUCT INVESTIGATIONS, MAKE SITE VISITS AND RECEIVE EXPERT OPINIONS REGARDING QUASI-JUDICIAL ACTION PENDING OR IMPENDING BEFORE HIM OR HER PROVIDED THAT SUCH ACTIVITIES AND THE EXISTENCE OF SUCH INVESTIGATIONS, SITE VISITS OR EXPERT OPINIONS IS MADE A PART OF THE RECORD BEFORE FINAL ACTION IS TAKEN ON THE MATTER.

4. DISCLOSURE MADE PURSUANT TO PARAGRAPHS 1, 2 AND 3 ABOVE MUST BE MADE BEFORE OR DURING THE PUBLIC MEETING AT WHICH A VOTE IS TAKEN ON SUCH MATTERS SO THAT PERSONS WHO HAVE OPINIONS CONTRARY TO THOSE EXPRESSED IN THE EX PARTE COMMUNICATION ARE GIVEN A REASONABLE OPPORTUNITY TO REFUTE OR RESPOND TO THE COMMUNICATION.

IT IS POSSIBLE THAT IF THE STATUTE OR ORDINANCE DISCUSSED ABOVE, OR A QUASI-JUDICIAL ACTION PENDING BEFORE THE COMMISSION OR BOARD ARE CHALLENGED, THAT A COURT MIGHT FIND THAT NEITHER THE LEGISLATURE NOR THE CITY COMMISSION HAD AUTHORITY TO ENACT THESE PROCEDURES CONCERNING EX PARTE COMMUNICATIONS, WHICH COULD RESULT IN THE ACTION TAKEN BEING REVERSED. YOU THUS PROCEED AT YOUR OWN RISK IN ENGAGING IN SUCH COMMUNICATIONS, AND THEY ARE NOT ENCOURAGED. THEY ARE, HOWEVER, THE POLICY OF THE LEGISLATURE AND CITY COMMISSION, AND UNTIL DETERMINED OTHERWISE BY THE LEGISLATURE OR THE COURTS, ARE LEGALLY PERMITTED BUT NOT WITHOUT POSSIBLE ADVERSE LEGAL CONSEQUENCES TO THE DETRIMENT OF THE CITY AND OTHER PARTIES.

City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Nkenga Payne

Submitting Department: City Clerk

Item Type: Presentation

Agenda Section:

Subject:

Proposed Traffic Circle at SW 58th Avenue and SW 82nd Street

Suggested Action:

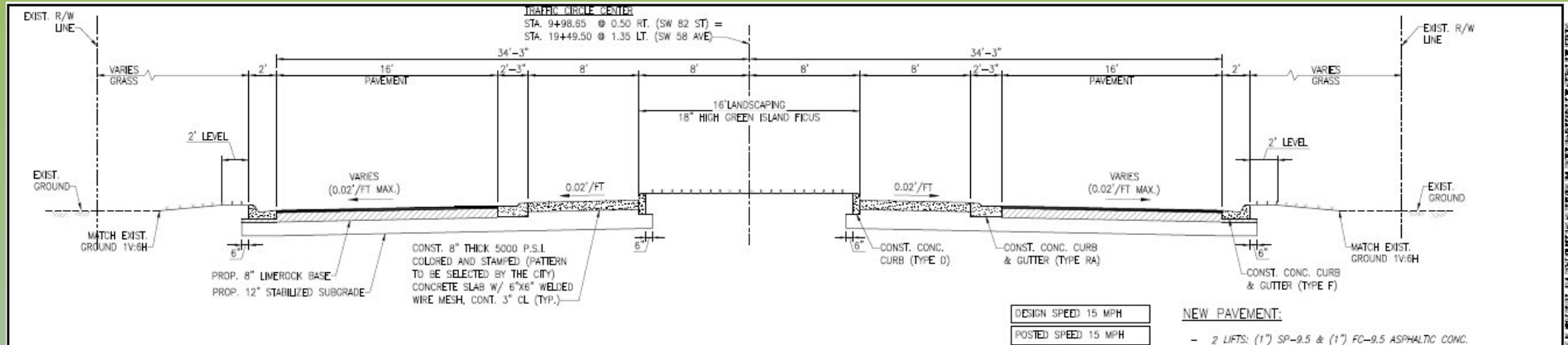
Attachments:

[Traf Circle PRES-PWDajc.pptx](#)

TRAFFIC CIRCLE SW 82nd ST and SW 58th Av

- The effort was to maximize calming effects in relation to the existing calming devices, particularly east of South Dixie Highway.
- Perform traffic calming along both warranting segment 82nd Street and 77th Terrace
- Reduces traffic speed (typically designed to accommodate traffic speeds of 15 to 25 mph)
- Significantly reduces the severity of intersection collisions
- Increased opportunity for landscaping
- Particularly effective at multi-leg/oddly shaped intersections and helps improve traffic operations
- Reduces noise impacts from stop signs and vehicle acceleration

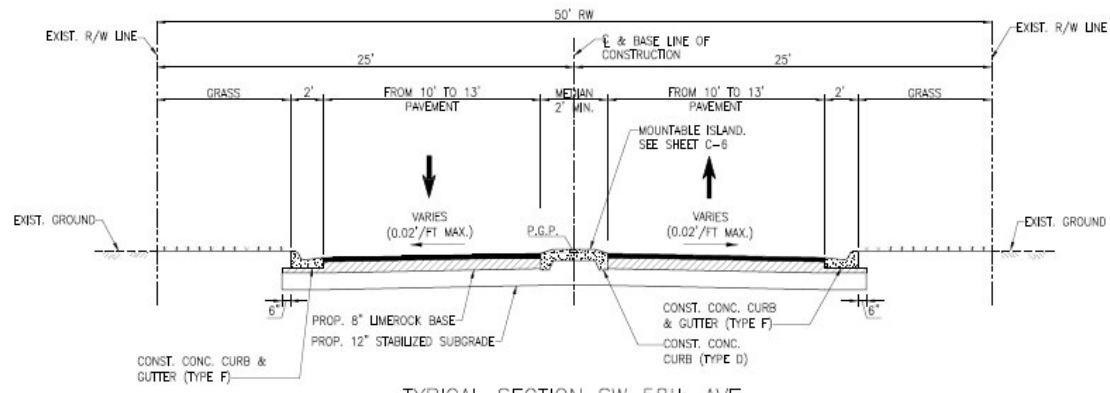
TRAFFIC CIRCLE SW 82nd ST and SW 58th Ave



SOUTHEAST - NORTHWEST AND NORTHEAST - SOUTHWEST
TYPICAL SECTION TRAFFIC CIRCLE N.T.S.
 STA. 9+98.65 (SW 82nd ST.)
 STA. 19+49.50 (SW 58th AVE.)

DESIGN SPEED 15 MPH
 POSTED SPEED 15 MPH

- NEW PAVEMENT:**
- 2 LIFTS: (1") SP-9.5 & (1") FC-9.5 ASPHALTIC CONC.
 - 8" MIN. BASE COURSE COMPACTED TO MIN. 98% (MODIFIED PROCTOR) MIN. LBR=100 PER AASHTO T-180
 - 12" STABILIZED SUBBASE, COMPACTED TO MIN. 98%, MIN. LBR=40, PER AASHTO T-180



TYPICAL SECTION SW 58th AVE. N.T.S.
TRAFFIC CIRCLE
 STA. 19+25 TO STA. 20+75

- NEW PAVEMENT:**
- 2 LIFTS: (1") SP-9.5 & (1") FC-9.5 ASPHALTIC CONC.
 - 8" MIN. BASE COURSE COMPACTED TO MIN. 98% (MODIFIED PROCTOR) MIN. LBR=100 PER AASHTO T-180
 - 12" STABILIZED SUBBASE, COMPACTED TO MIN. 98%, MIN. LBR=40, PER AASHTO T-180

DESIGN SPEED 15 MPH
 POSTED SPEED 15 MPH

REV	DATE	BY	DESCRIPTION

DESIGNED BY	G.B.
DRAWN BY	G.B.
CHECKED BY	J.C.F.
DATE	10/13/2023

TRAFFIC CIRCLE
 AT
 SW 82nd ST. AND SW 58th AVE.

TYPICAL SECTION

SCALE	AS SHOWN
PROJECT NO.	2225
DWG. NO.	C-4.1

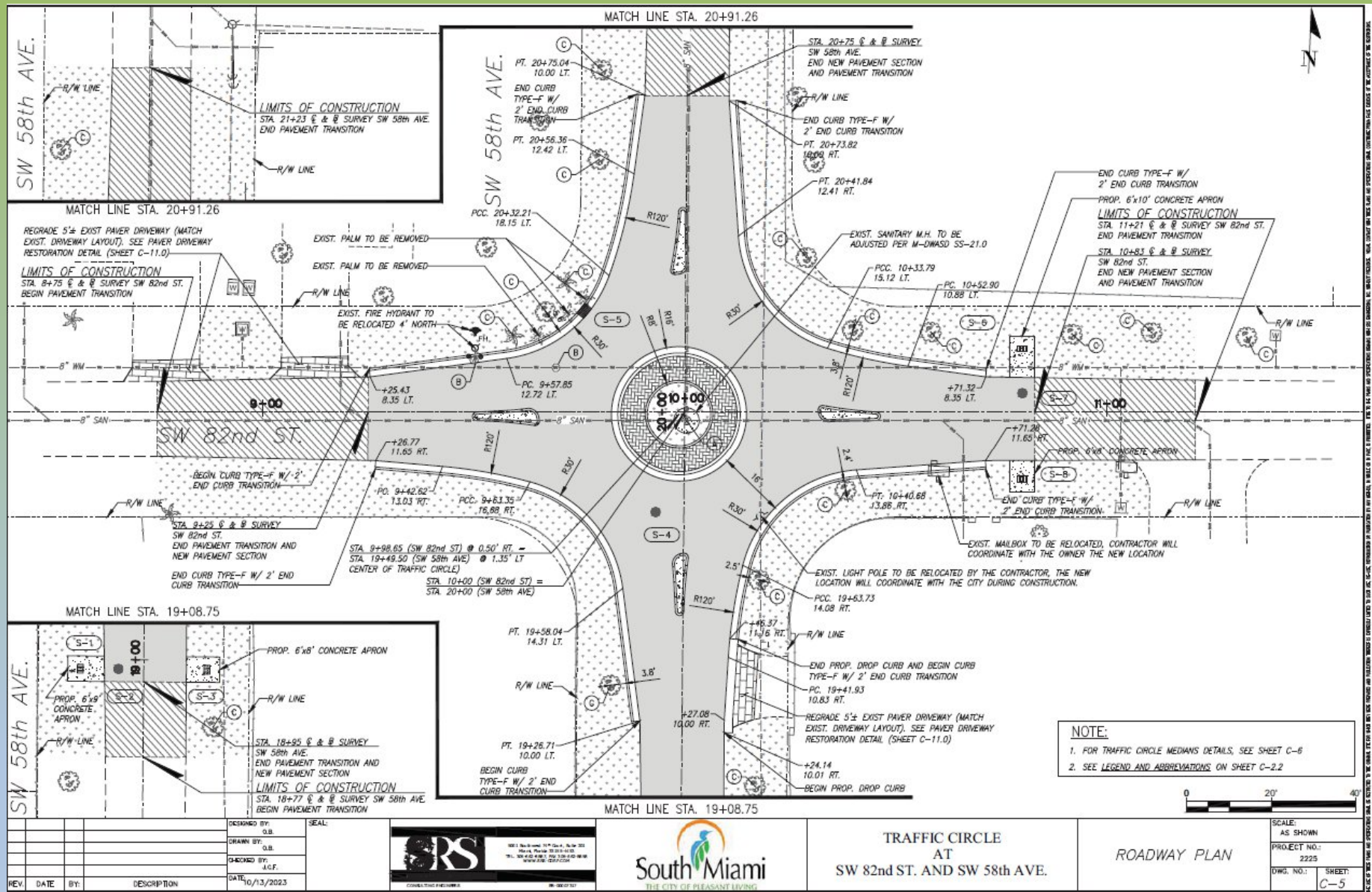


TRAFFIC CIRCLE SW 82nd ST and SW 58th Av

CONFLICTS:

- Removal of Existing Palms
- Relocation of a Fire hydrant at NW corner
- Re-grade existing paver driveways
- Relocation of a light pole at the SE corner

TRAFFIC CIRCLE SW 82nd ST and SW 58th Ave



REV.	DATE	BY:	DESCRIPTION	DATE

DESIGNED BY:	O.B.
DRAWN BY:	O.B.
CHECKED BY:	J.C.F.
DATE:	10/13/2023



TRAFFIC CIRCLE
AT
SW 82nd ST. AND SW 58th AVE.

ROADWAY PLAN

SCALE:	AS SHOWN
PROJECT NO.:	2225
DWG. NO.:	
SHEET:	C-5



TRAFFIC CIRCLE SW 82nd ST and SW 58th Av

Proposed landscape consist of low shrub green island ficus inside the 16ft diameter due to existing sewer manhole in the middle of the intersection.



City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Nkenga Payne

Submitting Department: City Clerk

Item Type: Minutes

Agenda Section:

Subject:

02.06.24

Suggested Action:

Attachments:

[02.06.24.docx](#)

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City of South Miami Regular City Commission Minutes February 6, 2024

9 The City Commission met in regular session on Tuesday, February 6, 2024, beginning at
10 7:00 p.m. The meeting was held in the City Commission Chamber, 6130 Sunset Drive, South
11 Miami, FL and as a virtual meeting. This virtual meeting was held on the Zoom platform used by
12 the City Clerk for live remote participation.

13 A) SILENCE OR TURN OFF ALL CELL PHONES

14 B) ROLL CALL

15 The following members of the City Commission were present: Mayor Javier Fernández,
16 Vice Mayor Lisa Bonich, Commissioner Steve Calle, Commissioner Brian Corey, and Commissioner
17 Josh Liebman.

18 Also, in attendance were Chip Iglesia, City Manager, Samantha Fraga-Lopez, Deputy City
19 Manager, Tony Recio, City Attorney, Lillian Arango, City Attorney, and Nkenga A. Payne, City
20 Clerk.

21 C) PRAYER/MOMENT OF SILENCE

22 D) PLEDGE OF ALLEGIANCE

23 The Pledge of Allegiance was recited in unison.

24 E) PRESENTATIONS

25 E1.) Unhoused Outreach and Successful Housing Placement - Commissioner Corey
26 and Officer Rodney Napier

27 A video of successful unhoused individuals was shown. Officer Rodney Napier thanked
28 the Commission and administration for their assistance.

29 E2.) Parking Garage Mural Options - Alexander A. Mijares

30 This presentation was differed to the next meeting.

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F) ADD-ON ITEM(S)

G) LOBBYIST(S) ADDRESSING THE CITY COMMISSION TONIGHT MUST HAVE BEEN REGISTERED WITH THE CITY CLERK

H) APPROVAL OF MINUTES

Ha.) 12.19.23

Moved by Commissioner Calle, seconded by Vice Mayor Bonich, the motion to approve the minutes of 12.19.23 passed by a 5 - 0 vote:

- Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle
Commissioner Liebman
- Nay: None

Hb.) 01.16.24

Moved by Commissioner Calle, seconded by Vice Mayor Bonich, the motion to approve the minutes of 01.16.24 passed by a 5 - 0 vote:

- Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle
Commissioner Liebman
- Nay: None

I) CITY MANAGER'S REPORT

Ia.) City Manager's Report

Deputy Manager Fraga-Lopez reported on the following: She gave an update on the Avalon Bay project. The City has joined Nextdoor app to update the community on City issues and events. City hall will be closed Monday, February 19, 2024 in observance of President's Day.

65 After Mayor Fernández asked about the landscape on SW 84th Street, as it relates to the
66 dying of the trees, there was some discussion to have a better process in place during the
67 warranty period to inspect the trees to make sure we are getting the best of our investment.
68

69 J) CITY ATTORNEY'S REPORT

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71 Mr. Recio reported that they are working a construction standards ordinance and traffic
72 flow modification.
73

74 K) PUBLIC REMARKS

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76 The following individuals spoke during public remarks: Karen Neal, Dr. Anna Price, Stefane
77 Richard, Eneida Rodriguez, Kathryn Potter, Alberto Milo, Jr., Kevin Grace, Lee Jacobs, Audley
78 Bosch, Kathleen McAuliffe, Max Gelrud, Arturo Chavarry, Miles Black, Jose Antonio Hernandez,
79 Deltravis Williams, Gray Read, Sabrina Newfield, Bougainvillea's Old Tavern's owner, Daniel
80 Guerra, Deborah Powell, Catherine Garrido, Kevin Testa, Rajiv Pandey, and Brent Pfeifer.
81

82 L) COMMISSION REPORTS, DISCUSSION & REMARKS

83 M) BOARDS AND COMMITTEES, APPOINTMENTS, ETC.

84
85 Ma.) Alexander Almazan has been appointed by Vice Mayor Bonich to the Budget &
Finance Committee, as per City Charter Art. II, Sec. 8 A, for the FY Budget 2024-
2025.
86

87 Mb.) Justin Puente has been appointed by Commissioner Calle to the Budget &
Finance Committee, as per City Charter Art. II, Sec. 8 A, for the FY Budget 2024-
2025.
88

89 Mc.) Noel Cleland, has been reappointed by Commissioner Calle to the Green Task
Force, as per City Charter Art. II, Sec. 8 A, for a two-year term ending February
6, 2026.
90

91 Md.) John 'Jay' Miller has been appointed by Commissioner Liebman to the Budget &
Finance Committee, as per City Charter Art. II, Sec. 8 A, for the FY Budget 2024-
2025.
92

93 O) RESOLUTION(S)
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11.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, OPPOSING MIAMI-DADE ZONING APPLICATION NO. Z2022000118 FILED BY GARCIA CARRILLO 56 STREET REVOCABLE TRUST FOR THE REZONING OF THE PROPERTY LOCATED AT 5979 SW 56 STREET, MIAMI-DADE COUNTY, FLORIDA, PARTICULARLY OPPOSING RECOMMENDED CONDITION NO. 3 WHICH SEEKS DEDICATIONS TO ESTABLISH A NEW STREET CONNECTION BETWEEN SW 54TH TERRACE/60TH PLACE AND SW 60TH COURT; URGING THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS TO DENY THE APPEAL OF ZONING APPLICATION #Z2022000118, OR IN THE ALTERNATIVE, DELETING CONDITION NO. 3 OF THE STAFF RECOMMENDATION WHICH SEEKS DEDICATIONS TO ESTABLISH A NEW STREET CONNECTION BETWEEN SW 54TH TERRACE/60TH PLACE AND SW 60TH COURT; PROVIDING FOR TRANSMITTAL; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

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The resolution was amended to state the following in Section 3: Urging Board of County Commissioners to Deny Application. The City Commission hereby urges the Miami-Dade County Board of County Commissioners to deny the Application.

Moved by Vice Mayor Bonich, seconded by Commissioner Corey, the motion to approve as amended RESOLUTION NO. 006-24-16111 OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, OPPOSING MIAMI-DADE ZONING APPLICATION NO. Z2022000118 FILED BY GARCIA CARRILLO 56 STREET REVOCABLE TRUST FOR THE REZONING OF THE PROPERTY LOCATED AT 5979 SW 56 STREET, MIAMI-DADE COUNTY, FLORIDA, PARTICULARLY OPPOSING RECOMMENDED CONDITION NO. 3 WHICH SEEKS DEDICATIONS TO ESTABLISH A NEW STREET CONNECTION BETWEEN SW 54TH TERRACE/60TH PLACE AND SW 60TH COURT; URGING THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS TO DENY THE APPEAL OF ZONING APPLICATION #Z2022000118, ~~OR IN THE ALTERNATIVE, DELETING CONDITION NO. 3 OF THE STAFF RECOMMENDATION WHICH SEEKS DEDICATIONS TO ESTABLISH A NEW STREET CONNECTION BETWEEN SW 54TH TERRACE/60TH PLACE AND SW 60TH COURT;~~ PROVIDING FOR TRANSMITTAL; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE passed by a 5 - 0 vote:

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle
Commissioner Liebman

Nay: None

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9.) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE WAIVER OF CERTAIN EVENT-RELATED FEES AND COSTS IN THE AMOUNT OF \$36,094 PURSUANT TO SECTION 15B-6 OF THE CITY CODE FOR A SPECIAL EVENT KNOWN AS THE "SOUTH MIAMI ROTARY ART FESTIVAL" PRESENTED BY ROTARY FOUNDATION OF SOUTH MIAMI, INC., TO BE HELD ON SATURDAY, FEBRUARY 24th AND SUNDAY, FEBRUARY 25th, 2024, ON SUNSET DRIVE FROM US1 TO 57th AVENUE; PROVIDING FOR APPLICABILITY OF OTHER FEES AND CODE REQUIREMENTS; IMPLEMENTATION; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

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Moved by Mayor Fernández, seconded by Commissioner Corey, the motion to approve RESOLUTION NO. 007-24-16112 OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE WAIVER OF CERTAIN EVENT-RELATED FEES AND COSTS IN THE AMOUNT OF \$36,094 PURSUANT TO SECTION 15B-6 OF THE CITY CODE FOR A SPECIAL EVENT KNOWN AS THE "SOUTH MIAMI ROTARY ART FESTIVAL" PRESENTED BY ROTARY FOUNDATION OF SOUTH MIAMI, INC., TO BE HELD ON SATURDAY, FEBRUARY 24th AND SUNDAY, FEBRUARY 25th, 2024, ON SUNSET DRIVE FROM US1 TO 57th AVENUE; PROVIDING FOR APPLICABILITY OF OTHER FEES AND CODE REQUIREMENTS; IMPLEMENTATION; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE passed by a 3 - 2 vote:

Yea: Mayor Fernández
Commissioner Corey
Commissioner Calle
Nay: Vice Mayor Bonich
Commissioner Liebman

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S) ORDINANCE(S) FIRST READING(S)

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17.) AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING CHAPTER 4 "ALCOHOLIC BEVERAGES," ARTICLE I "IN GENERAL," SECTION 4-2 "CONDITIONAL USE APPROVAL OF REQUIREMENTS; NONCONFORMING USE; CERTIFICATE OF OCCUPANCY", AND CHAPTER 15 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE I "IN GENERAL," SECTION 15-63 "MOBILE VENDORS," OF THE CITY CODE OF ORDINANCES, TO MODIFY CONDITIONS RELATING TO FOOD SERVICE IN CONNECTION WITH THE SERVICE OF ALCOHOLIC BEVERAGES INCLUDING ALLOWING MOBILE FOOD VENDORS FOR DRINKING PLACE/BAR/LOUNGE WITHIN THE HOMETOWN DISTRICT UNDER CERTAIN CONDITIONS; PROVIDING FOR CORRECTIONS;

SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

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Mayor Fernández modified the ordinance to a 11:00 pm start time.

Moved by Mayor Fernández, seconded by Commissioner Calle, the motion to approve as amended AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING CHAPTER 4 "ALCOHOLIC BEVERAGES," ARTICLE I "IN GENERAL," SECTION 4-2 "CONDITIONAL USE APPROVAL OF REQUIREMENTS; NONCONFORMING USE; CERTIFICATE OF OCCUPANCY", AND CHAPTER 15 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE I "IN GENERAL," SECTION 15-63 "MOBILE VENDORS," OF THE CITY CODE OF ORDINANCES, TO MODIFY CONDITIONS RELATING TO FOOD SERVICE IN CONNECTION WITH THE SERVICE OF ALCOHOLIC BEVERAGES INCLUDING ALLOWING MOBILE FOOD VENDORS FOR DRINKING PLACE/BAR/LOUNGE WITHIN THE HOMETOWN DISTRICT UNDER CERTAIN CONDITIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE passed by a 4 - 1 vote:

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle

Nay: Commissioner Liebman

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O) RESOLUTION(S)

- 7.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SCHEDULE OF FEES AND FINES TO MODIFY CERTAIN PARKING RATES AND FEES FOR THE SOUTH MIAMI PARKING GARAGE; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ) (DEFERRED ON 1/16/24)

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After the discussion on this item, Mayor Fernández withdrew this item.

At this time, the Commission took a 5-minute recess.

10.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) FOR THE SOUTH MIAMI CITY HALL REDEVELOPMENT

PROJECT; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

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161 Moved by Commissioner Calle, seconded by Vice Mayor Bonich, the motion to approve
162 RESOLUTION NO. 008-24-16113 OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH
163 MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR QUALIFICATIONS
164 (RFQ) FOR THE SOUTH MIAMI CITY HALL REDEVELOPMENT PROJECT; PROVIDING FOR
165 IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE passed by a 5 - 0 vote:
166

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle
Commissioner Liebman
Nay: None

~~167~~
N) CONSENT AGENDA

~~168~~
171 1.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH
172 MIAMI, FLORIDA, APPROVING A PROPOSAL AND PROJECT AGREEMENT WITH
173 KIMLEY-HORN AND ASSOCIATES, INC., TO PROVIDE DESIGN SERVICES FOR
174 DRAINAGE IMPROVEMENTS ALONG SW 65TH AVENUE BETWEEN SW 50TH
175 STREET AND SW 52ND STREET IN AN AMOUNT NOT TO EXCEED \$60,560.50;
176 PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION,
177 CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS
178 ENGINEERING & CONSTRUCTION)
179

171 Moved by Commissioner Liebman, seconded by Commissioner Corey, the motion to
172 approve RESOLUTION NO. 009-24-16114 OF THE MAYOR AND CITY COMMISSION OF THE CITY
173 OF SOUTH MIAMI, FLORIDA, APPROVING A PROPOSAL AND PROJECT AGREEMENT WITH KIMLEY-
174 HORN AND ASSOCIATES, INC., TO PROVIDE DESIGN SERVICES FOR DRAINAGE IMPROVEMENTS
175 ALONG SW 65TH AVENUE BETWEEN SW 50TH STREET AND SW 52ND STREET IN AN AMOUNT
176 NOT TO EXCEED \$60,560.50; PROVIDING FOR AUTHORIZATION; PROVIDING FOR
177 IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE passed by a 5 - 0 vote:
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Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle
Commissioner Liebman

Nay: None

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- 2.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A PROPOSAL AND PROJECT AGREEMENT WITH EXP U.S. SERVICES INC., TO PROVIDE DESIGN SERVICES FOR DRAINAGE IMPROVEMENTS ALONG SW 59th PLACE FROM SW 56TH TERRACE TO CUL-DE-SAC IN AN AMOUNT NOT TO EXCEED \$48,987.20; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS ENGINEERING & CONSTRUCTION)

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Moved by Commissioner Liebman, seconded by Commissioner Corey, the motion to approve RESOLUTION NO. 010-24-16115 OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A PROPOSAL AND PROJECT AGREEMENT WITH EXP U.S. SERVICES INC., TO PROVIDE DESIGN SERVICES FOR DRAINAGE IMPROVEMENTS ALONG SW 59th PLACE FROM SW 56TH TERRACE TO CUL-DE-SAC IN AN AMOUNT NOT TO EXCEED \$48,987.20; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE passed by a 5 - 0 vote:

Yea: Mayor Fernández
 Vice Mayor Bonich
 Commissioner Corey
 Commissioner Calle
 Commissioner Liebman

Nay: None

181

- 3.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A PROPOSAL AND PROJECT AGREEMENT WITH SRS ENGINEERING, INC., TO PROVIDE DESIGN SERVICES FOR THE BRIDGE STRUCTURAL DESIGN REPAIRS PROJECT AT SW 63RD COURT OVER TWIN LAKE CANAL JUST NORTH OF SW 62ND TERRACE IN AN AMOUNT NOT TO EXCEED \$135,486.06; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS ENGINEERING & CONSTRUCTION)

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Moved by Commissioner Liebman, seconded by Commissioner Corey, the motion to approve RESOLUTION NO. 011-24-16116 OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A PROPOSAL AND PROJECT AGREEMENT WITH SRS ENGINEERING, INC., TO PROVIDE DESIGN SERVICES FOR THE BRIDGE STRUCTURAL DESIGN REPAIRS PROJECT AT SW 63RD COURT OVER TWIN LAKE CANAL JUST NORTH OF SW 62ND

199 TERRACE IN AN AMOUNT NOT TO EXCEED \$135,486.06; PROVIDING FOR AUTHORIZATION;
200 PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE passed by a 5 - 0
201 vote:
202

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle
Commissioner Liebman
Nay: None

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204 4.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH
MIAMI, FLORIDA, APPROVING THE PURCHASE AND INSTALLATION OF THREE
NEW FITNESS EQUIPMENT MACHINES AT GIBSON-BETHEL COMMUNITY
CENTER FROM CENTURION PARTNERS HEALTH AND FITNESS, LLC DBA
FITNESSMITH IN AN AMOUNT NOT TO EXCEED \$11,241.58; PROVIDING FOR
AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN
EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS & RECREATION DEPT.)

205
206 Moved by Commissioner Liebman, seconded by Commissioner Corey, the motion to
207 approve RESOLUTION NO. 012-24-16117 OF THE MAYOR AND CITY COMMISSION OF THE CITY
208 OF SOUTH MIAMI, FLORIDA, APPROVING THE PURCHASE AND INSTALLATION OF THREE NEW
209 FITNESS EQUIPMENT MACHINES AT GIBSON-BETHEL COMMUNITY CENTER FROM CENTURION
210 PARTNERS HEALTH AND FITNESS, LLC DBA FITNESSMITH IN AN AMOUNT NOT TO EXCEED
211 \$11,241.58; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION,
212 CORRECTIONS, AND AN EFFECTIVE DATE passed by a 5 - 0 vote:
213

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle
Commissioner Liebman
Nay: None

214
215 5.) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI,
FLORIDA, AUTHORIZING THE WAIVER OF RENTAL FEES IN THE AMOUNT OF \$990
FOR YOUTH FLAG FOOTBALL AND BASKETBALL COMPETITIONS BY SOUTH
MIAMI MIDDLE SCHOOL TO BE HELD AT PALMER PARK AND THE GIBSON-
BETHEL COMMUNITY CENTER; PROVIDING FOR APPLICABILITY OF OTHER FEES

AND CODE REQUIREMENTS; IMPLEMENTATION; CORRECTIONS; SEVERABILITY;
AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS & RECREATION DEPT.)

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Moved by Commissioner Liebman, seconded by Commissioner Corey, the motion to approve RESOLUTION NO. 013-24-16118 OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE WAIVER OF RENTAL FEES IN THE AMOUNT OF \$990 FOR YOUTH FLAG FOOTBALL AND BASKETBALL COMPETITIONS BY SOUTH MIAMI MIDDLE SCHOOL TO BE HELD AT PALMER PARK AND THE GIBSON-BETHEL COMMUNITY CENTER; PROVIDING FOR APPLICABILITY OF OTHER FEES AND CODE REQUIREMENTS; IMPLEMENTATION; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE passed by a 5 - 0 vote:

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle
Commissioner Liebman
Nay: None

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6.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE RENEWAL OF SERVICES WITH CIVICPLUS FOR SECLICKFIX FOR A 1-YEAR PERIOD INCLUDING MARCH 17, 2024, THROUGH MARCH 16, 2025, IN AN AMOUNT NOT TO EXCEED \$14,520.88; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-INFORMATION TECHNOLOGY)

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Moved by Commissioner Liebman, seconded by Commissioner Corey, the motion to approve RESOLUTION NO. 014-24-16119 OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE RENEWAL OF SERVICES WITH CIVICPLUS FOR SECLICKFIX FOR A 1-YEAR PERIOD INCLUDING MARCH 17, 2024, THROUGH MARCH 16, 2025, IN AN AMOUNT NOT TO EXCEED \$14,520.88; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; AND AN EFFECTIVE DATE passed by a 5 - 0 vote:

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle
Commissioner Liebman
Nay: None

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236 It was moved by Commissioner Calle and seconded by Commissioner Corey to extend the
237 meeting until 12:00 pm. The motion was approved unanimously.

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P) RESOLUTION(S) PUBLIC HEARING(S)

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Q) ORDINANCE(S) SECOND READING(S) PUBLIC HEARING(S)

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12.) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE V "PROCEDURES AND APPLICATIONS", SECTION 20-5.15 "CERTIFICATE OF USE" OF THE LAND DEVELOPMENT CODE, TO PROVIDE ADDITIONAL REGULATIONS FOR CERTIFICATES OF USE; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (CITY ATTORNEY)

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The public hearing on items 12, 13, 14, and 15 were opened and closed with no speakers.

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Moved by Vice Mayor Bonich, seconded by Commissioner Corey, the motion to approve ORDINANCE NO. 01-24-2486 OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE V "PROCEDURES AND APPLICATIONS", SECTION 20-5.15 "CERTIFICATE OF USE" OF THE LAND DEVELOPMENT CODE, TO PROVIDE ADDITIONAL REGULATIONS FOR CERTIFICATES OF USE; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE passed by a 5 - 0 vote:

246

- Yea: Mayor Fernández
- Vice Mayor Bonich
- Commissioner Corey
- Commissioner Calle
- Commissioner Liebman
- Nay: None

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13.) AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTIONS 1-2, "RULES OF CONSTRUCTION; DEFINITIONS," 2-2.1, "RULES OF PROCEDURE OF CITY COMMISSION," 2-31, "SAME—PUBLICATION OF NOTICE TO HEAR OBJECTIONS," 2-37, "SAME-SUBJECT TO ACTION BY COUNCIL," 2-80, "DESIGN-BUILD CONTRACTS," 9-5, "ELECTION DATE AND NOTIFICATION; OFFICIAL BALLOT," 14-5, "DECLARATION OF A STATE OF EMERGENCY," AND 15-35.1 "ABANDONED VEHICLES" OF THE CITY CODE OF ORDINANCES, AND SECTIONS 20-2.3, "DEFINITIONS," 20-4.2, "LAND SUBDIVISION REGULATIONS," 20-5.5, "APPLICATIONS REQUIRING

PUBLIC HEARINGS," AND 20-11.4, "DEMOLITION OF DESIGNATED SITES; DEMOLITION BY NEGLECT; CERTIFICATES OF APPROPRIATENESS AND UNDUE ECONOMIC HARDSHIP," OF THE LAND DEVELOPMENT CODE, AND ANY OTHER SECTIONS OF THE CITY CODE OF ORDINANCES OR LAND DEVELOPMENT CODE AS NECESSARY, TO ALLOW THE USE OF THE PUBLICLY ACCESSIBLE WEBSITE DESIGNATED BY MIAMI-DADE COUNTY FOR PUBLICATION OF LEGALLY REQUIRED ADVERTISEMENTS AND PUBLIC NOTICES IN ACCORDANCE WITH CHAPTER 50, FLORIDA STATUTES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (CITY ATTORNEY)

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Moved by Vice Mayor Bonich, seconded by Commissioner Corey, the motion to approve ORDINANCE NO. 02-24-2487 OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTIONS 1-2, "RULES OF CONSTRUCTION; DEFINITIONS," 2-2.1, "RULES OF PROCEDURE OF CITY COMMISSION," 2-31, "SAME—PUBLICATION OF NOTICE TO HEAR OBJECTIONS," 2-37, "SAME-SUBJECT TO ACTION BY COUNCIL," 2-80, "DESIGN-BUILD CONTRACTS," 9-5, "ELECTION DATE AND NOTIFICATION; OFFICIAL BALLOT," 14-5, "DECLARATION OF A STATE OF EMERGENCY," AND 15-35.1 "ABANDONED VEHICLES" OF THE CITY CODE OF ORDINANCES, AND SECTIONS 20-2.3, "DEFINITIONS," 20-4.2, "LAND SUBDIVISION REGULATIONS," 20-5.5, "APPLICATIONS REQUIRING PUBLIC HEARINGS," AND 20-11.4, "DEMOLITION OF DESIGNATED SITES; DEMOLITION BY NEGLECT; CERTIFICATES OF APPROPRIATENESS AND UNDUE ECONOMIC HARDSHIP," OF THE LAND DEVELOPMENT CODE, AND ANY OTHER SECTIONS OF THE CITY CODE OF ORDINANCES OR LAND DEVELOPMENT CODE AS NECESSARY, TO ALLOW THE USE OF THE PUBLICLY ACCESSIBLE WEBSITE DESIGNATED BY MIAMI-DADE COUNTY FOR PUBLICATION OF LEGALLY REQUIRED ADVERTISEMENTS AND PUBLIC NOTICES IN ACCORDANCE WITH CHAPTER 50, FLORIDA STATUTES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE passed by a 5 - 0 vote:

Yea:	Mayor Fernández Vice Mayor Bonich Commissioner Corey Commissioner Calle Commissioner Liebman
Nay:	None

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- 14.) AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE IV "OTHER REGULATIONS," SECTION 20-4.2(D) OF THE LAND DEVELOPMENT CODE, TO ALLOW THE ISSUANCE OF A BUILDING PERMIT PRIOR TO FINAL PLAT IN CERTAIN CIRCUMSTANCES;

PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION;
AND AN EFFECTIVE DATE. 4/5 (CITY ATTORNEY)

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Moved by Vice Mayor Bonich, seconded by Commissioner Corey, the motion to approve ORDINANCE NO. 03-24-2488 OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE IV "OTHER REGULATIONS," SECTION 20-4.2(D) OF THE LAND DEVELOPMENT CODE, TO ALLOW THE ISSUANCE OF A BUILDING PERMIT PRIOR TO FINAL PLAT IN CERTAIN CIRCUMSTANCES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE passed by a 5 - 0 vote:

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle
Commissioner Liebman
Nay: None

286

15.) AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, CREATING ARTICLE V "MAINTENANCE OF PRIVATE PROPERTY" OF CHAPTER 15 "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE CITY CODE OF ORDINANCES TO PROVIDE FOR MINIMUM MAINTENANCE STANDARDS FOR PRIVATE PROPERTY AND ENFORCEMENT PROCEDURES INCLUDING CITY ABATEMENT OF OFFENDING PROPERTY CONDITIONS; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE. 3/5 (CITY ATTORNEY)

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Moved by Vice Mayor Bonich, seconded by Commissioner Corey, the motion to approve ORDINANCE NO. 04-24-2489 OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, CREATING ARTICLE V "MAINTENANCE OF PRIVATE PROPERTY" OF CHAPTER 15 "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE CITY CODE OF ORDINANCES TO PROVIDE FOR MINIMUM MAINTENANCE STANDARDS FOR PRIVATE PROPERTY AND ENFORCEMENT PROCEDURES INCLUDING CITY ABATEMENT OF OFFENDING PROPERTY CONDITIONS; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE passed by a 5 - 0 vote:

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle

Commissioner Liebman
Nay: None

298

R) ORDINANCE(S) FIRST READING(S) PUBLIC HEARING(S)

300

S) ORDINANCE(S) FIRST READING(S)

303

16.) AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SOUTH MIAMI PENSION PLAN TO ALLOW THE PURCHASE OF UP TO FIVE YEARS OF PRIOR MILITARY SERVICE BY ALL PARTICIPANTS; BY AMENDING CHAPTER 16 "PENSIONS", ARTICLE II "CITY PENSION PLAN", SECTION 16-21 "PURCHASE OF CREDITED SERVICE"; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

304

Moved by Commissioner Corey, seconded by Vice Mayor Bonich, the motion to defer AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SOUTH MIAMI PENSION PLAN TO ALLOW THE PURCHASE OF UP TO FIVE YEARS OF PRIOR MILITARY SERVICE BY ALL PARTICIPANTS; BY AMENDING CHAPTER 16 "PENSIONS", ARTICLE II "CITY PENSION PLAN", SECTION 16-21 "PURCHASE OF CREDITED SERVICE"; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE passed by a 5 - 0 vote:

312

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle
Commissioner Liebman
Nay: None

314

O) RESOLUTION(S)

315

8.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE PROJECT SCOPE FROM PLUS URBIA LLC D/B/A PLUSURBIA DESIGN FOR PLACEMAKING, BRANDING, AND URBAN DESIGN SERVICES FOR THE PORTION OF THE HOMETOWN DISTRICT LOCATED ON SUNSET DRIVE AND ADJACENT STREETS; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (COMMISSIONER LIEBMAN)

317

318 Juan Mullerat, the consultant from Plusurbia Design presented the proposed project and
319 timeline to the Commission.
320

321 After the discussion, it was moved by Commissioner Calle and seconded by Commissioner
322 Corey to amend the resolution to approve Task 1 (Data Collection and Existing Conditions
323 Assessment) of Phase 1 Scope.
324

325 Moved by Commissioner Calle, seconded by Commissioner Corey, the motion to approve
326 as amended RESOLUTION NO. 015-24-16120 OF THE MAYOR AND CITY COMMISSION OF THE
327 CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE PROJECT SCOPE FROM PLUS URBIA LLC D/B/A
328 PLUSURBIA DESIGN FOR PLACEMAKING, BRANDING, AND URBAN DESIGN SERVICES FOR THE
329 PORTION OF THE HOMETOWN DISTRICT LOCATED ON SUNSET DRIVE AND ADJACENT STREETS;
330 PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE passed by a 5 - 0
331 vote:
332

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Corey
Commissioner Calle
Commissioner Liebman
Nay: None

333
334
335 T) ADJOURNMENT
336
337 There being no further business to come before this Body, the meeting was adjourned at
338 11:55 p.m.
339

Attest:

Nkenga A. Payne
City Clerk

Approved:

Javier E. Fernández
Mayor

340

City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Nkenga Payne

Submitting Department: City Clerk

Item Type: Minutes

Agenda Section:

Subject:

02.20.24

Suggested Action:

Attachments:

[02.20.24.docx](#)

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City of South Miami

Regular City Commission Minutes

February 20, 2024

The City Commission met in regular session on Tuesday, February 20, 2024, beginning at 7:00 p.m. The meeting was held in the City Commission Chamber, 6130 Sunset Drive, South Miami, FL and as a virtual meeting. This virtual meeting was held on the Zoom platform used by the City Clerk for live remote participation.

A) SILENCE OR TURN OFF ALL CELL PHONES

B) ROLL CALL

The following members of the City Commission were present: Mayor Javier Fernández, Vice Mayor Lisa Bonich, Commissioner Steve Calle, Commissioner Brian Corey, and Commissioner Josh Liebman.

Also, in attendance were Chip Iglesia, City Manager, Samantha Fraga-Lopez, Deputy City Manager, Tony Recio, City Attorney, Lillian Arango, City Attorney, , and Nkenga A. Payne, City Clerk.

C) PRAYER/MOMENT OF SILENCE

D) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited in unison.

F) ADD-ON ITEM(S)

G) LOBBYIST(S) ADDRESSING THE CITY COMMISSION TONIGHT MUST HAVE BEEN REGISTERED WITH THE CITY CLERK

H) APPROVAL OF MINUTES

Ha.) 02.06.23

Moved by Commissioner Corey, seconded by Commissioner Liebman, the motion to defer the minutes of 02.06.23 passed by a 5 - 0 vote:

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Liebman
Commissioner Corey
Commissioner Calle
Nay: None

38

R) ORDINANCE(S) SECOND READING(S) PUBLIC HEARING(S)

41

7.) AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING CHAPTER 4 "ALCOHOLIC BEVERAGES," ARTICLE I "IN GENERAL," SECTION 4-2 "CONDITIONAL USE APPROVAL OF REQUIREMENTS; NONCONFORMING USE; CERTIFICATE OF OCCUPANCY", AND CHAPTER 15 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE I "IN GENERAL," SECTION 15-63 "MOBILE VENDORS," OF THE CITY CODE OF ORDINANCES, TO MODIFY CONDITIONS RELATING TO FOOD SERVICE IN CONNECTION WITH THE SERVICE OF ALCOHOLIC BEVERAGES INCLUDING ALLOWING MOBILE FOOD VENDORS FOR DRINKING PLACE/BAR/LOUNGE WITHIN THE HOMETOWN DISTRICT UNDER CERTAIN CONDITIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

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Moved by Commissioner Corey, seconded by Commissioner Liebman, the motion to defer this item passed by a 5 - 0 vote:

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46

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Liebman
Commissioner Corey
Commissioner Calle
Nay: None

47

K) PUBLIC REMARKS

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The following individuals spoke during public remarks: Donna Shelly, Dick Ward, Jose Suarez, Marisabel Cadenas, James McCants, Walter Harris, Donna Burney, Jerry Procter, Antoinette Fischer, and Leoney Hermentes. The Clerk also read emails from John Edward Smith and Sally Philips into the record.

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E) PRESENTATIONS

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E1.) Parking Garage Mural Options - Alexander A. Mijares

Commissioner Liebman introduced Alexander Mijares. Mr. Mijares presented his proposed mural designs to the Commission.

I) CITY MANAGER'S REPORT

la.) City Manager's Report

Deputy City Manager Fraga-Lopez reported on the following: The first dedicated pickle ball court has been designated at Brewer Park. The SOMI Art Festival is on Saturday, February 24th and Sunday, February 25th.

Commissioner Calle asked for an update on annexation at the next meeting.

J) CITY ATTORNEY'S REPORT

Mr. Recio stated that the McCormick settlement is close to being finalized.

M) COMMISSION REPORTS, DISCUSSION & REMARKS

N) BOARDS AND COMMITTEES, APPOINTMENTS, ETC.

O) CONSENT AGENDA

1.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, CONFIRMING THE APPOINTMENT OF RANDOLPH BROWN TO THE PENSION BOARD OF TRUSTEES; PROVIDING FOR CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY COMMISSION)

Moved by Commissioner Calle, seconded by Commissioner Liebman, the motion to approve RESOLUTION NO. 016-24-16121 OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, CONFIRMING THE APPOINTMENT OF RANDOLPH BROWN TO THE PENSION BOARD OF TRUSTEES; PROVIDING FOR CORRECTIONS AND AN EFFECTIVE DATE passed by a 5 - 0 vote:

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Liebman

Commissioner Corey
Commissioner Calle
Nay: None

89

2.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE CREATION OF A POLICE OFFICER RECRUITMENT INCENTIVE PROGRAM AND AGREEMENT TO PROVIDE POLICE ACADEMY TUITION AND COST INCENTIVE NOT TO EXCEED \$8,000 PER APPLICANT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, SEVERABILITY, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-POLICE DEPT.)

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Moved by Commissioner Calle, seconded by Commissioner Liebman, the motion to approve RESOLUTION NO. 017-24-16122 OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE CREATION OF A POLICE OFFICER RECRUITMENT INCENTIVE PROGRAM AND AGREEMENT TO PROVIDE POLICE ACADEMY TUITION AND COST INCENTIVE NOT TO EXCEED \$8,000 PER APPLICANT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, SEVERABILITY, CORRECTIONS, AND AN EFFECTIVE DATE passed by a 5 - 0 vote:

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Liebman
Commissioner Corey
Commissioner Calle
Nay: None

101

3.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING ADDITIONAL ARCHITECTURE AND ENGINEERING SERVICES FOR THE PROPOSED RESTROOM-CONCESSION BUILDING AT SOUTH MIAMI PARK; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO EAC CONSULTING, INC. IN THE AMOUNT OF \$43,602.36 FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS & RECREATION DEPT.)

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Moved by Commissioner Calle, seconded by Commissioner Liebman, the motion to approve RESOLUTION NO. 018-24-16123 OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING ADDITIONAL ARCHITECTURE AND ENGINEERING SERVICES FOR THE PROPOSED RESTROOM-CONCESSION BUILDING AT SOUTH MIAMI PARK; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO EAC CONSULTING, INC. IN

109 THE AMOUNT OF \$43,602.36 FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION,
110 CORRECTIONS, AND AN EFFECTIVE DATE passed by a 5 - 0 vote:
111

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Liebman
Commissioner Corey
Commissioner Calle
Nay: None

112 Q) RESOLUTION(S) PUBLIC HEARING(S)
113

114 6.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING TRAFFIC CALMING AND MODIFICATION DEVICES TO BE INSTALLED ON CITY STREETS; PROVIDING FOR IMPLEMENTATION, SEVERABILITY, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS & ENGINEERING)

116 Aurelio J. Carmenates, Capital Improvement Program Project Manager presented the
117 item to the Commission.
118

119 The following spoke during the public hearing on this item: Jose Suarez, Helen Bong and
120 Alex Mijares.
121

122 After the discussion, Mayor Fernández suggested to strike recommended traffic circle #3.
123 SW 58th Avenue and SW 82nd Street.
124

125 Moved by Commissioner Liebman, seconded by Commissioner Corey, the motion to
126 approve as amended RESOLUTION NO. 019-24-16124 OF THE MAYOR AND CITY COMMISSION
127 OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING TRAFFIC CALMING AND MODIFICATION
128 DEVICES TO BE INSTALLED ON CITY STREETS; PROVIDING FOR IMPLEMENTATION, SEVERABILITY,
129 CORRECTIONS, AND AN EFFECTIVE DATE passed by a 5 - 0 vote:
130

131 Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Liebman
Commissioner Corey
Commissioner Calle
Nay: None

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T) ORDINANCE(S) FIRST READING(S)

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8.) AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SOUTH MIAMI PENSION PLAN TO ALLOW THE PURCHASE OF UP TO FIVE YEARS OF PRIOR MILITARY SERVICE BY ALL PARTICIPANTS; BY AMENDING CHAPTER 16 "PENSIONS", ARTICLE II "CITY PENSION PLAN", SECTION 16-21 "PURCHASE OF CREDITED SERVICE"; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

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Moved by Commissioner Liebman, seconded by Commissioner Corey, the motion to approve AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SOUTH MIAMI PENSION PLAN TO ALLOW THE PURCHASE OF UP TO FIVE YEARS OF PRIOR MILITARY SERVICE BY ALL PARTICIPANTS; BY AMENDING CHAPTER 16 "PENSIONS", ARTICLE II "CITY PENSION PLAN", SECTION 16-21 "PURCHASE OF CREDITED SERVICE"; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE passed by a 5 - 0 vote:

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Liebman
Commissioner Corey
Commissioner Calle

Nay: None

146

9.) AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 7-16. – "PRE-CONSTRUCTION AND CONSTRUCTION STANDARDS FOR SITES", OF CHAPTER 7 "BUILDINGS," OF THE CITY'S CODE OF ORDINANCES, TO REQUIRE A RESTORATION BOND FOR CONSTRUCTION WORK IMPACTING CITY PROPERTY AND/OR RIGHTS-OF-WAY, TO PROHIBIT CONSTRUCTION WORK ON LEGAL HOLIDAYS IN RESIDENTIAL DISTRICTS, AND TO REQUIRE A STAGING AND PARKING PLAN FOR CONSTRUCTION SITES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

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150

Moved by Mayor Fernández, seconded by Commissioner Corey, the motion to approve AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA,

151 AMENDING SECTION 7-16. – “PRE-CONSTRUCTION AND CONSTRUCTION STANDARDS FOR
152 SITES”, OF CHAPTER 7 “BUILDINGS,” OF THE CITY’S CODE OF ORDINANCES, TO REQUIRE A
153 RESTORATION BOND FOR CONSTRUCTION WORK IMPACTING CITY PROPERTY AND/OR RIGHTS-
154 OF-WAY, TO PROHIBIT CONSTRUCTION WORK ON LEGAL HOLIDAYS IN RESIDENTIAL DISTRICTS,
155 AND TO REQUIRE A STAGING AND PARKING PLAN FOR CONSTRUCTION SITES; PROVIDING FOR
156 CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE passed
157 by a 5 - 0 vote:
158

Yea: Mayor Fernández
Vice Mayor Bonich
Commissioner Liebman
Commissioner Corey
Commissioner Calle
Nay: None

158 P) RESOLUTION(S)

161 5.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING FINAL PLAT APPLICATION PB-22-015 TO IDENTIFY THE EAST 137 FEET OF THE SUBJECT PROPERTY AS A SEPARATE PARCEL FROM THE REMAINDER AND DESIGNATING SUCH PARCEL FOR PARK PURPOSES, DESIGNATING THE REMAINDER OF THE PLAT FOR DEVELOPMENT OF AFFORDABLE AND/OR WORKFORCE HOUSING PURPOSES; DIRECTING THE CITY MANAGER TO PURSUE DEVELOPMENT OF THE REMAINDER PARCEL FOR AFFORDABLE AND/OR WORKFORCE HOUSING; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

163 Moved by Mayor Fernández, seconded by Commissioner Corey, the motion to approve
164 RESOLUTION NO. 020-24-16125 OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH
165 MIAMI, FLORIDA, AMENDING FINAL PLAT APPLICATION PB-22-015 TO IDENTIFY THE EAST 137
166 FEET OF THE SUBJECT PROPERTY AS A SEPARATE PARCEL FROM THE REMAINDER AND
167 DESIGNATING SUCH PARCEL FOR PARK PURPOSES, DESIGNATING THE REMAINDER OF THE PLAT
168 FOR DEVELOPMENT OF AFFORDABLE AND/OR WORKFORCE HOUSING PURPOSES; DIRECTING
169 THE CITY MANAGER TO PURSUE DEVELOPMENT OF THE REMAINDER PARCEL FOR AFFORDABLE
170 AND/OR WORKFORCE HOUSING; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN
171 EFFECTIVE DATE passed by a 3 - 2 vote:
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173

Yea: Mayor Fernández
Commissioner Corey

Nay: Commissioner Calle
Vice Mayor Bonich
Commissioner Liebman

174

4.) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE NAMING OF CITY PROPERTY LOCATED SOUTH OF SW 64TH TERRACE AND BETWEEN SW 60TH AVENUE AND 61ST COURT IN HONOR OF AND AFTER REV. DR. ANNA PRICE; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 4/5 (MAYOR FERNÁNDEZ)

176

Mayor Fernández explained his rationale for bringing this item forward.

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178

After some discussion, the item was amended to name the park after Dr. Anna Price posthumously.

179

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Dr. Price was not in favor of posthumously naming ask to call the question on the original resolution.

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184

Moved by Mayor Fernández, seconded by Commissioner Corey, the motion to approve A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE NAMING OF CITY PROPERTY LOCATED SOUTH OF SW 64TH TERRACE AND BETWEEN SW 60TH AVENUE AND 61ST COURT IN HONOR OF AND AFTER REV. DR. ANNA PRICE; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE failed by a 3 - 2 vote:

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191

Yea: Mayor Fernández
Commissioner Corey
Commissioner Calle
Nay: Vice Mayor Bonich
Commissioner Liebman

193

L) DISCUSSION ITEM(S)

194

La.) Mayor Fernández - Capital Projects that could be financed through bond revenues and other potential sources

196

197

Sergio Masvidal, PFM Financial Advisors presented to the Commission what and how the General Obligation Bond (GOB) process works.

198

199

200 Alfredo Riverol, CFO explained the City's debt services.

201
202 After an extensive discussion, it was recommended to bring back to the Commission at
203 the March 19, 2024 meeting a follow-up item with further analysis from staff with feedback from
204 the Commission.

~~205~~
E) PRESENTATIONS continued

~~207~~
[E2.\) Parking Presentation- Alfredo Riverol](#)

209 Mr. Riverol gave an update to the Commission of the City's parking program.

210
211 It was moved by Mayor Fernández and Commissioner Liebman to extend the meeting by
212 10 minutes. It was approved by acclamation. Please note Vice Mayor Bonich left the meeting at
213 11:00 am.

~~215~~
S) ORDINANCE(S) FIRST READING(S) PUBLIC HEARING(S)

~~217~~
U) ADJOURNMENT

219 There being no further business to come before this Body, the meeting was adjourned at
220 11:14 p.m.

221 Attest:

Approved:

Nkenga A. Payne
City Clerk

Javier E. Fernández
Mayor

223

City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Nkenga Payne

Submitting Department: City Clerk

Item Type: Report

Agenda Section:

Subject:

City Manager's Report

Suggested Action:

Attachments:

[CM's Report to Commission March 5 2024 \(002\).docx](#)



CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER

To: The Honorable Mayor & Members of the City Commission

FROM: Genaro "Chip" Iglesias, City Manager

Re: City Manager's Report

DATE: March 5, 2024

General:

With the cooperation of each department within the City, we will be producing reports to track metrics month-to-month. The annual report for 2023 can be accessed here: <https://www.southmiamifl.gov/670/Annual-Reports>

The report for the month of January 2024 can be accessed here: <https://www.southmiamifl.gov/671/Monthly-Reports>

Police Department:

Staffing information for the month of February:

Currently 5 open positions (46 of 51 filled)

Hired: 0

Sworn Applications Received – 5

Civilian Applications Received – 1

Sworn Disqualified- 1

Civilian Disqualified - 1

Resigned – 0

Retired – 0

Parks, Recreation & Culture Dept.

Capital Improvement Projects

Construction of new sports lighting at South Miami Park will commence on Wednesday, March 20th, weather permitting. Refer to tentative schedule below:

- March 18th – 19th: Mobilization
- March 20th – April 3rd: Rough Work (athletic field closed)
 - Foundation excavation, pole install, directional boring, debris clearing & disposal
- April 4th & thereafter: construction continues...(also - organized soccer resumes)

- (i.e. pulling wire, set pole boxes, build electrical panel, final inspection, coordination w/ FPL)
- May: Anticipated project completion

Recreation

Summer Camp Registration

- Gibson-Bethel Community Center
- Residents Only: March 4th – April 14th
- Grades: K-6
- Fee: \$50/weekly

Grey Ghost Football and Cheer Registration

- Gibson-Bethel Community Center
- Resident Only: March 4th – April 7th
- Ages: 5 -14
- Fee: \$100

Murray Park Aquatic Center

- Spring Break Open Swim Hours: 12:00 PM – 4:00 PM (March 25th – 31st)
- Evening Swimming Lessons available beginning March 25th through iSwim Academy
- E: info@iswimsomi.com
- P: 305-456-0518

Upcoming Events

On March 15th, South Miami Senior Center is hosting a St. Patrick's Day Party featuring raffle prizes, live musical entertainment, delicious cuisine, and complimentary wellness checks provided by the Miami-Dade Fire Department. Expect a memorable and impeccably organized event!

On Saturday, March 16th, bring the whole family with your baskets and a camera to Murray Park for the City's FREE Egg Hunt & Summer Camp Expo! The event will include over 20 camps to choose from with special discounts, photos with the Easter Bunny, Egg Hunt, arts and crafts, music, games, prizes, and live entertainment.

Hop into South Miami Plaza's Senior Center for its Easter Luncheon Party on Friday, March 29th from 10 am to 12:30 pm. Participants are invited to enjoy a catered lunch, music, games, and raffles.

Communications and Marketing Division:

- Website Redevelopment Underway (Homepage Layout, and branding guidelines set).
- Social Media Metrics (1/23/24-2/05/24): 27K Impressions, 3.2K Engagements (92% increase), 1,945 Link Clicks (468.7% increase) 166 posts, 4,748 (41.5% increase) Video views, and grew our overall following to 5,094 (3% increase).
- Email Newsletter (SoMi Insider) Metrics: 3,496 sends, 1,611 (53%) opens, 127 (4%) clicks, 442 (13%) bounces, and 7 (1%) unsubscribes.
- Completed full production of SoMi PD Persons with Disabilities Registry video (To be released soon) and launched Chief Hatfield's #ReoReels on social media.

- QR Code “Scan to Learn more” flyer placed at City Hall, PD HQ, Silva Martin, and All Parks/facilities.
- Featured SoMi Retail stores and SoMi Restaurants as pre-event marketing for the SoMi Art Fest.
- Marketing Campaigns Completed: SoMi Art Fest (Email/Social), Parks Programing Soccer-Tennis (Email/Social), Senior Games (Email/Social), Pickleball Courts Improvement (Email/Social), and Call for Volunteers for City Boards/Committees (Email/Social).
- Upcoming Marketing Efforts: Town Center Parking Informational Video (Social/Email), Recycling/Trash Pickup Informational Content (Social/Email), City Wide Mailer (Mailer), Town Hall Meeting (Email/Social), Easter Egg Hunt Event (Email/social), and SoMi City Wide Promotional.

Engineering /Construction:

1. The contractor working on the landscape improvement project on SW 84th Street between SW 58th Avenue and SW 59th Avenue obtained the tree permit from the City in December 2023 and distributed the construction letters and started the tree protection and demolition. The Mayor requested to increase the number of trees and provide wider trunk (DBH) and canopy. The contractor was initially unable to find the larger trees but now found a larger diameter at breast height (DBH) and wider canopy poinciana as well as two additional bridalveil requested. A time extension was issued for the changes and the contractor now anticipates completing the project by mid-March. The work will mostly be in the median and we do not anticipate any impact on traffic.
2. Sidewalk Replacement Citywide is ongoing. The contractor continues replacing damaged sidewalks citywide this month weather permitting. Pedestrian traffic will be detoured while the work is on-going; however, there will always be access to pedestrian and local traffic as well as drive access into the businesses of the affected areas.
3. Citywide Roadway resurfacing is scheduled to start during the month of March, weather permitting. The Construction field work will consist of milling and resurfacing, pavement markings and any necessary swale restoration. Please anticipate some noise and dust related activities during Construction as well as limited closure; however, access to local traffic will be maintained while minimizing disruption to driveway access into the properties.

City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Samantha Fraga-Lopez

Submitting Department: City Manager

Item Type: Resolution

Agenda Section:

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE RENEWAL OF SERVICES WITH CIVICPLUS, LLC FOR WEBSITE SERVICES FOR A 1-YEAR PERIOD IN AN AMOUNT NOT TO EXCEED \$11,911.89; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

Suggested Action:

Attachments:

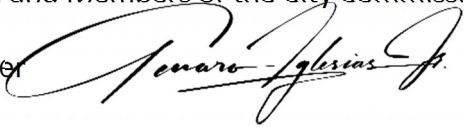
[CivicPlus_Website_Memo__2_.docx](#)

[48A715002-Resolution_Approving_Renewal_of_Civic_Plus_Website_Services_v3.docx](#)

[Exhibit A - South Miami - CivicEngage - Renewal SOW - 02082024.pdf](#)

[CivicPlus Master Services Agreement March 2023.pdf](#)


South Miami
THE CITY OF PLEASANT LIVING
CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM

To: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Genaro "Chip" Iglesias, City Manager 
DATE: March 5, 2024
SUBJECT: CivicPlus Website Provider Renewal

RECOMMENDATION:

Approve the proposal and project work/purchase order with CivicPlus to provide hosting, design, support, and maintenance for the City website.

BACKGROUND:

CivicPlus is the site that hosts and operates the City's website for residents, businesses, and the public. The fee is a renewal fee for the operation of the website.

CivicPlus is a trusted technology company dedicated to empowering government staff and powering exceptional digital experiences for residents. CivicPlus has over 25 years of experience and allows the City to leverage the knowledge of more than 850 CivicPlus team members. Their services include domain hosting, customer support, user licenses, site maintenance, and redesign support. The City is currently working on a complete website redesign.

FUNDING:

Amount not to exceed \$11,911.89. The expenditure shall be charged to the contractual services line item for the Information Technology Division, 001-1340-513-4634, subscriptions.

ATTACHMENTS:

Proposed Resolution
CivicPlus Renewal Agreement

1 **RESOLUTION NO. 2024-_____**

2 **A RESOLUTION OF THE MAYOR AND CITY**
3 **COMMISSION OF THE CITY OF SOUTH MIAMI,**
4 **FLORIDA, APPROVING THE RENEWAL OF SERVICES**
5 **WITH CIVICPLUS, LLC FOR WEBSITE SERVICES FOR A**
6 **1-YEAR PERIOD IN AN AMOUNT NOT TO EXCEED**
7 **\$11,911.89; PROVIDING FOR IMPLEMENTATION;**
8 **CORRECTIONS; AND AN EFFECTIVE DATE.**

9 **WHEREAS,** the City of South Miami (the “City”) utilizes CivicPlus to host, operate, and
10 maintain the City website (the “Services”); and
11

12 **WHEREAS,** pursuant to the City Manager’s purchasing authority, the City entered into
13 an agreement with CivicPlus LLC (the “Vendor”) for the Services and has found that the website
14 has yielded great results for residents, businesses and the general public to access the information
15 needed; and
16

17 **WHEREAS,** Section 5 of Article III of the City Charter provides that all purchases in
18 excess of \$5,000 shall be approved by the City Commission after competitive conditions have been
19 maintained and competitive bids sought from at least three different sources of supply, if available,
20 with such determination to be made by the City Commission; and
21

22 **WHEREAS,** multiple bids from different sources for website hosting are not available to
23 continue the current hosting environment for the City’s current website, which is providing a
24 quality experience for residents; and
25

26 **WHEREAS,** due to the nature of the Services, and the experience with the Vendor, the
27 City Manager finds it in the best interest of the City to waive purchasing requirements calling for
28 bids from different companies providing Services; and
29

30 **WHEREAS,** the Vendor has provided the City with a quote attached hereto as Exhibit “A”
31 (the “Quote”) for the renewal of the Services for a one-year term, in an amount not to exceed
32 \$11,911.89; and
33

34 **WHEREAS,** the cost of the Services shall be funded and charged to Account No. 001-
35 1340-513-4634, or other funding source as determined by the City Manager to be in the best
36 interest of the City; and
37

38 **WHEREAS,** the City Commission finds that this Resolution is in the best interest and
39 welfare of the city.
40

41 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY**
42 **COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:**

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

45 **Section 2. Approval and Authorization.** The City Commission hereby approves and
46 authorizes the renewal of the Services with the Vendor pursuant to the Quote attached hereto as
47 Exhibit “A,” in an amount not to exceed \$11,911.80, and authorizes the City Manager to execute
48 the Quote or any other agreement required by the Vendor, subject to the approval of the City
49 Attorney as to form, content, and legal sufficiency. The cost of the Services shall be funded and
50 charged to Account No. 001-1340-513-4634, or other funding source as determined by the City
51 Manager to be in the best interest of the City.

52 **Section 3. Implementation.** The City Manager is hereby authorized to take all actions
53 necessary to implement this Resolution.
54

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

58 **Section 5. Effective Date.** This Resolution shall become effective immediately upon
59 adoption.

60 PASSED AND ADOPTED this ____ day of _____, 2024.

61 ATTEST:

APPROVED:

62

63 _____
64 CITY CLERK
65 READ AND APPROVED AS TO FORM,
66 LANGUAGE, LEGALITY AND
67 EXECUTION THEREOF

MAYOR
COMMISSION VOTE:
Mayor Javier Fernández:
Vice Mayor Lisa Bonich:
Commissioner Steve Calle:
Commissioner Joshua Liebman:
Commissioner Brian Corey:

68

69

70

71 _____
72 WEISS SEROTA HELFMAN COLE
73 & BIERMAN, P.L.
CITY ATTORNEY



CivicPlus

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:

Q-51632-1

Date:

2/8/2024 8:59 AM

Customer:

SOUTH MIAMI, FLORIDA

QTY	Product Name	DESCRIPTION	TOTAL
1.00	Annual Fee Renewal (Hosting & Support)	Annual Fee Renewal for Hosting and Support.	USD 8,511.57
1.00	SSL Certificate Annual Fee	SSL Certificate Annual Fee	USD 237.39
1.00	Additional Users for CRT	CRT User Licenses (5-10 Users)	USD 949.55
1.00	Pay Annual Fee Renewal - Authorize.Net	Pay Annual maintenance and support fee	USD 2,213.38
1.00	48 Month Redesign Ultimate Annual - CivicEngage Central	48 Month Redesign Ultimate Annual - CivicEngage Central	USD 0.00
Annual Recurring Services - Initial Term			USD 11,911.89
Annual Recurring Services - (Subject to Uplift)			USD 11,911.89

1. This renewal Statement of Work ("SOW") is between City of South Miami ("Customer") and CivicPlus, LLC and shall be subject to the terms and conditions of the Master Services Agreement ("MSA") and the applicable Solutions and Products terms found at: www.civicplus.help/hc/p/legal-stuff (collectively, the "Terms and Conditions"). By signing this SOW, Customer expressly agrees to the Terms and Conditions throughout the Term of this SOW. The Terms and Conditions form the entire agreement between Customer and CivicPlus (collectively, referred to as the "Agreement"). The Parties agree the Agreement shall supersede and replace all prior agreements between the Parties with respect to the services provided by CivicPlus herein (the "Services").

2. This SOW shall remain in effect for an initial term starting at the Customer's next renewal date of 2/1/2024 and running for twelve months ("Initial Term"). In the event that neither party gives 60 days' notice to terminate prior to the end of the Initial Term, or any subsequent Renewal Term, This Agreement can be renewed for subsequent 1 year renewal terms upon mutual agreement of the Parties prior to the renewal date. ("Renewal Term"). The Initial Term and all Renewal Terms are collectively referred to as the "Term".

3. Unless terminated, Customer shall be invoiced for the Annual Recurring Services on each Renewal Date of each calendar year subject to an annual increase of 5% each Renewal Term.

Acceptance

By signing below, the parties are agreeing to be bound by the covenants and obligations specified in this SOW. For CivicPlus Billing Information, please visit <https://www.civicplus.com/verify/>.

IN WITNESS WHEREOF, the parties have caused this SOW to be executed by their duly authorized representatives as of the dates below.

Client

CivicPlus

By:

By:



Name:

Name:

Amy Vikander

Title:

Title:

Senior Vice President of Customer Success

Date:

Date:

CivicPlus Master Services Agreement

This Master Services Agreement (this “Agreement”) governs all Statements of Work (“SOW”) entered into by and between CivicPlus, LLC (“CivicPlus”) and the customer entity identified on the SOW (“Customer”). This Agreement governs the use and provision of any Services purchased by Customer, as described in any signed SOW, and the effective date of this Agreement shall commence on the date of signature of the SOW (“Effective Date”). If a SOW has not been executed, then the Effective Date shall be determined as the start date of implementation of any software solution by CivicPlus for Customer. CivicPlus and Customer referred to herein individually as “Party” and jointly as “Parties”.

Recitals

I. WHEREAS, CivicPlus is engaged in the business of developing and providing access to proprietary community engagement and government content, workflow, and general management software solutions, platforms and associated services (the “Services”); and

II. WHEREAS, Customer wishes to engage CivicPlus for the procurement of the Services and/or receive a license subscription for the ongoing use of the Services, as set forth in the SOW;

NOW, THEREFORE, Customer and CivicPlus agree as follows:

Agreement

Term & Termination

1. This Agreement shall commence on the Effective Date and shall remain in full force and effect for as long as any SOW is in effect between CivicPlus and Customer, or Services are being provided by CivicPlus to Customer, unless terminated in accordance with this §1 or as otherwise provided in this Agreement (the “Term”). Either Party may terminate this Agreement or any SOW as set forth in such SOW, or at its discretion, effective immediately upon written notice to the other Party, if the other Party materially breaches any provision of this Agreement and does not substantially cure the breach within thirty (30) days after receiving notice of such breach. A delinquent Customer account remaining past due for longer than 90 days is a material breach by Customer and is grounds for CivicPlus termination. CivicPlus reserves the right to withhold, remove and/or discard Customer Data without notice for any breach, including, without limitation, Customer’s non-payment. Upon termination for Customer’s breach, Customer’s right to access or use Customer Data immediately ceases, and CivicPlus shall have no obligation to maintain or forward any Customer Data.

2. Upon termination of this Agreement or any SOW for any reason, (a) the licenses granted for such relevant SOW by §11 below will terminate and Customer shall cease all use of the CivicPlus Property and Services associated with the terminated SOW and (b) any amounts owed to CivicPlus for work performed prior to termination shall immediately become due in full and payable. If Customer has paid in advance for the Services, and this Agreement terminates due to material breach of this Agreement by CivicPlus, CivicPlus shall refund Customer a prorated amount of any amount already paid. Upon termination by Customer for convenience or due to material breach by Customer, in addition to any remedy

provided in this Agreement or provided in law or equity, CivicPlus shall be entitled to retain any amounts already paid. Sections 7, 8, 10, 14, 15, 18, 32 -34, 40, and 42 will survive any expiration or termination of this Agreement.

3. At any time during the Term, CivicPlus may, immediately upon notice to Customer, suspend Customer and any of its Users access to any Service due to a threat to the technical security or technical integrity of the Services.

Invoicing & Payment Terms

4. Customer will pay the amounts owed to CivicPlus for the development and implementation of the Customer's Services, as defined in the SOW ("Project Development"), subscription and licensing, and annual hosting, support and maintenance services ("Annual Recurring Services") in accordance with the payment schedule set forth on the applicable SOW. Invoices shall be sent electronically to the individual/entity designated in the SOW's contact sheet that is required to be filled out and submitted by Customer (the "Contact Sheet"). Customer shall provide accurate, current and complete information of Customer's legal business name, address, email address, and phone number in the Contact Sheet upon submission of a signed SOW. Customer will maintain and promptly update the Contact Sheet information if it should change. Upon Customer's request, CivicPlus will mail hard-copy invoices for a \$5.00 convenience fee to be added to the mailed invoice.

5. Each SOW will state the amount of days from date of invoice payment is due. Unless otherwise limited by law, a finance charge of 1.5 percent (%) per month or the maximum rate permitted by applicable law, whichever is less, will be added to past due accounts from due date until paid. Payments received will be applied first to finance charges, then to the oldest outstanding invoice(s). If the Customer's account exceeds 60 days past due, support will be discontinued until the Customer's account is made current. If the Customer's account exceeds 90 days past due, CivicPlus may suspend in progress Project Development and Annual Recurring Services will be discontinued, and the Customer will no longer have access to the Services until the Customer's account is made current. Customer will be given 15 days' notice prior to discontinuation of Services for non-payment.

6. During the performance of Project Development, if Customer requests a change that requires repeated efforts to previously approved work product and such change causes CivicPlus to incur additional expenses (i.e. airline change fees, resource hours, consultant fees, Customer does not show up for scheduled meetings or trainings), Customer agrees to reimburse CivicPlus for such additional expenses. CivicPlus shall notify Customer prior to incurring such expenses and shall only incur those expenses which are approved by Customer.

Ownership & Content Responsibility

7. Upon full and complete payment of amounts owed for Project Development under the applicable SOW, Customer will own any website graphic designs, Services content, module content, importable/exportable data, and archived information ("Customer Content") created by CivicPlus on behalf of Customer pursuant to this Agreement. "Customer Content" also includes, without limitation, any elements of text, graphics, images, photos, audio, video, designs, artworks, logos, trademarks, services marks, and other materials or content which Customer provides to CivicPlus for processing, transmission, storage, or inputs into any website, software or module in connection with any Services. Customer Content excludes any content in the public domain and any content owned or licensed by CivicPlus, whether in connection with providing Services or otherwise.

8. Upon completion of the Project Development, Customer will take over the management and control of the Services and Customer will assume full responsibility for Customer Content maintenance and administration. Customer, not CivicPlus, shall have sole responsibility for the accuracy, quality, integrity, legality, reliability, appropriateness, and

intellectual property ownership or right to use of all Customer Content. Customer hereby grants CivicPlus a worldwide, non-exclusive right and license to reproduce, distribute and display the Customer Content as necessary to provide the Services. Customer represents and warrants that Customer owns all Customer Content or that Customer has permission from the rightful owner to use each of the elements of Customer Content and that Customer has all rights necessary for CivicPlus to use the Customer Content in connection with providing the Services. Customer agrees that CivicPlus shall not be responsible or liable for the content of messages created by Customer or by Customer's Users or end-users who access Service. Notwithstanding the foregoing, CivicPlus retains the right, but not the obligation, to remove any Customer Content that is libelous, harassing, abusive, fraudulent, defamatory, excessively profane, obscene, abusive, hate related, violent, harmful to minors, that advocates racial or ethnic intolerance, intended to advocate or advance computer hacking or cracking, or other material, products or services that violate or encourage conduct that would violate any laws or third-party rights.

9. At any time during the term of the applicable SOW, Customer will have the ability to download the Customer Content and export the data that is processed through the Services ("Customer Data"). Customer may request CivicPlus to perform the export of Customer Data and provide the Customer Data to Customer in a commonly used format, at any time, for a fee to be quoted at time of request and approved by Customer. Upon termination of the applicable SOW for any reason, whether or not Customer has retrieved or requested the Customer Data, CivicPlus reserves the right to permanently and definitively delete the Customer Content and Customer Data held in the Services thirty (30) days following termination of the applicable SOW. During the thirty (30) day period following termination of the SOW, regardless of the reason for its termination, Customer will not have access to the Services.

10. Intellectual Property in the software or other original works created by or licensed to CivicPlus, including all software source code, documents, and materials used in performing the Services ("CivicPlus Property") will remain the property of CivicPlus. CivicPlus Property specifically excludes Customer Content. Customer shall not (i) license, sublicense, sell, resell, reproduce, transfer, assign, distribute or otherwise commercially exploit or make available to any third party any CivicPlus Property in any way, except as specifically provided in the applicable SOW; (ii) adapt, alter, modify or make derivative works based upon any CivicPlus Property; (iii) create internet "links" to the CivicPlus Property software or "frame" or "mirror" any CivicPlus Property administrative access on any other server or wireless or internet-based device that may allow third party entities, other than Customer, to use the Services; (iv) reverse engineer, decompile, disassemble or otherwise attempt to obtain the software source code to all or any portion of the Services; (v) make any attempt to gain unauthorized access to the Services and/or any of CivicPlus' systems or networks; or (vi) access any CivicPlus Property in order to: (a) build a competitive product or service, (b) build a product using similar ideas, features, functions or graphics of any CivicPlus Property, or (c) copy any ideas, features, functions or graphics of any CivicPlus Property. The CivicPlus name, the CivicPlus logo, and the product and module names associated with any CivicPlus Property are trademarks of CivicPlus, and no right or license is granted to use them outside of the licenses set forth in this Agreement.

11. Provided Customer complies with the terms and conditions herein, the relevant SOW, and license restrictions set forth in §10, CivicPlus hereby grants Customer a limited, nontransferable, nonexclusive, non-assignable license to access and use the CivicPlus Property associated with any valid and effective SOW, for the term of the respective SOW. The license set forth herein, shall only apply to the extent that Customer is using the Services for legitimate business use as intended by the purpose of the Services and not for the purpose of comparing the Services to a competitor or similar product of CivicPlus. Customer hereby warrants and affirms its purpose in accessing or otherwise using the Services is for their intended purpose only and understands and agrees that any other use shall be considered fraud.

12. All CivicPlus helpful information and user's guides for the Services ("Documentation") are maintained and updated electronically by CivicPlus and can be accessed through the CivicPlus "Help Center". CivicPlus does not provide paper copies of its Documentation. Customer and its Users are granted a limited license to access Documentation as needed. Customer shall not copy, download, distribute, or make derivatives of the Documentation.

13. Customer acknowledges that CivicPlus may continually develop, alter, deliver, and provide to the Customer ongoing

innovation to the Services, in the form of new features and functionalities. CivicPlus reserves the right to modify the Services from time to time. Any modifications or improvements to the Services listed on the SOW will be provided to the Customer at no additional charge. In the event that CivicPlus creates new products or significant enhancements to the Services (“New Services”), and Customer desires these New Services, then Customer will have to pay CivicPlus the appropriate fee for the access to and use of the New Services. CivicPlus shall use its reasonable best efforts to provide workarounds in the event any modification to the Services causes Customer to lose substantial functionality of the Services.

14. CivicPlus in its sole discretion, may utilize all comments and suggestions, whether written or oral, furnished by Customer to CivicPlus in connection with its access to and use of the Services (all reports, comments and suggestions provided by Customer hereunder constitute, collectively, the “Feedback”). Customer hereby grants to CivicPlus a worldwide, non-exclusive, irrevocable, perpetual, royalty-free right and license to incorporate the Feedback in the CivicPlus products and services.

Indemnification

15. CivicPlus will defend at its expense or settle any third-party claim against Customer alleging that the Services provided under this Agreement infringe intellectual property rights. CivicPlus will pay infringement claim defense costs, CivicPlus–negotiated settlement amounts, and damages finally awarded by a court. CivicPlus has no obligation for any claim of infringement arising from Customer's use of the Services for purposes not contemplated by this Agreement. CivicPlus’s indemnification obligations under this Section 15 are conditioned upon the Customer (i) promptly notifying the CivicPlus of any claim in writing; (ii) cooperating with CivicPlus in the defense of the claim; and (iii) granting CivicPlus sole control of the defense or settlement of the claim. The indemnification obligations of CivicPlus herein shall not apply to any claims of intellectual property infringement related to Client Content.

Responsibilities of the Parties

16. CivicPlus will not be liable for any act, omission of act, negligence or defect in the quality of service of any underlying carrier, licensor or other third-party service provider whose facilities or services are used in furnishing any portion of the Service received by the Customer.

17. CivicPlus will not be liable for any failure of performance that is caused by or the result of any act or omission by Customer or any entity employed/contracted on the Customer’s behalf. During Project Development, Customer will be responsive and cooperative with CivicPlus to ensure the Project Development is completed in a timely manner.

18. Customer agrees that it is solely responsible for the end-user’s personal data that Customer decides to solicit, collect, store, or otherwise use in connection with any Service provided by CivicPlus. Customer understands and agrees that CivicPlus provides certain solutions with increased security measures for the solicitation and storage of any sensitive data, and it is Customer’s responsibility to determine whether the data it solicits and collects should be stored in such solutions. Customer understands and agrees that CivicPlus does not have knowledge or control over what type of data Customer solicits therefore CivicPlus has no responsibility for the use or storage of end-users’ personal data in connection with the Services or the consequences of the solicitation, collection, storage, or other use by Customer or by any third party of any personal data. Customer has the sole control and responsibility over the determination of which data and information shall be included in the content that is to be transmitted and stored by CivicPlus. Customer shall not provide to CivicPlus or allow to be provided to CivicPlus any content that (a) infringes or violates any 3rd party’s intellectual property rights, rights of publicity or rights of privacy, (b) contains any defamatory material, or (c) violates any federal, state, local, or foreign laws, regulations, or statutes.

19. Customer is responsible for all activity that occurs under Customer's accounts by or on behalf of Customer. Customer agrees to (a) be solely responsible for all designated and authorized individuals chosen by Customer ("User") activity, which must be in accordance with this Agreement and the CivicPlus Terms of Use; (b) be solely responsible for Customer Data; (c) obtain and maintain during the term all necessary consents, agreements and approvals from end-users, individuals or any other third parties for all actual or intended uses of information, data or other content Customer will use in connection with the Services; (d) use commercially reasonable efforts to prevent unauthorized access to, or use of, any User's log-in information and the Services, and notify CivicPlus promptly of any known unauthorized access or use of the foregoing; (e) use commercially reasonable efforts to prevent unauthorized access to or use of the Services and CivicPlus Property and shall promptly notify CivicPlus of any unauthorized access or use of the Services and/or CivicPlus Property and any loss or theft or unauthorized use of any n User's password or username and/or personal information; and (f) use the Services only in accordance with applicable laws and regulations.

20. The Parties shall comply with all applicable local, state, and federal laws, treaties, regulations, and conventions in connection with its use and provision of any of the Services or CivicPlus Property.

21. CivicPlus shall not be responsible for any act or omission of any third-party vendor or service provider that Customer has selected to integrate any of its Services with.

22. Customer understands that CivicPlus must fastidiously allocate resources across all of its customers and specifically reserves necessary resources for Customer's Project Development. If any professional services, such as consulting or training, purchased by Customer are not used during the Project Development phase solely due to the inaction or unresponsiveness of Customer, then these services shall expire 30 days after completion of Project Development. The Customer may re-schedule any unused professional services during this 30-day period as mutually agreed upon by the Parties. Any professional services that have not been used or rescheduled shall be marked as complete and closed upon the expiration of the 30-day period.

Data Security

23. CivicPlus shall, at all times, comply with the terms and conditions of its [Privacy Policy](#). CivicPlus will maintain commercially reasonable administrative, physical, and technical safeguards designed to protect the security and confidentiality of Customer Data. CivicPlus will not modify Customer Data or disclose Customer Data, except (a) in order to provide the Services; (b) to prevent or address service or technical problems in connection with support matters; (c) as specifically directed or expressly permitted in writing by Customer, (d) in compliance with our [Privacy Policy](#); or (f) if compelled by law. Notwithstanding the foregoing, CivicPlus reserves the right to delete, suspend, or block known malicious accounts without Customer authorization. Customer understands that CivicPlus has no obligation to provide the Services or maintain the Customer Data, information or other material if Customer's accounts are past due and unpaid as set forth in this Agreement.

24. Customer acknowledges and agrees that CivicPlus utilizes third-party service providers to host and provide the Services and store Customer Data and the protection of such data will be in accordance with such third party's safeguards for the protection and the security and confidentiality of Customer's Data. Notwithstanding anything to the contrary, CivicPlus shall have the right to collect and analyze data and other information relating to the provision, use and performance of various aspects of the Services and related systems and technologies (including, without limitation, information concerning Customer Data and data derived therefrom), and CivicPlus will be free (during and after the term hereof) to use such information and data to improve and enhance the Services and for other development, diagnostic and corrective purposes in connection with the Services and other CivicPlus offerings.

25. CivicPlus may offer Customer the ability to use third-party applications in combination with the Services. Any such third-party application will be subject to acceptance by Customer. In connection with any such third-party application

agreed to by Customer, Customer acknowledges and agrees that CivicPlus may allow the third-party providers access to Customer Data as required for the interoperation of such third-party application with the Services. The use of a third-party application with the Services may also require Customer to agree to a separate agreement or terms and conditions with the provider of the third-party application, which will govern Customer's use of such third-party application.

26. In the event of a security breach due to the sole negligence, malicious actions, omissions, or misconduct of CivicPlus, CivicPlus, as the data custodian, will comply will all remediation efforts as required by applicable federal and state law.

CivicPlus Support

27. CivicPlus will use commercially reasonable efforts to perform the Services in a manner consistent with applicable industry standards, including maintaining Services availability 24 hours a day, 7 days a week with 99.9% uptime. Customer will have 24/7 access to the online CivicPlus Help Center ([civicplus.help](https://www.civicplus.help)) to review use articles, software best practices, receive maintenance release notes, as well as submit and monitor omni-channel support tickets and access solution specific support contact methods (<https://www.civicplus.help/hc/en-us/requests/new>).

28. CivicPlus provides live support engineers based in the domestic United States to respond to basic questions concerning use and configuration, to diagnose software code-related errors, and proactively identify potential systems issues. CivicPlus support engineers serve a preliminary function in the agile development process and escalate defects to software developers or architects for remediation. For security purposes, CivicPlus support engineers are not permitted to modify user accounts, and permissions nor distribute access outside of accounts established by means of a support interaction for testing. Customer delegated Users may receive tutorials and guidance on account modifications but will perform the action themselves.

29. CivicPlus support hours span between the hours of 7 am to 7 pm CST, but may vary by product. Customer may access the CivicPlus Help Center ([civicplus.help](https://www.civicplus.help)) to obtain each product's support hours. After hours support is available by toll-free phone call only. Non-emergency support requested outside of support hours will be subject to additional fees, such fees will be quoted to Customer at the time of the request and will be subject to Customer acceptance and invoiced the next business day following the non-emergency support. CivicPlus shall have the sole discretion to determine in good faith whether support requests qualify as an emergency, exceed reasonable use or are outside the scope of services outlined in any SOW.

30. If a reported problem cannot be solved during the first support interaction, Customer will be provided a ticket number that will be used as communication method throughout ticket escalation until a solution is provided. Support service does not include support for errors caused by third party products or applications for which CivicPlus is not responsible.

Marketing

31. Customer hereby authorizes CivicPlus to include CivicPlus's name and logo inconspicuously within the Client's instance of the Services. Customer may publicly refer to itself as a customer of the CivicPlus Services, including on Customer's website and in sales presentations. Notwithstanding the foregoing, each Party hereby grants the other a limited, worldwide, license to use the other's logo in conformance with such Party's trademark usage guidelines and solely for the purposes of providing the Services. In no event will either Party issue a press release publicly announcing this relationship without the approval of the other Party, such approval not to be unreasonably withheld.

Limitation of Liability

32. CivicPlus' liability arising out of or related to this Agreement, or any associated SOW, will not exceed the amounts paid by Customer for the Annual Recurring Services in the year prior to such claim of liability.
33. In no event will CivicPlus be liable to Customer for any consequential, indirect, special, incidental, or punitive damages arising out of or related to this Agreement.
34. The liabilities limited by Section 32 and 33 apply: (a) to liability for negligence; (b) regardless of the form of action, whether in contract, tort, strict product liability, or otherwise; (c) even if Customer is advised in advance of the possibility of the damages in question and even if such damages were foreseeable; and (d) even if Customer's remedies fail of their essential purposes. If applicable law limits the application of the provisions of this Limitation of Liability section, CivicPlus' liability will be limited to the maximum extent permissible.

Warranties and Disclaimer

35. Each person signing the SOW, or otherwise agreeing to the terms of this Agreement, represents and warrants that he or she is duly authorized and has legal capacity to execute and bind the respective Party to the terms and conditions of the SOW and this Agreement. Each Party represents and warrants to the other that the execution and delivery of the SOW and the performance of such Party's obligations thereunder have been duly authorized and that this Agreement is a valid and legal agreement binding on such Party and enforceable in accordance with its terms. Customer represents and warrants that Customer has not provided any false information to gain access to the Service and that Customer's billing information provided on the Contact Sheet is correct; and it has all necessary rights in the Customer Content to permit Customer's use of the Service and to grant the licenses contained in this Agreement without infringing the intellectual property or other rights of any third parties, violating any applicable laws, or violating the terms of any license or agreement to which it is bound.
36. CivicPlus warrants that the Services will perform substantially in accordance with documentation and marketing proposals, and free of any material defect. CivicPlus warrants to the Customer that, upon notice given to CivicPlus of any defect in design or fault or improper workmanship, CivicPlus will remedy any such defect. CivicPlus makes no warranty regarding, and will have no responsibility for, any claim arising out of: (i) a modification of the Services made by anyone other than CivicPlus, even in a situation where CivicPlus approves of such modification in writing; or (ii) use of the Services in combination with a third-party service, web hosting service, or server not authorized by CivicPlus.
37. The Services may be temporarily unavailable for scheduled maintenance or for unscheduled emergency maintenance, either by CivicPlus or by third-party providers, or because of other causes beyond CivicPlus's reasonable control, but CivicPlus shall use reasonable efforts to provide advance notice in writing or by e-mail of any scheduled service disruption. HOWEVER, SERVICE PROVIDER DOES NOT WARRANT THAT THE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE; NOR DOES IT MAKE ANY WARRANTY AS TO THE RESULTS THAT MAY BE OBTAINED FROM USE OF THE SERVICES. EXCEPT FOR THE EXPRESS WARRANTIES IN THIS AGREEMENT, THE SERVICES ARE PROVIDED "AS IS AND CIVICPLUS HEREBY DISCLAIMS ALL WARRANTIES, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ARISING FROM A PRIOR COURSE OF DEALING.
38. EACH PROVISION OF THIS AGREEMENT THAT PROVIDES FOR A LIMITATION OF LIABILITY, DISCLAIMER OF WARRANTIES, OR EXCLUSION OF DAMAGES IS TO ALLOCATE THE RISKS OF THIS AGREEMENT BETWEEN THE PARTIES. THIS ALLOCATION IS REFLECTED IN THE PRICING OFFERED BY CIVICPLUS TO CUSTOMER AND IS AN ESSENTIAL ELEMENT OF THE BASIS OF THE BARGAIN BETWEEN

THE PARTIES. EACH OF THESE PROVISIONS IS SEVERABLE AND INDEPENDENT OF ALL OTHER PROVISIONS OF THIS AGREEMENT.

Force Majeure

39. No party shall have any liability to the other hereunder by reason of any delay or failure to perform any obligation or covenant if the delay or failure to perform is occasioned by force majeure, meaning any act of God, storm, pandemic, fire, casualty, unanticipated work stoppage, strike, lockout, labor dispute, civil disturbance, riot, war, national emergency, act of public enemy, internet service provider failure or delay, third party application failure, denial of service attack, or other cause of similar or dissimilar nature beyond its control.

Taxes

40. The amounts owed for the Services exclude, and Customer will be responsible for, all sales, use, excise, withholding and any other similar taxes, duties and charges of any kind imposed by any federal, state or local governmental entity in connection with the Services (excluding taxes based solely on CivicPlus's income). If the Customer is tax-exempt, the Customer must provide CivicPlus proof of their tax-exempt status, within fifteen (15) days of contract signing, and the fees owed by Customer under this Agreement will not be taxed. If such exemption certificate is challenged or held invalid by a taxing authority then Customer agrees to pay for all resulting fines, penalties and expenses.

Other Documents

41. This Agreement, including all exhibits, amendments, and addenda hereto and all SOWs, constitutes the entire agreement between the Parties and supersedes all prior and contemporaneous agreements, proposals or representations, written or oral, concerning its subject matter. No modification, amendment, or waiver of any provision of this Agreement or any SOW will be effective unless in writing and signed by each Party. However, to the extent of any conflict or inconsistency between the provision in the body of this Agreement and any exhibit, amendment, or addenda hereto or any SOW, the terms of such exhibit, amendment, addenda or SOW will prevail. Notwithstanding any language to the contrary therein, no terms or conditions stated in a Customer purchase order or other order documentation (excluding SOWs) will be incorporated into or form any part of this Agreement, all such terms or conditions will be null and void, unless such term is to refer and agree to this Agreement.

Interlocal Purchasing Consent/ Cooperative Purchasing

42. With the prior approval of CivicPlus, which may be withheld for any or no reason within CivicPlus's sole discretion, this Agreement and any SOW may be extended to any public entity in Customer's home-state to purchase at the SOW prices and specifications in accordance with the terms stated herein.

43. To the extent permitted by law, the terms of this Agreement and set forth in one or more SOW(s) may be extended for use by other local government entities upon execution of a separate agreement, SOW, or other duly signed writing by and between CivicPlus and such entity, setting forth all of the terms and conditions for such use, including applicable fees and billing terms.

Miscellaneous Provisions

44. The invalidity or unenforceability, in whole or in part, of any provision of this Agreement shall not void, affect the validity or enforceability of any other provision of this Agreement.
45. The Parties negotiated this Agreement with the opportunity to receive the aid of counsel and, accordingly, intend this Agreement to be construed fairly, according to its terms, in plain English, without constructive presumptions against the drafting Party. The headings of Sections of this Agreement are for convenience and are not to be used in interpreting this Agreement. As used in this Agreement, the word “including” means “including but not limited to.”
46. The Parties will use reasonable, good faith efforts to resolve any dispute between them in good faith prior to initiating legal action.
47. This Agreement and any SOW, to the extent signed and delivered by means of a facsimile machine or electronic mail, shall be treated in all manner and respects as an original agreement or instrument and shall be considered to have the same binding legal effect as if it were the original signed version thereof delivered in person. The Parties agree that an electronic signature is the legal equivalent of its manual signature on this Agreement and any SOW. The Parties agree that no certification authority or other third party verification is necessary to validate its electronic signature and that the lack of such certification or third party verification will not in any way affect the enforceability of the Parties’ electronic signature or any resulting agreement between CivicPlus and Customer.
48. Due to the rapidly changing nature of software as a service and digital communications, CivicPlus may unilaterally update this Agreement from time to time. In the event CivicPlus believes such change is a material alteration of the terms herein, CivicPlus will provide Customer with written notice describing such change via email or through its website. Customer’s continued use of the Services following such updates constitutes Customer’s acceptance of the same. In the event Customer rejects the update to the terms herein, Customer must notify CivicPlus of its objection within ten (10) days receipt of notice of such update.

City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Roger Pou

Submitting Department: City Manager

Item Type: Resolution

Agenda Section:

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE MUTUAL AID AGREEMENTS, MEMORANDUMS OF UNDERSTANDING (MOU), AND OTHER PROCEDURAL LAW ENFORCEMENT AGREEMENTS WITH GOVERNMENTAL ENTITIES, INCLUDING ANY AMENDMENTS OR RENEWALS THERETO ON AN ON-GOING BASIS; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

Suggested Action:

Attachments:

[Memo - Resolution Authorizing Execution of Mutual Aid MOU and Other Procedural Law Enforcement Agreements.DOCX](#)

[Resolution Authorizing Mutual Aid Agreements MOUS and Other Procedural Law Enforcement Agreements.DOCX](#)



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY ATTORNEY
INTER-OFFICE MEMORANDUM**

TO: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Lillian Arango and Tony Recio, City Attorneys
CC: Genaro “Chip” Iglesias
DATE: March 5, 2024 City Commission Meeting
SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE MUTUAL AID AGREEMENTS, MEMORANDUMS OF UNDERSTANDING (MOU), AND OTHER PROCEDURAL LAW ENFORCEMENT AGREEMENTS WITH GOVERNMENTAL ENTITIES, INCLUDING ANY AMENDMENTS OR RENEWALS THERETO ON AN ON-GOING BASIS; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE.

The accompanying Resolution was prepared and placed on the agenda at the request of the City Administration.

The Resolution provides a continuing authorization that would allow the City Manager to execute mutual aid agreements, memorandums of understanding (MOUs), and other procedural law enforcement agreements, including any amendments or renewals thereto, with governmental entities where there is no direct financial impact to the City. By way of background, the City Police Department routinely receives various law enforcement-related agreements that are either required by law or enable rendering of law enforcement assistance across jurisdictional boundaries in accordance with Chapter 23, the “Florida Mutual Aid Act.” Accordingly, the City Administration is requesting authorization to execute such agreements to promote administrative efficiency and to facilitate public safety, subject to the approval of the City Attorney as to form, content, and legal sufficiency.

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RESOLUTION NO. 2024-

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE MUTUAL AID AGREEMENTS, MEMORANDUMS OF UNDERSTANDING (MOU), AND OTHER PROCEDURAL LAW ENFORCEMENT AGREEMENTS WITH GOVERNMENTAL ENTITIES, INCLUDING ANY AMENDMENTS OR RENEWALS THERETO ON AN ON-GOING BASIS; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE.

WHEREAS, it is the responsibility of the governments of the City of South Miami (the “City”) and surrounding jurisdictions, to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situations; and

WHEREAS, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or may be, beyond the control of the services, personnel, equipment, or facilities of the City Police Department, the City regularly seeks agreements with other governmental agencies for the purpose of establishing law enforcement operational procedures and providing and receiving mutual aid assistance; and

WHEREAS, Chapter 23, the “Florida Mutual Aid Act,” of the Florida Statutes authorizes municipalities to enter into mutual aid agreements for the rendering of law enforcement assistance across jurisdictional boundaries; and

WHEREAS, pursuant to Section 23.1225(3), Florida Statutes, a mutual aid agreement may be entered into by a law enforcement agency through a written agreement executed by the chief executive officer of the agency, who is authorized to contractually bind the agency; and

WHEREAS, the City also regularly enters into memorandums of understanding and other agreements relating to law enforcement operational procedures; and

WHEREAS, the City Commission desires to authorize the City Manager to execute mutual aid agreements, memorandums of understanding (“MOU”), and other law enforcement agreements with other governmental entities, including any amendments or renewals thereto on an on-going basis, that are necessary for the safety of the City and incur no direct financial impact on the City, subject to the approval of the City Attorney as to form, content, and legal sufficiency; and

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

47 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY**
48 **COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:**

49
50 **Section 1. Recitals.** The above-stated recitals are true and correct and are
51 incorporated herein by this reference.

52
53 **Section 2. Authorization.** The City Commission hereby authorizes the City
54 Manager to execute mutual aid agreements, MOUs, and other agreements relating to law
55 enforcement operational procedures with other governmental entities, including any amendments
56 or renewals thereto, subject to the approval of the City Attorney as to form, content, and legal
57 sufficiency.

58
59 **Section 3. Corrections.** Conforming language or technical scrivener-type
60 corrections may be made by the City Attorney for any conforming amendments to be
61 incorporated into the final resolution for signature.

62
63 **Section 4. Effective Date.** This Resolution shall become effective immediately upon
64 adoption.

65
66 PASSED AND ADOPTED this ____ day of _____, 2024.

67
68 ATTEST:
69
70 _____
71 CITY CLERK

68 APPROVED:
69
70 _____
71 MAYOR

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73
74 READ AND APPROVED AS TO FORM,
75 LANGUAGE, LEGALITY AND
76 EXECUTION THEREOF
77
78
79 _____
80 WEISS SEROTA HELFMAN COLE
81 & BIERMAN, P.L.
82 CITY ATTORNEY

74 COMMISSION VOTE:
75 Mayor Javier Fernández:
76 Vice Mayor Lisa Bonich:
77 Commissioner Steve Calle:
78 Commissioner Joshua Liebman:
79 Commissioner Brian Corey:

City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Aurelio Carmenates

Submitting Department: Public Works & Engineering

Item Type: Resolution

Agenda Section:

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A PROPOSAL AND PROJECT AGREEMENT WITH STANTEC CONSULTING SERVICES, INC., FOR A TRAFFIC STUDY AT VARIOUS LOCATIONS IN AN AMOUNT NOT TO EXCEED \$64,830; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS ENGINEERING & CONSTRUCTION)

Suggested Action:

Attachments:

[Memo-Traffic_Study_FY24-_Stantec.DOC__3_.docx](#)

[48A4239-Resolution_Approving_Stantec_Project_Agreement_for_Traffic_Study - CAV2.docx](#)

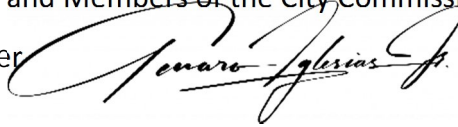
[Exhibit A - Stantec Prop Traffic study_various_11 28 2023.pdf](#)

[Exhibit B - Project Agreement - Stantec - Traffic Calming Study at Various Locations.DOCX](#)

[Res No 056-22-15809.pdf](#)



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM**

To: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Genaro “Chip” Iglesias, City Manager 
DATE: Tuesday, March 5, 2024
SUBJECT: Citywide Traffic Study at Various Locations

RECOMMENDATION:

Approve the proposal and project work/purchase order with Stantec Consulting Services Inc., to provide a Citywide traffic study at various locations.

BACKGROUND:

The City has received concerns about speeding vehicles and cut-through traffic along the following seven (7) neighborhood local roads. The following table is a list of the locations and addresses that residents have specified in their concerns and the proposed study roadway limits at each of these locations.

No.	Address Referenced by Citizen	Proposed Study Roadway Limits
1	5856 Twin Lake Drive	Twin Lakes Dr between SW 56 St/Miller Rd and SW 65 Ave
2	6945 SW 65 Av for SW 65 Ave between 72st-68st	SW 65 Ave between SW 68 St and SW 72 St/Sunset Dr
3	5758 SW 42 Tr along SW 42 TR	SW 42 Ter between SW 57 Ave and SW 60 Ct
4	6003 SW 59th St for SW 60th Ave (between SW 56th St and SW 60th St)	SW 60 Ave between SW 56 St/Miller Dr and SW 60 St
5	6220 SW 57th Drive	SW 57 Dr between SW 62 Ave and SW 58 St
6	SW 84 ST BT 57 AVE and 62 AVE	SW 84 St between SW 57 Ave/Red Rd and 62 Ave
7	6451 SW 42nd Street	SW 42 St between SW 64 Ave and SW 65 Ave

As the next City’s rotation list consultant, Stantec Consulting Services Inc, submitted a proposal for various traffic studies that is comprehensive and cost effective for the services requested.

FUND & ACCOUNT:

Amount not to exceed \$ 64,830. Please refer to the consultant contract and fee schedule. The expenditure shall be charged \$64,830 to the People’s Transportation Plan Fund account number 124-1730-541-6490 which has a balance of \$ 663,122.79 prior to this request.

ATTACHMENTS:



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM**

Resolution

Resolution 056-22-15809

Revised Proposal – Stantec Consulting Services Inc., dated 11/28/2023

47 **Section 3. Authorization.** The City Manager is hereby authorized to execute the
48 Project Agreement with the Consultant, in substantially the form attached hereto as Exhibit “B,”
49 for the provision of the Services for the Project in an amount not to exceed \$64,830 based on the
50 terms of the Proposal, attached hereto as Exhibit “A,” subject to the final approval of the City
51 Manager and City Attorney as to form, content, and legal sufficiency. The City Manager is hereby
52 authorized to charge the costs of the Services for the Project to Account Number 124-1730-541-
53 6490, which has a current balance of \$663,122.79, or such other funding source as determined by
54 the City Manager to be in the best interest of the City.

55
56 **Section 4. Implementation.** The City Manager is authorized to take any and all
57 actions necessary to implement the Project Agreement and the purposes of this Resolution.

58
59 **Section 5. Corrections.** Conforming language or technical scrivener-type corrections
60 may be made by the City Attorney for any conforming amendments to be incorporated into the
61 final resolution for signature.

62
63 **Section 6. Effective Date.** This Resolution shall become effective immediately upon
64 adoption.

65
66 PASSED AND ADOPTED this ____ day of _____, 2024.

67
68 ATTEST:

69 APPROVED:

70 _____
71 CITY CLERK

70 _____
71 MAYOR

72
73 READ AND APPROVED AS TO FORM,
74 LANGUAGE, LEGALITY AND
75 EXECUTION THEREOF

76 COMMISSION VOTE:
77 Mayor Javier Fernández:
78 Vice Mayor Lisa Bonich:
79 Commissioner Steve Calle:
80 Commissioner Joshua Liebman:
81 Commissioner Brian Corey:

78 _____
79 WEISS SEROTA HELFMAN COLE
80 & BIERMAN, P.L.
81 CITY ATTORNEY



November 28, 2023

Attention: Mr. Aurelio J. Carmenates, P.E.
 Capital Improvements Program (CIP) Manager
 City of South Miami
 Public Works Engineering & Construction
 6130 Sunset Drive
 South Miami, FL 33143
 acarmenates@southmiamifl.gov

Dear Mr. Carmenates,

Reference: Traffic Calming Study at Various Locations

We are pleased to present this proposal for traffic calming study services for various locations within the City of South Miami. We understand that the City has received citizen concerns about speeding vehicles and traffic along the following seven (7) neighborhood local roads. The following table is a list of the locations and addresses that citizens have specified in their concerns and the proposed study roadway limits at each of these locations. A figure is also provided below depicting the locations numbers that correspond to the table.

Table – Traffic Calming Study Locations

No.	Address Referenced by Citizen	Proposed Study Roadway Limits
1	5856 Twin Lake Drive	Twin Lakes Dr between SW 56 St/Miller Rd and SW 65 Ave
2	6945 SW 65 Av for SW 65 Ave between 72st-68st	SW 65 Ave between SW 68 St and SW 72 St/Sunset Dr
3	5758 SW 42 Tr along SW 42 TR	SW 42 Ter between SW 57 Ave and SW 60 Ct
4	6003 SW 59th St for SW 60th Ave (between SW 56th St and SW 60th St)	SW 60 Ave between SW 56 St/Miller Dr and SW 60 St
5	6220 SW 57th Drive	SW 57 Dr between SW 62 Ave and SW 58 St
6	SW 84 ST BT 57 AVE and 62 AVE	SW 84 St between SW 57 Ave/Red Rd and 62 Ave
7	6451 SW 42nd Street	SW 42 St between SW 64 Ave and SW 65 Ave

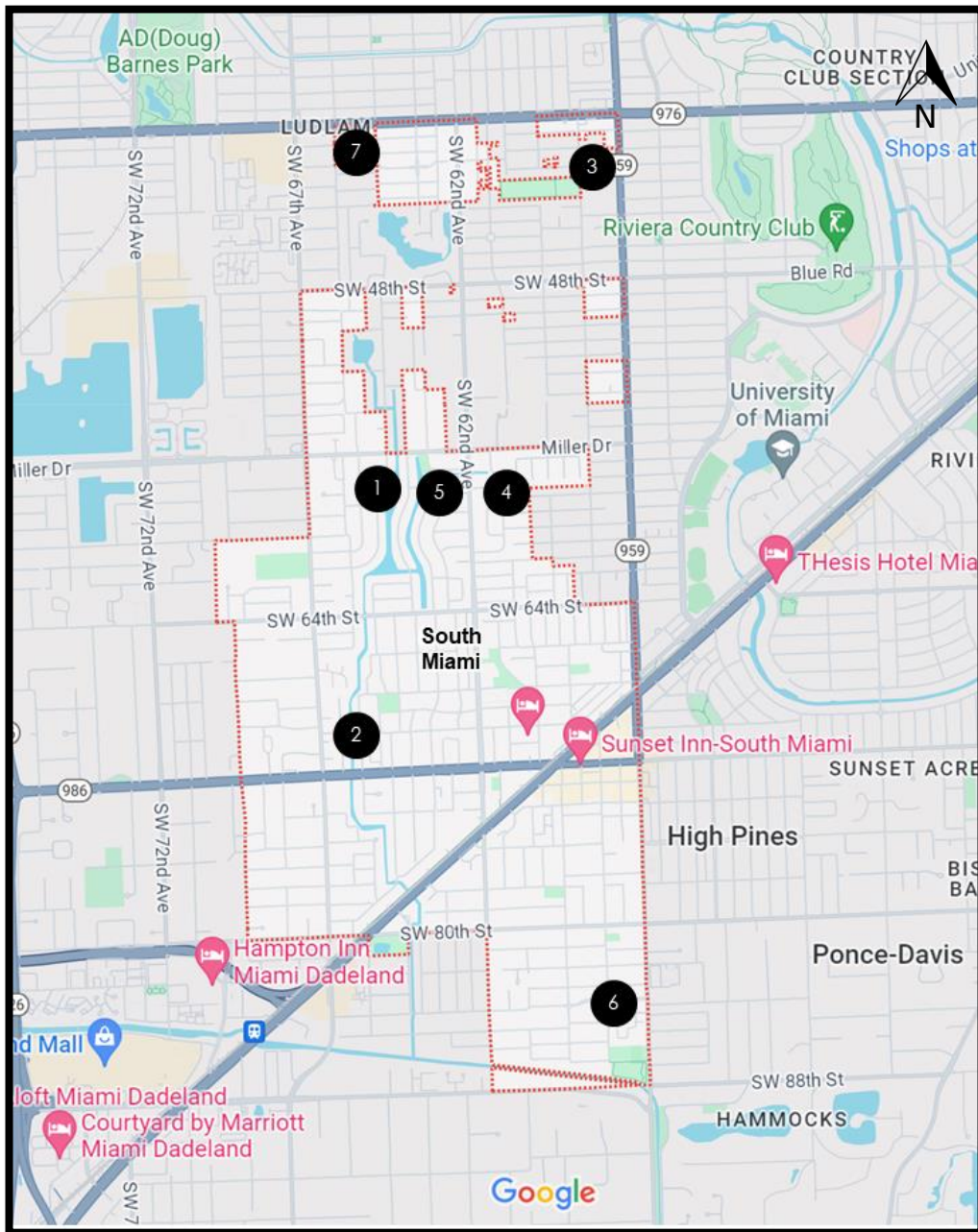


Figure – Traffic Calming Locations

The following letter documents the proposal for this traffic calming study which will evaluate the mobility and safety characteristics of the proposed study roadway limits and assess applicability of traffic calming features.

SCOPE OF SERVICES

The Scope of Services consists of the following tasks:

1.0 Project Management

The CONSULTANT shall conduct progress meetings with the City of South Miami and conduct project management coordination activities on a monthly basis.

2.0 Traffic Data Collection

The CONSULTANT will collect the following traffic data:

- 72-hour traffic speed and volume tube counts (total of 11 count locations)
 - Twin Lakes Dr between SW 56 St/Miller Rd and SW 65 Ave (2 locations due to roadway length)
 - SW 65 Ave between SW 68 St and SW 72 St/Sunset Dr
 - SW 42 Ter between SW 57 Ave and SW 60 Ct (2 locations due to roadway length)
 - SW 60 Ave between SW 56 St/Miller Dr and SW 60 St (2 locations due to roadway length)
 - SW 57 Dr between SW 62 Ave and SW 58 St
 - SW 84 St between SW 57 Ave and 62 Ave (2 locations due to roadway length)
 - SW 42 St between SW 64 Ave and SW 65 Ave
- 4-hour Intersection turning movement counts during AM and PM peak periods (2 hours each period) (total of 20 locations)
 - Twin Lakes Dr at:
 - SW 56 St/Miller Dr
 - SW 58 Ter
 - SW 65 Ave
 - SW 65 Ave at:
 - SW 72 St/Sunset Dr
 - SW 64 PI
 - SW 42 Ter at:
 - SW 57 Ave
 - SW 58 Ave
 - SW 59 Ave
 - SW 60 Ct
 - SW 60 Ave at:
 - SW 56 St/Miller Dr
 - SW 58 St
 - SW 60 St
 - SW 57 Dr at:
 - SW 62 Ave
 - SW 62 PI
 - SW 84 St at:
 - SW 57 Ave
 - SW 58 Ave
 - SW 59 Ave
 - SW 62 Ave

- SW 42 St at:
 - SW 64 Ave
 - SW 65 Ave

3.0 Traffic Calming Assessment/Existing Conditions Evaluation

The CONSULTANT will perform the following activities for each study roadway:

- Field observations (assume one peak period at each location for a total of two days)
- Desktop data collection for land use characteristics (i.e., schools and community features)
- Request from City and review roadway as built, committed development information, and police citations
- Identify future transportation improvements
- Summarize roadway geometrical features and traffic control (i.e., lane width, sidewalks, stop signs)
- Intersection traffic analysis during both AM and PM peak hours using Synchro software or Highway Capacity Software and based on Highway Capacity Manual (HCM) procedures
- Assess daily and peak hour traffic demand and daily fluctuations
- Determine 85th percentile speeds and identify high-speed concerns
- Download and clean historical crash data from Signal Four Analytics
- Conduct safety analysis by identifying crash patterns and probable causes, and create crash heat maps
- Conduct traffic calming assessment based on Miami-Dade County Traffic Flow procedures or similar approved methodology

4.0 Identify Applicable Traffic Calming Treatments

The CONSULTANT will identify applicable traffic calming treatments at each location that meets the traffic calming assessment criteria. The specific location will be identified for each treatment. Each treatment will include a summary of the benefits, challenges, sample images of treatment, and planning-level cost estimates.

5.0 Public Involvement

The CONSULTANT will participate in one City Commission meeting to present the results of the study. A presentation will be prepared.

6.0 Report

The CONSULTANT will prepare a draft and final study report which includes a list of the recommended traffic calming treatments by location. CONSULTANT will also provide response to comments.

DELIVERABLES

The following deliverable will be included with this project:

- Draft and Final Study Report

SCHEDULE

The project is estimated to be completed in a 3-month timeframe. This timeframe depends on the notice to proceed, seasonality of traffic data collection, local government public meeting setup timeframes, and City and agency review times. A schedule will be prepared following notice to proceed.

EXCLUSIONS

- Future traffic projections

Design with community in mind

- Collision Diagrams
- Conceptual Design

FEE ESTIMATE

A fee estimate has been prepared based on the contract rates. Our CONSULTANT fees shall be billed as a percent complete/lump sum in the amount of \$37,730 plus traffic data collection estimate of \$26,600 and an expense, other (i.e., printing and mileage) estimate of \$500 for a **grand total amount of \$64,830**. Attached is the staff-hour and fee estimate.

The fee estimate summary is provided in the table below.

Fee Estimate Summary Table

Item	Cost Estimate	Fee Type
CONSULTANT Subtotal (Task 1 through Task 6, except Task 2)	37,730	Lump Sum
Expenses, Task 2 Traffic Data Collection (subconsultant estimate; final amount to be provided to the City)	\$ 26,600	Time and Material
Expenses, Other (i.e., printing and mileage)	\$ 500	Time and Material
Grand Total	\$ 64,830	

TERMS AND CONDITIONS

All terms and conditions shall be per our Professional Service Agreement for Professional General Engineering and Architectural Services No. PW2022-03.

We are ready to begin working on this assignment upon your authorization to proceed. If acceptable to you, we will accept a signed copy of this form as your written authorization to proceed.

Sincerely,

Stantec Consulting Services Inc.



Christopher Benitez P.E., PTOE, RSP1
Project Manager, Transportation
Phone: 786 459-4907
chris.benitez@stantec.com

City of South Miami

Approved by:

Signature

Print Name

Date

Attachment: Staff-Hour and Fee Estimates

FEE WORKSHEET

DATE: 11/28/2023

PROJECT: Traffic Calming Study at Various Locations

Tasks	Principal	Sr. Project Manager	Senior Engineer	Traffic Engineer	Senior Designer/Engineer	Planner	Total Hours
Task 1 - Project Management	1	8		3			12.00
Task 2 - Data Collection (see expense estimate below)							0.00
Task 3 - Traffic Calming Assessment/Existing Conditions Evaluation		16	84	68			168.00
Task 4 - Identify Applicable Traffic Calming Treatments		2	12	7			21.00
Task 5 - Public Involvement		8		8			16.00
Task 6 - Report (draft, response to comments, and final)		8	24	8			40.00
Sub-Total Hours	1	42	120	94	0	0	257.00
Billing Rate	\$ 210.00	\$ 190.00	\$ 160.00	\$ 110.00	\$115	\$105	
Labor Cost	\$210	\$7,980	\$19,200	\$10,340	\$0	\$0	
Sub-Total:							\$37,730

Expenses - Task 2.0 Traffic Data Collection	\$26,600
(Data Collection estimate: Intersection counts @ \$1,000 per location and speed/volume tube counts @ \$600 per location)	
Expenses - Other (i.e., printing and mileage)	\$500

Total:	\$64,830
---------------	-----------------

PROJECT AGREEMENT

Between

CITY OF SOUTH MIAMI, FLORIDA

And

STANTEC CONSULTING, INC.

Project Name: Traffic Calming Study at Various Locations

PROJECT AGREEMENT

Between

CITY OF SOUTH MIAMI, FLORIDA

and

STANTEC CONSULTING SERVICES, INC.

Project Name: Traffic Calming Study at Various Locations
--

Subject to the provisions contained in the “Professional Services Agreement for Professional General Engineering and Architectural Services” (hereinafter referred to as the “Professional Services Agreement”) between the **CITY OF SOUTH MIAMI, FLORIDA** (hereinafter referred to as “City”) and **STANTEC CONSULTING SERVICES, INC.** (hereinafter referred to as “Consultant”) dated May 3, 2022, which Professional Services Agreement was competitively procured through Request For Qualifications (RFQ) No. PW2022-03 in accordance with Section 287.955, Florida Statutes. This Project Agreement is made effective as of the _____ day of _____, 2024, and authorizes the Consultant to provide the services as set forth below:

SECTION 1. SCOPE OF SERVICES

1.1 Consultant shall provide professional general engineering services (the “Services”) for the Project in accordance with the terms and conditions of the Agreement and shall complete the tasks that are identified and described in the Project Proposal attached hereto as Exhibit “1” (the “Proposal”) for the City.

1.2 The City may request changes that would increase, decrease, or otherwise modify the scope of services outlined under the Proposal attached hereto as Exhibit “1.” Such changes must be contained in a written change order executed by the parties in accordance with the provisions of the Agreement, prior to any deviation from the terms of this Project Agreement, including the initiation of any extra work.

SECTION 2. DELIVERABLES

2.1 As part of the scope of Services and Project schedule, the Consultant shall provide the City with the Deliverables identified in the Proposal attached hereto as Exhibit “1.”

SECTION 3. TERM/TIME OF PERFORMANCE/DAMAGE

3.1 Term. This Project Agreement shall commence on the date this instrument is fully executed by all parties and shall continue in full force and effect until terminated pursuant to Section 6 herein or until the Services are completed in accordance with other applicable provisions of the Agreement. The City Manager, in his sole discretion, may extend the term of this Project Agreement through written notification to the Consultant. Such extension shall not exceed 90 days. No further extensions of this Agreement shall be effective unless authorized by the City Manager.

3.2 Commencement. Services provided by the Consultant under this Project Agreement and the time frames applicable to this Project shall commence upon the date provided in a written Notice to Proceed (“Commencement Date”) provided to the Consultant by the City. The Consultant shall not incur any expenses or obligations for payment to third parties prior to the issuance of the Notice to Proceed.

Consultant must receive written notice from the City Manager prior to the beginning the performance of services.

3.3 Contract Time. Upon receipt of the Notice to Proceed, the Consultant shall provide the Services for the Project to the City on the Commencement Date, and shall continuously perform the Services for the Project to the City, without interruption, in accordance with the time frames set forth in the Proposal attached and incorporated into this Project Agreement as Exhibit "1". The number of calendar days from the Commencement Date, through the date set forth in the Project Schedule for completion of the Project or the date of actual completion of the Project, whichever shall last occur, shall constitute the Contract Time.

3.4 All limitations of time set forth in this Project Agreement are of the essence.

SECTION 4. AMOUNT, BASIS AND METHOD OF COMPENSATION

4.1 Compensation. Consultant shall be compensated for the provision of the Services for the Project in accordance with Exhibit "1" attached hereto. Consultant shall receive a total lump sum fee of \$64,830 for the provision of the Services for the Project.

4.2 Reimbursable Expenses. All reimbursable expenses are included in the total compensation listed in Section 4.1 above.

SECTION 5. BILLING AND PAYMENTS

5.1 Invoices

5.1.1. Compensation and Reimbursable Expenses. Consultant shall submit invoices which are identified by the specific project number on a monthly basis in a timely manner. These invoices shall identify the nature of the work performed, the phase of work, and the estimated percent of work accomplished in accordance with the Payment Schedule attached hereto as Exhibit "1" and made part of this Project Agreement. Invoices for each phase shall not exceed amounts allocated to said phase plus reimbursable expenses accrued during each phase. The statement shall show a summary of fees with accrual of the total and credits for portions paid previously.

5.1.2. Florida Prompt Payment Act. The City shall pay the Contractor in accordance with the Florida Prompt Payment Act after approval and acceptance of the Services by the City Manager.

5.2 Disputed Invoices. In the event that all or a portion of an invoice submitted to the City for payment to the Consultant is disputed, or additional backup documentation is required, the City shall notify the Consultant within fifteen (15) working days of receipt of the invoice of such objection, modification or additional documentation request. The Consultant shall provide the City within five (5) working days of the date of the City's notice. The City may request additional information, including but not limited to, all invoices, time records, expense records, accounting records, and payment records of the Consultant. The City, at its sole discretion, may pay to the Consultant the undisputed portion of the invoice. The parties shall endeavor to resolve the dispute in a mutually agreeable fashion.

5.3 Suspension of Payment. In the event that the City becomes credibly informed that any representations of the Consultant, provided pursuant to Subparagraph 5.1, are wholly or partially inaccurate, or in the event that the Consultant is not in compliance with any term or condition of the Agreement or this Project Agreement, the City may withhold payment of sums then or in the future otherwise

due to the Consultant until the inaccuracy, or other breach of Agreement or Project Agreement, and the cause thereof, is corrected to the City's reasonable satisfaction.

5.4 [INTENTIONALLY OMITTED]

5.5 Final Payment. Submission to the Consultant's invoice for final payment and reimbursement shall constitute the Consultant's representation to the City that, upon receipt from the City of the amount invoiced, all obligations of the Consultant to others, including its consultants, incurred in connection with the Project, shall be paid in full. The Consultant shall deliver to the City all documents requested by the City evidencing payments to any and all subcontractors, and all final specifications, plans, or other documents as dictated in the Proposal, Scope of Services, and Deliverables. Acceptance of final payment shall constitute a waiver of all claims against the City by the Consultant.

SECTION 6. TERMINATION/SUSPENSION

6.1 For Cause. This Project Agreement may be terminated by either party upon five (5) calendar days written notice to the other should such other party fail substantially to perform in accordance with its material terms through no fault of the party initiating the termination and fails to cure the failure to perform within such five (5) day period. In the event that Consultant abandons this Project Agreement or causes it to be terminated by the City, the Consultant shall indemnify the City against any loss pertaining to this termination. In the event that the Consultant is terminated by the City for cause and it is subsequently determined by a court of competent jurisdiction that such termination was without cause, such termination shall thereupon be deemed a termination for convenience under Section 6.2 and the provision of Section 6.2 shall apply.

6.2 For Convenience. This Project Agreement may be terminated by the City for convenience upon fourteen (14) calendar days' written notice to the Consultant. In the event of such termination, the Consultant shall incur no further obligations in connection with the Project and shall, to the extent possible terminate any outstanding subconsultant obligation(s). The Consultant shall be compensated for all Services performed to the satisfaction of the City and reimbursable expenses incurred prior the date of termination. In such event, the Consultant shall promptly submit to the City its invoice for final payment and reimbursement which invoice shall comply with the provisions of Section 5.1. Under no circumstances shall the City make payment of profit to the Consultant for services which have not been performed.

6.3 Assignment upon Termination. Upon termination of this Project Agreement, a copy of all work product of the Consultant shall become the property of the City and the Consultant shall within ten (10) working days of receipt of written direction from the City, transfer to either the City or its authorized designee, a copy of all work product in its possession, including but not limited to designs, specifications, drawings, studies, reports and all other documents and data in the possession of the Consultant pertaining to this Project Agreement. Upon the City's request, the Consultant shall additionally assign its rights, title and interest under any subcontractor's agreements to the City.

6.4 Suspension for Convenience. The City shall have the right at any time to direct the Consultant to suspend its performance, or any designated part thereof, for any reason whatsoever, or without reason, for a cumulative period of up to thirty (30) calendar days. If any such suspension is directed by the City, the Consultant shall immediately comply with same. In the event the City directs a suspension of performance as provided herein, through no fault of the Consultant, the City shall pay the Consultant as full compensation for such suspension the Consultant's reasonable cost, actually incurred and paid, of demobilization and remobilization.

Section 7. American Rescue Plan Act Contract Conditions.

7.1 The Consultant acknowledges that the Services authorized under this Project Agreement may be fully or partially funded utilizing Coronavirus State and Local Fiscal Recovery Funds allocated to the City pursuant to the American Rescue Plan Act ("ARPA"). Towards that end, the Consultant shall be required to comply with all laws, rules, regulations, policies, and guidelines (including any subsequent amendments to such laws, regulations, policies, and guidelines) required by ARPA, as further detailed in the ARPA Addendum.

If compliance with the ARPA Addendum is required, the City shall select this box: .

**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK.
SIGNATURE PAGE FOLLOWS.]**

IN WITNESS WHEREOF, the parties hereto have caused this Project Agreement executed as of the day and year as first stated above.

CITY:

ATTEST:

CITY OF SOUTH MIAMI, FLORIDA, a
Florida Municipal Corporation

CITY CLERK

By: _____
Genaro "Chip" Iglesias, City Manager

Date: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

CITY ATTORNEY

CONSULTANT:

STANTEC CONSULTING SERVICES, INC.

By: _____

Name: _____

Title: _____

Date: _____

WITNESSES:

Print Name: _____

Print Name: _____

EXHIBIT "1"
PROJECT PROPOSAL

RESOLUTION NO.: 056-22-15809

A Resolution authorizing the City Manager negotiate and execute a Professional Service Agreement provided under Florida Statute 287.055 Consultant's Competitive Negotiation Act "CCNA", with SRS Engineering, Inc., EXP U.S. Services Inc., Stantec Consulting Services Inc., Calvin, Giordano & Associates, Inc., M&J Engineering P.C., and Kimley-Horn and Associates, Inc., for general engineering services on an as needed basis.

WHEREAS, the City Mayor and Commission wish to negotiate and execute for general engineering and architectural services on an as needed basis and on a rotation basis; and

WHEREAS, in accordance with Florida Statute 287.055, "Consultants Competitive Negotiation Act." (CCNA), the City issued a Request for Qualifications (RFQ) to retain qualified consultants to provide various professional and general engineering and architectural services, on a rotational and as needed basis; and

WHEREAS, a Selection Committee comprised of City staff, reviewed the proposals received and is recommending, based on the final scores and ranking, six (6) firms for the Contract Negotiations phase of the process required by the CCNA; and

WHEREAS, it was noted that two Respondents tied in ranking order, EXP U.S. Services Inc., and Stantec Consulting Services Inc., at 2.33; and

WHEREAS, due to the number of proposals received (21), the Selection Committee is recommending six (6) Respondents for Contract Negotiations phase of the CCNA process and execution of professional service agreement; and

WHEREAS, the Mayor and City Commission wish to authorize the City Manager to negotiate and execute the professional service agreements.

WHEREAS, the Professional Service Agreement with the firms shall be for a term of three (3) years and providing the City Manager with sole discretion to renew the agreement for one (1) two (2) year renewal. The maximum term of any one contract, if the City Manager decides to renew it, will be five (5) consecutive years. The expenditures related this contract will be charged to the Capital Improvements Program Accounts on an as needed basis.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and they are incorporated into this resolution by reference as if set forth in full herein.

Section 2. The City Manager is hereby authorized to negotiate and execute a non-exclusive multi-year contract with the firms selected for professional surveying, studies, engineering, and architectural services for construction projects in accordance with Section 287.055, "Consultants Competitive Negotiation Act" on a rotational and as needed basis. The term of each contract will be three (3) years and the City Manager will have an option to renew each contract for one (1) two (2) year term. A copy of

a draft of the contract is attached. The contract may be amended in the event that the City Attorney finds that it is in the best interest of the City and that it complies with the CCNA process. The expenditures related these contracts will be charged to the Capital Improvements Program Accounts.

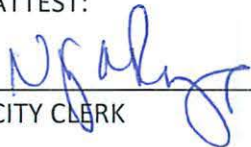
Section 3. Corrections. Conforming language or technical scrivener-type corrections may be made by the City Attorney for any conforming amendments to be incorporated into the final resolution for signature.

Section 4: Severability. If any section, clause, sentence, or phrase of this resolution 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 resolution.

Section 5: Effective Date: This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 3rd day of May, 2022.

ATTEST:


CITY CLERK

APPROVED:


MAYOR

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


CITY ATTORNEY

COMMISSION VOTE:	5-0
Mayor Philips:	Yea
Commissioner Harris:	Yea
Commissioner Gil:	Yea
Commissioner Liebman:	Yea
Commissioner Corey:	Yea

City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Alfredo Riverol

Submitting Department: Finance Department

Item Type: Resolution

Agenda Section:

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SCHEDULE OF FEES AND FINES TO MODIFY CERTAIN PARKING RATES AND FEES FOR THE SOUTH MIAMI PARKING GARAGE; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

Suggested Action:

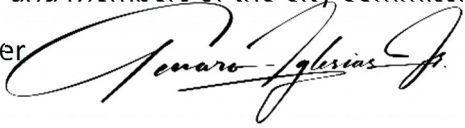
Attachments:

[Memo_-_Parking_Garage_Validation_Program_for_Gym__1_\(1\).docx](#)

[Resolution Amending Schedule of Fees and Fines for Gym Members.DOCX](#)



CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM

To: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Genaro "Chip" Iglesias, City Manager 
DATE: March 5, 2024
SUBJECT: South Miami Parking Garage Special Parking Rate (Validation Program) for Gym Members

RECOMMENDATION

Adoption of the rights and rates program with PaybyPhone to establish a special Location ID for members of the fitness facilities located within the South Miami Parking Garage structure, allowing them to pay \$1 an hour and no PaybyPhone transaction fee of \$.35.

BACKGROUND

The City of South Miami operates a robust paid parking program using exclusively PaybyPhone within various parts of the City [818 (70%) spaces in the Town Center and 350 (30%) spaces outside of the Town Center].

The hourly rate charged per hour throughout the city, historically, excluding the South Miami Parking Garage was \$3 per hour. In November 2023, the city began charging \$3 an hour, as opposed to \$1.50, in the South Miami Parking Garage.

SOUTH MIAMI PARKING GARAGE VALIDATION PROGRAM FOR FITNESS FACILITIES

PaybyPhone does not operate a validation/coupon program with their existing software. PaybyPhone is developing a validation program and anticipates having the software update available to their parking partners by September 2024. Until then, the City and PaybyPhone have developed a PaybyPhone Ghost Code option that should help provide relief to the gym members, which visit the fitness facility multiple times per week and are paying visitors of the South Miami Parking Garage.

The Ghost Code Program is the development of a Location ID, which is not publicly advertised and only provided to the members of the gym. Every week, the gym will be required to provide a list of names with needed information of their members to the City. Once provided, the City finance and parking staff will input the emails into the PaybyPhone portal, which provides the rights and rates solution. Gym members who are provided the Location ID and are within the



South Miami
THE CITY OF PLEASANT LIVING
CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM

PaybyPhone system, will pay \$1 an hour, with no PaybyPhone transaction fee to the user. PaybyPhone has specifically approved these businesses.

FINANCIAL IMPACT

To add the ability to offer gym members discounted parking (and a \$0 transaction fee), PaybyPhone will include Rights and Rates as a feature. This pricing carries a one-time setup fee of \$500 plus a recurring monthly fee of \$199 per month, for a total annual amount of \$2,400.

Finance anticipates a gross annual total loss of Parking Garage revenue from this Ghost Code discount parking program to be approximately \$31,000 based on 50 members, 6-days a week, reducing the parking hourly rate from \$3 to \$1 (-66%).

Total gross cost to the city, including revenue loss for the year is estimated to be \$34,000.

ATTACHMENTS

Resolution for Approval

1 **RESOLUTION NO. 2024-**

2 **A RESOLUTION OF THE MAYOR AND CITY**
3 **COMMISSION OF THE CITY OF SOUTH MIAMI,**
4 **FLORIDA, AMENDING THE SCHEDULE OF FEES AND**
5 **FINES TO MODIFY CERTAIN PARKING RATES AND**
6 **FEES FOR THE SOUTH MIAMI PARKING GARAGE;**
7 **PROVIDING FOR IMPLEMENTATION; CORRECTIONS;**
8 **AND AN EFFECTIVE DATE.**

9 **WHEREAS**, the City of South Miami (the “City”) operates a robust paid parking program
10 using exclusively PaybyPhone within various parts of the City, including 818 spaces (70% of
11 spaces) in the Town Center and 350 spaces (30% of spaces) outside of the Town Center; and

12 **WHEREAS**, the City currently charges an hourly rate of \$3 per hour in all locations,
13 including the South Miami Parking Garage (the "Parking Garage"); and

14 **WHEREAS**, in order to incentivize and encourage continued use of the South Miami
15 Parking Garage, the City desires to provide a discounted parking rate of \$1 per hour for gym
16 members patronizing gyms located within the South Miami Parking Garage structure; and

17 **WHEREAS**, PaybyPhone, the City’s parking vendor, offers a program that would allow
18 eligible gym members to pay the proposed discounted rate known as the “Ghost Code Program”
19 (the “Program), for a one-time setup fee of \$500 plus a recurring monthly fee of \$199 per month,
20 for a total annual amount of \$2,400; and

21 **WHEREAS**, finance anticipates a gross annual total loss of Parking Garage revenue from
22 this Program to be approximately \$31,000 based on 50 members, 6-days a week, reducing the
23 parking hourly rate from \$3 to \$1 (-66%); and

24 **WHEREAS**, the City Commission desires to approve the Schedule of Fees and Fines with
25 Amendments as further set forth herein; and

26 **WHEREAS**, the City Commission finds that this Resolution is in the best interest and
27 welfare of the City.

28 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY**
29 **COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:**

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

32 **Section 2. Amending the Schedule of Fees and Fines in connection with Certain**
33 **Uses at South Miami Parking Garage Rates-5829 SW 73 ST.** The City Commission hereby

34 amends the Schedule of Fees and Fines provided below:¹

35 **PARKING DIVISION FEE SCHEDULE**

Description	Fee
<p style="text-align: center;">* * *</p> <p><u>South Miami Parking Garage Temporary Gym Business' Hourly Rate</u> <u>5829 SW 73 ST, 4-hour limit</u></p> <p style="text-align: center;">* * *</p>	<u>\$1.00</u>

36 **Section 3. Implementation.** The City Manager is hereby authorized to take any and
37 all action necessary to implement the Schedule of Fees and Fines and the purposes of this
38 Resolution.

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

42
43 **Section 5. Effective Date.** This Resolution shall become effective immediately upon
44 adoption.

45 PASSED AND ADOPTED this ____ day of _____, 2024.

46 ATTEST:

APPROVED:

47
48 _____
49 CITY CLERK

MAYOR

51 READ AND APPROVED AS TO FORM,
52 LANGUAGE, LEGALITY AND
53 EXECUTION THEREOF

COMMISSION VOTE:
Mayor Javier Fernández:
Vice Mayor Lisa Bonich:
Commissioner Steve Calle:
Commissioner Joshua Liebman:
Commissioner Brian Corey:

54
55
56 _____
57 WEISS SEROTA HELFMAN COLE
58 & BIERMAN, P.L.
59 CITY ATTORNEY

¹ Coding: Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words.

City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Marcus Lightfoot

Submitting Department: Planning & Zoning Department

Item Type: Resolution

Agenda Section:

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING WSP USA ENVIRONMENT & INFRASTRUCTURE, INC. FOR THE COMMUNITY RATING SYSTEM (CRS) FIVE YEAR RECERTIFICATION REPORT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THE SERVICES IN AN AMOUNT NOT TO EXCEED \$24,930; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PLANNING DEPT.)

Suggested Action:

Attachments:

[CM_Memo_CRS_Proposal__1_Revised.docx](#)


[Resolution Approving Agreement with WSP for CRS Services.DOCX](#)

[Exhibit A - City of South Miami, FL CRS 2024 Proposal.pdf](#)

[Exhibit B - PSA - WSP USA Environment and Infrastructure Inc - CRS Program Assistance.DOCX](#)



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM**

To: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Genaro "Chip" Iglesias, City Manager 
DATE: March 5, 2024
SUBJECT: Community Rating System Five Year Recertification Proposal

RECOMMENDATION: Approval of the Resolution, which pertains to the selection of WSP USA Environment and Infrastructure, Inc. (WSP) for the provision of services related to the City of South Miami's Community Rating System (CRS) program.

BACKGROUND: The City of South Miami acknowledges the critical importance of maintaining compliance with the CRS to ensure the resilience and safety of its residents and infrastructure. Through diligent efforts and a commitment to the highest standards of floodplain management, the City's residents have received a discount on their flood insurance premiums.

WSP has presented a comprehensive proposal to assist the City of South Miami in updating various aspects of its CRS program. This includes tasks such as the Program for Public Information (PPI), Repetitive Loss Area Analysis (RLAA), and documentation necessary to maintain the CRS Class 6 rating. The proposal outlines detailed activities aimed at assisting the City in preparing the necessary documentation to maintain its CRS Class 6 rating, ensuring compliance with program requirements.

WSP has demonstrated expertise in providing CRS program support services and is well-equipped to assist the City of South Miami in achieving its CRS objectives. In addition, Mr. David Stroud of WSP prepared the City's last five-year recertification bringing historical knowledge that will benefit the City for this recertification cycle. Furthermore, Section 5.H. of Article III of the City's Charter stipulates that competitive bids are not applicable to the purchase of expert services approved by the City Commission.

The approval of this resolution is essential for the City of South Miami to continue its efforts in maintaining compliance with the Community Rating System and ensuring the safety and resilience of its residents and infrastructure.



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM**

FUNDING: Not to exceed \$24,930.00 charged to the Stormwater Drain Trust Fund
111-1730-541-3450 Contractual Services.

ATTACHMENTS: Resolution
Proposal

48 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY**
49 **COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:**

50
51 **Section 1. Recitals.** The above-stated recitals are true and correct and are
52 incorporated herein by this reference.

53
54 **Section 2. Selection.** The City Commission hereby selects the Consultant for the
55 provision of the Services pursuant to the Proposal attached hereto as Exhibit “A.”

56
57 **Section 3. Authorization.** The City Manager is hereby authorized to negotiate and
58 execute the Agreement with the Consultant, in substantially the form attached hereto as Exhibit
59 “B,” for the provision of the Services consistent with the proposal of the Consultant attached
60 hereto as Exhibit “A” in an amount not to exceed \$24,930, subject to the final approval of the
61 City Manager and City Attorney as to form, content, and legal sufficiency. The City Manager is
62 hereby authorized to charge the costs of the Services to the Stormwater Drain Trust Fund
63 Account Number 111-1730-541-3450, which has a current balance of \$90,072, or such other
64 funding source as determined by the City Manager to be in the best interest of the City.

65
66 **Section 4. Implementation.** The City Manager is authorized to take any and all
67 actions necessary to implement the Agreement and the purposes of this Resolution.

68
69 **Section 5. Corrections.** Conforming language or technical scrivener-type
70 corrections may be made by the City Attorney for any conforming amendments to be
71 incorporated into the final resolution for signature.

72
73 **Section 6. Effective Date.** This Resolution shall become effective immediately upon
74 adoption.

75
76 PASSED AND ADOPTED this ____ day of _____, 2024.

77
78 ATTEST:

78 APPROVED:

79
80
81 _____
82 CITY CLERK

81 _____
82 MAYOR

83
84 READ AND APPROVED AS TO FORM,
85 LANGUAGE, LEGALITY AND
86 EXECUTION THEREOF

84 COMMISSION VOTE:
85 Mayor Javier Fernández:
86 Vice Mayor Lisa Bonich:
87 Commissioner Steve Calle:
88 Commissioner Joshua Liebman:
89 Commissioner Brian Corey:

90 _____
91 WEISS SEROTA HELFMAN COLE
92 & BIERMAN, P.L.
92 CITY ATTORNEY

Proposal for CRS Services



February 1st, 2024





Ms. Suramy Cabrera
Development Services Director
City of South Miami
6130 Sunset Drive
South Miami, FL 33143

Community Rating System (CRS) Program Support

Dear Ms. Cabrera:

The Community Rating System (CRS) is a program that helps to reduce damage to insurable buildings, saves lives, and reduces the cost of flood insurance for policy holders. WSP USA Environment & Infrastructure Inc. (WSP) is pleased that the City of South Miami recognizes the importance of this program to ensure residents are better protected and the cost of flood insurance is reduced even further. As such we have prepared a proposal to provide CRS Program Support for the upcoming Cycle Verification Visit for the city.

WSP has unparalleled experience and a qualified staff to begin assisting the City of South Miami. Our Project Manager, **David Stroud, CFM** has over 30 years of CRS experience. For 18 years, he worked directly for FEMA's CRS Program as the Flood Training Coordinator and lead hazard mitigation planner and for the last fourteen years, Mr. Stroud has remained as a consultant to the CRS providing technical support and services. The strength of WSP includes:

- **Direct CRS experience.** For 16 years, our Project Manager, David Stroud, taught the CRS Class (E-278) at the FEMA's National Emergency Training Center (N.E.T.C) which means we are uniquely qualified to approach the work with a full understanding of the complete CRS Program. This experience is further supported by FEMA's CRS program who has tasked Mr. Stroud with developing the new guidance manual for Activity 510 – Repetitive Loss Area Analysis (RLAA).
- **Current involvement in CRS Program.** Mr. Stroud holds a current contract with FEMA and ISO for reviewing floodplain management and hazard mitigation plans under the CRS Program and providing other technical support to the program. In addition, Mr. Stroud recently conducted national CRS webinars on CRS Activity 510. Mr. Stroud was also actively involved in changes to the 2021 CRS Addendum.
- **CRS experience with other local governments.** The WSP team has experience providing CRS Program assistance to other local governments to reach lower CRS classifications through a variety of activities and programs. Our assistance includes cities and counties with complex programs, large flood insurance policy bases and high CRS classifications. The table on the following page represents WSP's most recent floodplain management, NFIP and CRS program assistance to local governments across the U.S.



WSP has staff with direct experience working for FEMA's CRS Program which enables us to fully develop CRS Activities that will meet the intent of the CRS Schedule and all necessary submittal and documentation requirements.

WSP prides itself with providing communities with the latest guidance, information, and tools to deliver sound recommendations in the CRS program. Our experience assisting other local governments in improving their CRS classifications will prove valuable to the City of South Miami.

Sincerely,

WSP USA Environment & Infrastructure, Inc.

A handwritten signature in black ink, appearing to read 'Dan O'Sullivan'.

Project Manager



WSP has significant experience in helping communities with the CRS program throughout Florida and across the country. Not only does WSP help with the documentation to support activity credits but also creates plans for activities 330 Outreach Projects and Activity 510 Floodplain Management Planning. Below is a listing of some communities that WSP has assisted.

Municipality	Years of Service	Client Contact	CRS Service & Implementation History
Collier County, FL	2019-2020	Rick Zyvoloski 239-252-3606	CRS Activity 510 compliant HIRA
Doral, FL	2017-2019	Mark Hagerty 305-593-6700 ext.3111	CRS Program Improvement including preparation of Activity 510 RLAA and Activity 330 PPI
Chatham County, GA	2017-2018	Michael Blakely 912-652-7814	Prepared Activity 510 CRS FMP & RLAA; earned repeat contract to prepare a hazard mitigation plan
Oxford, MD	2018	Cheryl Lewis 410-226-5122	CRS Application
Morehead City, NC	2017-present	Sandi Watkins 252-726-6848	Prepared Activity 510 FMP & RLAA. Currently providing Activity 450 Stormwater Management assistance
Beaufort, SC	2017	Martie Kay McTeer 843-379-7051	CRS Program Improvement including preparation of Activity 510 RLAA and Activity 330 PPI
South Miami, FL	2017	Marcus Lightfoot 305-663-6331	CRS Program Improvement including preparation of Activity 510 RLAA and Activity 330 PPI
Orange County, FL	2016-2018	Daniel Negron 407-836-7743	Prepared Activity 510 CRS FMP & RLAA and Activity 330 PPI
Miami Lakes, FL	2016-2018	Lourdes Rodriguez 305-827-4015	CRS Program Improvement including preparation of Activity 510 RLAA and Activity 330 PPI
Folly Beach, SC	2016-2017	Eric Lutz 843-708-9982	Improved from CRS Class 7 to Class 4 (\$1m+ in NFIP savings)
Lexington County, SC	2015-2016	Christopher Stone 803-785-8121	Developed CRS compliant Flood Mitigation Plan
Wilson, NC	2015, 2019	Janet Holland 252-399-2215	Prepared and updated Activity 510 RLAA and Activity 330 PPI; Improved from CRS Class 6 to Class 5
Charleston, SC	2012-2014	Stephen Julka 843 724-3760	Improved from CRS Class 7 to Class 6 (4.9 million in NFIP savings)
Savannah, GA	2014	Tom McDonald 912-651-6510	Prepared Activity 510 CRS FMP & RLAA. Improved from CRS Class 6 to Class 5 (enough points for Class 4)
Cutler Bay, FL	2014	Alfredo Quintero 305-234-4262	Prepared Activity 510 FMP, CRS Program Improvement enough points for CRS Class 4. Prepared Stormwater Master Plan and Regulations for Activity 450 to meet Class 4.
Collier County, FL	2014	Gary McAplin 239-252-5342	Prepared Activity 510 CRS Floodplain Management Plan
Kershaw County, SC	2013	Ronda Darity 803-425-7233	New Application CRS Class 9/Floodplain Management Assistance
Lexington County, SC	2012-2013	Christopher Stone 803-785-8121	Floodplain Management and CRS Program Assistance

PROFESSIONAL PERSONNEL

WSP believes that project success hinges on the qualifications and expertise of the project team. Our team consists of professionals with extensive experience, skills, and abilities who are readily capable of meeting project requirements. On a day-to-day basis, our Project Manager, David Stroud, will be responsible for the coordination and timely completion of work associated with this project.

The WSP team proposed to work on the City of City of South Miami CRS program Cyle Verification Visit and Recertification. Our team has a successful history of working together on numerous successful CRS projects. Over the last several years, our Hazard Mitigation Program staff has remained relatively unchanged. Our team has demonstrated success in working together, and this teamwork will be evident as we assist the City of South Miami with this CRS project.

Below are resumes of our CRS and mitigation planning team.



DAVID A. STROUD, CFM
PROJECT MANAGER

Professional registrations

Certified Floodplain Manager, No. NC. US-00-00065

Professional associations

Association of State Floodplain Managers

American Planning Association & North Carolina Chapter

Natural Hazards Mitigation Association - on Planning Committee

Florida Floodplain Manager's Association

North Carolina Association of Floodplain Managers

FEMA Region IV HAZUS Users Group

CAREER SUMMARY

Mr. Stroud has over 30 years of experience as a floodplain manager and hazard mitigation planner. His expertise includes developing hazard mitigation plans and reviewing and scoring plans for FEMA. Mr. Stroud worked for the Insurance Services Office (ISO) on behalf of FEMA's CRS Program as the lead hazard mitigation planner and Flood Training Coordinator for 18 years. He assisted in the development of the 2007, 2013, and 2017 CRS Coordinator's Manuals, and the 2021 CRS Addendum. He has worked directly with FEMA Headquarters staff in crafting the local multi-hazard mitigation planning guidance to align with the CRS 10-Step Planning criteria including the five-year update guidance (Blue Book). Mr. Stroud has significant experience with the minimum regulations of the National Flood Insurance Program (NFIP), FEMA grant programs and FEMA's Repetitive Loss Program. He works with communities, states, and FEMA Regional offices on all aspects of hazard mitigation planning and the CRS Program. With ISO, he was responsible for internal staff training on the CRS Program, Hazard Mitigation Planning and Repetitive Loss and taught week-long classes on the CRS at FEMA's Emergency Management Institute (EMI). Over the years, he has provided numerous planning and CRS workshops by invitation from states, FEMA Regional Offices, and various state floodplain associations.

EDUCATION

A.S. Architectural Drafting, Vincennes University	1983
B.S. Urban and Regional Studies, Ball State University	1985
M.U.R.P. Urban and Regional Planning, Ball State University	1990

PROFESSIONAL EXPERIENCE

- **Floodplain Management Plan, Repetitive Loss Area Analysis and Program for Public Information and Flood Insurance Assessment for Orange County, FL.** Mr. Stroud served as the project manager for the development of a CRS compliant floodplain management plan, repetitive loss area analysis under Activity 510 and a program for public information under Activity 330. These plans were all completed in 2018 and allowed Orange County to receive a CRS Class 5. All 3 plans were again updated in 2022/2023 for the 5-year update. These plans were completed on time and within budget.
- **Floodplain Management Plan, Repetitive Loss Area Analysis, Floodplain Species Assessment, Substantial Damage Plan and Program for Public Information for the Village of Palmetto Bay, FL.** Mr. Stroud served as the project manager for the development of a CRS compliant floodplain management plan, repetitive loss area analysis, floodplain species assessment and substantial damage plan under Activity 510 and a program for public information and flood insurance assessment under activities 330 and 370. The floodplain management plan was the highest scoring plan in the CRS program history. These plans were completed on time and within budget.
- **Cutler Bay Floodplain Mitigation Plan, Repetitive Loss Area Analysis, Program for Public Information and Flood Insurance Assessment for Cutler Bay, FL.** Mr. Stroud served as the Project Manager on the development of a CRS compliant Floodplain Mitigation Plan, repetitive loss area analysis, program for public information and flood insurance assessment for the Town of Cutler Bay, FL. The floodplain mitigation plan followed both the Disaster Mitigation Act (DMA) and CRS

Planning requirements. WSP developed the original floodplain mitigation plan in 2016, updated that plan in 2021 and were selected to update the plan in 2025. WSP also updated the repetitive loss area analysis, program for public information and flood insurance assessment in 2021 and again in 2024-2025.

- **Flood Mitigation Plan, Repetitive Loss Area Analysis and Natural Floodplain Functions Plan for the City of Savannah, GA.** Mr. Stroud served as the project manager in the development of a CRS and DMA qualified flood mitigation plan which included a repetitive loss area analysis and a natural floodplain functions plan. The plan identified flood hazards, assessed flood risk, and provided mitigation actions for the City. This project prioritized a list of floodplain management activities to improve Savannah’s CRS Rating.
- **Floodplain Management Plan, Repetitive Loss Area Analysis and Natural Floodplain Functions Plan for Chatham County, GA.** Served as the Project Manager for Chatham County’s CRS-compliant Activity 510 Floodplain Management Plan. Additionally, Mr. Stroud oversaw the development of the County’s Natural Floodplain Functions Plan (NFP) and the Repetitive Loss Area Analysis (RLAA).
- **Monroe County Local Mitigation Strategy, Monroe County, FL. 2020.** Mr. Stroud served as project manager for the development of a CRS Activity 510 compliant Local Mitigation Strategy for Monroe County and its incorporated jurisdictions. The plan was recognized by Florida Department of Emergency Management as model plan for Florida communities.
- **Community Rating System (CRS) Plan Review, FEMA/ISO, Washington, DC:** Current contract with FEMA’s CRS Program to provide plan review support for local mitigation plans submitted under the CRS Program. The review process follows FEMA’s Local Multi-Hazard Mitigation Planning Requirements (44 CFR 201.6) and FEMA’s CRS 10 CRS Planning Steps and those creditable elements under each CRS planning Steps. The review also ensures that the plans meet the minimum requirements for addressing repetitive loss properties. Under this contract, Mr. Stroud provides ongoing technical support to the FEMA’s CRS Program.
- **Cutler Bay CRS Program Improvement, Cutler Bay, FL:** Mr. Stroud served as the Project Manager for Cutler Bay’s CRS Cycle Verification Visit. Mr. Stroud worked with community staff to develop all documentation to be in compliance with the 2017 CRS Coordinator’s Manual and 2021 CRS Addendum. The documentation included a Program for Public Information (PPI), Repetitive Loss Area Analysis (RLAA) and a Floodplain Management Plan (FMP). All documentation was submitted to ISO in electronic format. Cutler Bay moved from a CRS Class 4 to a CRS Class 3 saving flood insurance policy holders on average \$338 per year and collectively over 2.3 million per year.
- **North Carolina Regional Hazard Mitigation Plans:** Mr. Stroud served as the Planning Manager to develop 9 Regional Hazard Mitigation Plans throughout central and eastern North Carolina. These regional plans included both natural and man-made or technological hazards. These plans were also developed to be compliant with FEMA’s CRS program.



GARRETT SHIELDS, GISP, CFM
GIS LEAD

Professional registrations

Certified Floodplain Manager #NC-13-0519

Geographical Information Systems Professional Certification #80640

FEMA Hazus Professional

Professional associations

North Carolina ArcGIS Users Group (NCAUG), President

North Carolina Association of Floodplain Managers

CAREER SUMMARY

Mr. Shields is a geospatial professional with over 11 years’ experience with: advanced spatial analysis using GIS software, remote sensing & photogrammetry, data management, floodplain mapping, database development, natural hazard risk assessment and automated tool development. He is an expert with the ESRI suite of software including ArcGIS Desktop (8.x, 9.x, and 10.x), ArcGIS Pro, ArcServer, ArcSDE, ArcGIS Online and ArcGIS Mobile and has experience with SQL Server and Oracle database management systems. Mr. Shields has assisted in the production and maintenance of numerous GIS datasets, across the U.S. and internationally. He has managed geospatial and LiDAR projects ranging from \$10K to over \$2M. He has performed floodplain mapping, DFIRM/FIS development, and risk assessment tasks in support of FEMA’s Risk MAP program in Oklahoma, Texas, Arkansas, Florida, Pennsylvania, and New Mexico.

EDUCATION

B.S., Geography, Appalachian State University 1995

PROFESSIONAL EXPERIENCE

- **Floodplain Management Plan, Repetitive Loss Area Analysis, and Program for Public Information, Orange County, FL. 2017 and 2023.** Mr. Shields provided risk and vulnerability assessment data analysis and mapping and Hazus loss estimates for the development of the Floodplain Management Plan. He also oversaw delineation of repetitive loss areas based on NFIP claims data, flood risk, topography, and other pertinent data. Mr. Shields was the lead analyst for the 2023 update of these plans.
- **Monroe County Local Mitigation Strategy. Monroe County, FL. 2020.** Mr. Shields was the lead analyst for preparation of the risk and vulnerability assessment, including loss estimation using FEMA’s Hazus software. The plan was DMA- and CRS-compliant and recognized by Florida Department of Emergency Management as model plan for Florida communities.
- **Flood Mitigation Plan, Repetitive Loss Area Analysis and Natural Floodplain Functions Plan for the City of Savannah, GA. 2016 and 2021.** Mr. Shields was the lead analyst and performed a high accuracy flood risk assessment using data provided by the community. He also coordinated the completion of a Repetitive Loss Area Analysis for in-depth analysis of high-risk structures.
- **Floodplain Mitigation Plan for Town of Morehead City, NC. 2017 and 2022.** Mr. Shields was the lead analyst and utilized the NCFMP iRisk database to compile loss assessment data and create high accuracy risk datasets. He also provided thematic mapping services and enhanced risk products to the community. Mr. Shields also provided updated loss estimates using Hazus for the 2022 update of this plan.
- **Floodplain Management Plan for Lexington County, SC. 2016 and 2022.** Mr. Shields provided GIS analysis for the risk and vulnerability assessment, including developing loss estimates with FEMA’s Hazus software and creating thematic mapping. Mr. Shields also served as lead analyst for the 2022 update of this plan.



ABIGAIL MOORE, AICP, CFM
SENIOR PLANNER

Professional registrations

American Institute of Certified Planners, #34299

Certified Floodplain Manager #NC-19-0767

Professional associations

American Planning Association (APA)

North Carolina Chapter of the American Planning Association (NCAPA)

APA Hazard Mitigation and Disaster Recovery Planning Division

APA Women & Planning Division

CAREER SUMMARY

Ms. Moore is a senior mitigation planner with expertise in hazard risk assessment, floodplain management, climate change adaptation and resilience, project management, and community planning and development. Ms. Moore earned a Master’s degree in City and Regional Planning specializing in land use, environmental planning, natural hazards resilience, and disaster recovery. She has working knowledge of the requirements of the Disaster Mitigation Act, the National Flood Insurance Program (NFIP), and the NFIP’s Community Rating System (CRS). Ms. Moore is skilled in research, data collection and analysis, risk and vulnerability assessment, mitigation strategy development, stakeholder and public engagement, and facilitation. She has provided technical assistance in the development of hazard mitigation plans, floodplain management plans, and CRS support services for local government, state government, and university clients and provides direct hazard mitigation and floodplain management support to multiple FEMA regions.

EDUCATION

B.A., Urban Studies, University of Pittsburgh 2012

MCRP, City & Regional Planning, University of North Carolina Chapel Hill 2017

PROFESSIONAL EXPERIENCE

- **Floodplain Management Plan, Repetitive Loss Area Analysis, and Program for Public Information, Orange County, FL. 2017 and 2023.** Ms. Moore supported the planning process, including creation of public outreach and engagement materials, and developed the risk assessment, capability assessment, and mitigation strategy components of the original Floodplain Management Plan and the current five-year update. She also assisted with development of a CRS-compliant Program for Public Information and Repetitive Loss Area Analysis.
- **Floodplain Management Plan, Repetitive Loss Area Analysis, Floodplain Species Assessment, Substantial Damage Plan and Program for Public Information for the Village of Palmetto Bay, FL. 2022.** Ms. Moore served as senior planner for the development of a CRS-compliant floodplain management plan, repetitive loss area analysis, floodplain species assessment and substantial damage plan under Activity 510 and a program for public information and flood insurance assessment under Activities 330 and 370. The floodplain management plan was the highest scoring plan in the CRS program history.
- **Floodplain Management Plan, Repetitive Loss Area Analysis, Program for Public Information and Flood Insurance Assessment for Town of Cutler Bay, FL. 2016 and 2020.** Ms. Moore supported the planning process, risk assessment, and mitigation strategy components of the original plans and the five-year updates, including development of public outreach and engagement materials, preparation of the risk and vulnerability assessment, mitigation action development, and repetitive loss area ID and analysis.
- **Floodplain Management Plan and Repetitive Loss Area Analysis for the Town of Morehead City, NC. 2017 and 2022.** Ms. Moore supported development for the Town’s original FMP and five-year update. Additionally, Ms. Moore led the development of a RLAA, including field data collection and report preparation, and assisted in the development of a CRS-compliant PPI. The 2022 FMP enabled the Town to apply for and receive over \$2 million in grant funding for flood hazard mitigation.



RANGER RUFFINS PLANNER

Professional associations

American Planning Association (APA)

North Carolina Chapter of the American Planning Association (NCAPA)

APA Hazard Mitigation and Disaster Recovery Planning Division

CAREER SUMMARY

Ms. Ruffins is a planner with experience in hazard mitigation and floodplain management planning, resilience planning, and the CRS program. Ms. Ruffins recently earned her Master’s in City and Regional Planning; her research focused on challenges and drivers of inequity in resilience planning and how to identify opportunities for equitable resilience. With WSP, Ms. Ruffins has worked on numerous hazard mitigation plans; and has a working knowledge of DMA requirements, the NFIP, and the CRS program. Ms. Ruffins is skilled in GIS, data collection and research as it relates to hazards and resilience, and community engagement and meeting facilitation.

EDUCATION

B.A., Environmental Studies, University of North Carolina Chapel Hill	2016
MCRP, City & Regional Planning, University of North Carolina Chapel Hill	2021

PROFESSIONAL EXPERIENCE

- **Floodplain Management Plan and Repetitive Loss Area Analysis for Orange County, FL. 2023.** Ms. Ruffins has supported the planning process, risk assessment, and mitigation strategy components of this FMP. The FMP evaluated costal hazards like sea-level rise, coastal erosion, hurricane and tropical storms, and other flood hazards. In addition to plan development, Ms. Ruffins will work with the GIS on the development of the Repetitive Loss Area Analysis for the County.
- **Floodplain Management Plan for Village of Palmetto Bay, FL. 2022.** Ms. Ruffins supported the planning process, risk assessment, and mitigation strategy components of this FMP, including development of public outreach and engagement materials, goal-setting assistance, research and preparation of the risk and vulnerability assessment, and mitigation action prioritization. The FMP evaluated costal hazards like sea-level rise, coastal erosion, hurricane and tropical storms, and other flood hazards.
- **Floodplain Management Plan for Lexington County, SC. 2022.** Ms. Ruffins supported the planning process, risk assessment, and mitigation strategy components of this project through development of public outreach and engagement materials; research and preparation of hazard profiles, vulnerability assessment, capability assessment, and mitigation actions; and meeting facilitation.
- **CRS Program Work (2021-2023).** Ms. Ruffins has supported project work for several CRS clients. Most recently her work has focused on a number of WSP’s Florida clients including the City of South Miami, the Village of Palmetto Bay, the City of St Cloud, Osceola County, the Village of Miami Shores, Orange County, FL, and others. Ms. Ruffins has put together Activity 330 Outreach Brochures and flyers and Program for Public Information documents. She has also developed resources for meeting facilitation, prepared planning documents, and prepared Activity 510 Repetitive Loss Area Analyses.

RETURN ON INVESTMENT

The City of South Miami has 2,049 CRS credit points awarded in 2020 and is currently a Class 6 and a 20% reduction in flood insurance premiums. A Class 6 requires 2,000 points and the city is just 49 points over the threshold. Below is a breakdown of CRS credits by activity. South Miami would need over 450 points to reach a Class 5. There are two activities in which the city is receiving credit which must be updated every five years. The first is the Program for Public Information (PPI) in Activity 330 and the Repetitive Loss Area Analysis (RLAA) in Activity 510.

Community Total Points: 2049		Printable Version	
Activity	Description	Year/Sub Activity	Total/Sub Total
+ c310	Elevation Certificates	Year 2020	Total 38
+ c320	Map Information	Year 2020	Total 90
+ c330	Outreach Projects	Year 2020	Total 350
+ c340	Hazard Disclosure	Year 2020	Total 15
+ c350	Flood Protection Information	Year 2020	Total 110
+ c360	Flood Protection Assistance	Year 2020	Total 85
+ c370	Flood Insurance Promotion	Year 2020	Total 15
+ c410	Floodplain Mapping	Year 2020	Total 0
+ c420	Open Space Preservation	Year 2020	Total 184
+ c430	Higher Regulatory Standards	Year 2020	Total 255
+ c440	Flood Data Maintenance	Year 2020	Total 204
+ c450	Stormwater Management	Year 2020	Total 30
+ c510	Floodplain Management Planning	Year 2020	Total 347
+ c520	Acquisition and Relocation	Year 2020	Total 0
+ c530	Flood Protection	Year 2020	Total 0
+ c540	Drainage System Maintenance	Year 2020	Total 305
+ c610	Flood Warning and Response	Year 2020	Total 0
+ c620	Levees	Year 2020	Total 0
+ c630	Dams	Year 2020	Total 0

The City of South Miami has 729 flood insurance policies with a total premium coverage of \$231,223,000.00. There are 562 policies in the Special Flood Hazard Area (SFHA) and 167 Standard X-Zone Policies.

The table below shows the flood insurance premium discounts by CRS classification. At a Class 6, policy holders are saving on average \$157.00 annually on flood insurance within the SFHA. For all flood insurance policies, the city is saving policy holders \$73,775.00 each year.



Community: SOUTH MIAMI, CITY OF **State:** FLORIDA
County: MIAMI-DADE COUNTY **CID:** 120658

Current CRS Class = 6

[\[Printable Version\]](#)

		TOTAL	SFHA *	X-STD/AR/A99 **	PRP ***
PIF		729	562	167	0
PREMIUM		\$487,796	\$353,743	\$134,053	\$0
AVERAGE PREMIUM		\$669	\$629	\$803	\$0
CRS Class					
09	Per Policy	\$41	\$39	\$45	\$0
	Per Community	\$29,556	\$22,109	\$7,447	\$0
08	Per Policy	\$71	\$79	\$45	\$0
	Per Community	\$51,666	\$44,218	\$7,447	\$0
07	Per Policy	\$101	\$118	\$45	\$0
	Per Community	\$73,775	\$66,327	\$7,447	\$0
06	Per Policy	\$142	\$157	\$89	\$0
	Per Community	\$103,331	\$88,436	\$14,895	\$0
05	Per Policy	\$172	\$197	\$89	\$0
	Per Community	\$125,440	\$110,545	\$14,895	\$0
04	Per Policy	\$202	\$236	\$89	\$0
	Per Community	\$147,549	\$132,654	\$14,895	\$0
03	Per Policy	\$233	\$275	\$89	\$0
	Per Community	\$169,658	\$154,764	\$14,895	\$0
02	Per Policy	\$263	\$315	\$89	\$0
	Per Community	\$191,767	\$176,873	\$14,895	\$0
01	Per Policy	\$293	\$354	\$89	\$0
	Per Community	\$213,876	\$198,982	\$14,895	\$0

* SHFA (Zones A, AE, A1-A30, V, V1-V30, AO, and AH): Discount varies depending on class.

** SFHA (Zones A99, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO): 10% discount for Classes 1-6; 5% discount for Classes 7-9.

*** Preferred Risk Policies are not eligible for CRS Premium Discounts.

ANNUAL REQUIREMENTS

Each year on February 1st, the City of South Miami is required to submit an annual Recertification except in the year the city is due for a Cycle Verification Visit. The next expected annual Recertification for Coral Gable should be February 1st, 2025. Below is a table showing this requirement.

CRS Annual Recertification Schedule			
CC-213 Recertification and Required Documentation Due to ISO By:			
1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
February 1	May 1	August 1	October 15
Alaska Connecticut Florida: Miami-Dade County Florida: Monroe County Illinois Indiana Iowa Kansas Maine Michigan Minnesota Mississippi New Hampshire New York North Dakota Ohio Pennsylvania Rhode Island South Dakota Vermont Wisconsin	Colorado Delaware Florida: All Others Kentucky Massachusetts Missouri Nebraska Puerto Rico West Virginia	Arkansas California Idaho Louisiana Montana North Carolina South Carolina Utah Virginia Wyoming	Alabama Arizona Georgia Hawaii Maryland Nevada New Jersey New Mexico Oklahoma Oregon Tennessee Texas Washington
Annual Recertification Information Distributed to Community By:			
December 15	March 15	June 15	September 1

SCOPE OF WORK

Task I Update the 2018 Program for Public Information

WSP USA Environment and Infrastructure, Inc. (WSP) will assist City of South Miami in updating the city's Program for Public Information (PPI). This plan must be updated to maintain credit under Activity 330 Outreach Projects. This update will include the following.

- Bring the PPI Committee back together for a meeting to evaluate the existing PPI projects.
- Work with the PIO office for the city to ensure outreach projects are being implemented.
- Review all sections of the plan to make sure each section is compliant with the current requirements of the 2017 CRS Coordinator's Manual and 2021 Addendum.
- Update the necessary changes to the plan including the PPI projects.
- Prepare final document for submittal to council for adoption.

Task II Update the 2018 Repetitive Loss Area Analysis

WSP USA Environment and Infrastructure, Inc. (WSP) will assist City of South Miami in updating the 2018 CRS Repetitive Loss Area Analysis (RLAA). A CRS RLAA must be updated every five years to maintain credit. This update will rely on the most recent repetitive loss data that needs to be requested from FEMA. This RLAA update will include the following.

- Assist the city in requesting repetitive loss data from FEMA with the ISAA form.
- Work with the new repetitive loss data and create new repetitive loss areas if required.
- Collect data on all new buildings in all repetitive loss areas.
- Prepare an update to the RLAA to include all new data.
- Provide final document for submittal to council for adoption.

Task III Assist the City with the Documentation to Maintain the City's CRS Class 6 Rating

WSP USA Environment and Infrastructure, Inc. (WSP) will assist City of South Miami in preparing the appropriate documentation to maintain the CRS Class 6 rating. Assisting the city will include the following.

- Work with the CRS Coordinator to prepare all documentation for the existing CRS Activities for which South Miami is already receiving credit.
- Work with the CRS Coordinator to identify potential new activities of credit or new elements of credit within existing CRS activities.
- Assist CRS Coordinator to organize Verification Visit files on each activity.
- Assist departmental personnel to prepare key documents and documentation as necessary for various CRS activities of credit.
- Assist CRS Coordinator in preparing special map requirements, including impact adjustment mapping.
- Help prepare documentation in electronic format and organize folders by CRS activities.
- Meet with the city when required to prepare the appropriate documentation and to answer questions from staff.



- Attend the City's Cycle Verification visit to provide guidance on how to respond to questions from ISO and to bring up scoring and documentation issues which may arise during that visit.
- Assist in preparing the necessary required forms to support the cycle verification visit.
- Assist the City in follow-up documentation required to satisfy the ISO 30-day letter.
- Answer any questions and from staff or ISO during and after the Verification Visit.

Timeline:

The timeline for this work is dependent on when ISO schedules the 5-year Verification Visit. It is assumed that the timeline will be through December 31, 2024. The city should request a visit from ISO toward the end of this year so there is time to complete all of the documentation requirements.

COST

The cost for the associated tasks will be lump sum.

Task	Cost
I	\$5,420.00
II	\$5,940.00
III	\$13,570.00
Total	\$24,930.00

**PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE CITY OF SOUTH MIAMI
AND
WSP USA ENVIRONMENT & INFRASTRUCTURE, INC.**

THIS AGREEMENT (this “Agreement”) is made effective as of the _____ day of _____, 2023 (the “Effective Date”), by and between the **CITY OF SOUTH MIAMI**, a Florida municipal corporation, (hereinafter the “City”), and **WSP USA ENVIRONMENT & INFRASTRUCTURE, INC.**, a Nevada for-profit corporation authorized to do business in the State of Florida , (hereinafter, the “Consultant”).

WHEREAS, the City desires Community Rating System (“CRS”) assistance with its CRS five year recertification report, including updating various aspects of the City’s CRS Program, such as the Program for Public Information (PPI), Repetitive Loss Area Analysis (RLAA), and documentation necessary to maintain the CRS Class 6 rating, and preparing the necessary documentation to maintain the CRS Class 6 rating (the “Services”); and

WHEREAS, the Consultant will perform Services on behalf of the City, all as further set forth in the Proposal attached hereto as Exhibit “A” in an amount not to exceed \$24,930; and

WHEREAS, the City desires to engage the Consultant to perform the Services and provide the deliverables as specified below.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Consultant and the City agree as follows:

1. Scope of Services.

- 1.1.** Consultant shall provide the Services set forth in the Proposal attached hereto as Exhibit “A” and incorporated herein by reference (the “Services”).
- 1.2.** Consultant shall furnish all reports, documents, and information obtained pursuant to this Agreement, and recommendations during the term of this Agreement (hereinafter “Deliverables”) to the City.

2. Term/Commencement Date.

- 2.1.** The term of this Agreement shall be from the Effective Date through December 31, 2024, thereafter, unless earlier terminated in accordance with Paragraph 8. Additionally, the City Manager may renew this Agreement for an additional one (1) year period on the same terms as set forth herein upon written notice to the Consultant.
- 2.2.** Consultant agrees that time is of the essence and Consultant shall complete the Services within the term of this Agreement, unless extended by the City Manager.

3. Compensation and Payment.

3.1. Compensation for Services provided by Consultant shall be in accordance with the Proposal attached hereto as Exhibit "A" in an amount not to exceed \$24,930.

3.2. Consultant shall deliver an invoice to City no more often than once per month detailing Services completed and the amount due to Consultant under this Agreement. Fees shall be paid in arrears each month, pursuant to Consultant's invoice, which shall be based upon the percentage of work completed for each task invoiced. The City shall pay the Consultant in accordance with the Florida Prompt Payment Act after approval and acceptance of the Services by the City Manager.

4. Subconsultants.

4.1. The Consultant shall be responsible for all payments to any subconsultants and shall maintain responsibility for all work related to the Services.

4.2. Consultant may only utilize the services of a particular subconsultant with the prior written approval of the City Manager, which approval may be granted or withheld in the City Manager's sole and absolute discretion.

5. City's Responsibilities.

5.1. City shall make available any maps, plans, existing studies, reports, staff and representatives, and other data pertinent to the Services and in possession of the City, and provide criteria requested by Consultant to assist Consultant in performing the Services.

5.2. Upon Consultant's request, City shall reasonably cooperate in arranging access to public information that may be required for Consultant to perform the Services.

6. Consultant's Responsibilities; Representations and Warranties.

6.1. The Consultant shall exercise the same degree of care, skill and diligence in the performance of the Services as is ordinarily provided by a consultant under similar circumstances. If at any time during the term of this Agreement or within two (2) years from the completion of this Agreement, it is determined that the Consultant's Deliverables or Services are incorrect, not properly rendered, defective, or fail to conform to City requests, the Consultant shall at Consultant's sole expense, immediately correct its Deliverables or Services.

6.2. The Consultant hereby warrants and represents that at all times during the term of this Agreement it shall maintain in good standing all required licenses, certifications and permits required under Federal, State and local laws applicable to and necessary to perform the Services for City as an independent contractor of the City. Consultant further warrants and represents that it has the required knowledge, expertise, and experience to perform the Services and carry out its obligations under this Agreement in a professional and first class manner.

6.3. The Consultant represents that is an entity validly existing and in good standing under the laws of Florida. The execution, delivery and performance of this Agreement by

Consultant have been duly authorized, and this Agreement is binding on Consultant and enforceable against Consultant in accordance with its terms. No consent of any other person or entity to such execution, delivery and performance is required.

7. Conflict of Interest.

7.1. To avoid any conflict of interest or any appearance thereof, Consultant shall not, for the term of this Agreement, provide any consulting services to any private sector entities (developers, corporations, real estate investors, etc.), with any current, or foreseeable, adversarial issues in the City.

8. Termination.

8.1. The City Manager, without cause, may terminate this Agreement upon five (5) calendar days written notice to the Consultant, or immediately with cause.

8.2. Upon receipt of the City's written notice of termination, Consultant shall immediately stop work on the project unless directed otherwise by the City Manager.

8.3. In the event of termination by the City, the Consultant shall be paid for all work accepted by the City Manager up to the date of termination, provided that the Consultant has first complied with the provisions of Paragraph 8.4.

8.4. The Consultant shall transfer all books, records, reports, working drafts, documents, maps, and data pertaining to the Services and the project to the City, in a hard copy and electronic format within fourteen (14) days from the date of the written notice of termination or the date of expiration of this Agreement.

9. Insurance.

9.1. Consultant shall secure and maintain throughout the duration of this agreement insurance of such types and in such amounts not less than those specified below as satisfactory to City, naming the City as an Additional Insured, underwritten by a firm rated A-X or better by A.M. Best and qualified to do business in the State of Florida. The insurance coverage shall be primary insurance with respect to the City, its officials, employees, agents, and volunteers naming the City as additional insured. Any insurance maintained by the City shall be in excess of the Consultant's insurance and shall not contribute to the Consultant's insurance. The insurance coverages shall include at a minimum the amounts set forth in this section and may be increased by the City as it deems necessary or prudent.

9.1.1. Commercial General Liability coverage with limits of liability of not less than a \$1,000,000 per Occurrence combined single limit for Bodily Injury and Property Damage. This Liability Insurance shall also include Completed Operations and Product Liability coverages and eliminate the exclusion with respect to property under the care, custody and control of Consultant. The General Aggregate Liability limit and the Products/Completed Operations Liability Aggregate limit shall be in the amount of \$2,000,000 each.

9.1.2. Workers Compensation and Employer's Liability insurance, to apply for all employees for statutory limits as required by applicable State and Federal laws. The policy(ies) must include Employer's Liability with minimum limits of \$1,000,000.00 each accident. No employee, subcontractor or agent of the Consultant shall be allowed to provide Services pursuant to this Agreement who is not covered by Worker's Compensation insurance.

9.1.3. Business Automobile Liability with minimum limits of \$1,000,000 per occurrence, combined single limit for Bodily Injury and Property Damage. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability policy, without restrictive endorsements, as filed by the Insurance Service Office, and must include Owned, Hired, and Non-Owned Vehicles.

9.1.4. Professional Liability Insurance in an amount of not less than One Million Dollars (\$1,000,000.00) per occurrence, single limit.

9.2. Certificate of Insurance. Certificates of Insurance shall be provided to the City, reflecting the City as an Additional Insured (except with respect to Professional Liability Insurance and Worker's Compensation Insurance), no later than ten (10) days after award of this Agreement and prior to the execution of this Agreement by City and prior to commencing Services. Each certificate shall include no less than (30) thirty-day advance written notice to City prior to cancellation, termination, or material alteration of said policies or insurance. The Consultant shall be responsible for assuring that the insurance certificates required by this Section remain in full force and effect for the duration of this Agreement, including any extensions or renewals that may be granted by the City. The Certificates of Insurance shall not only name the types of policy(ies) provided, but also shall refer specifically to this Agreement and shall state that such insurance is as required by this Agreement. The City reserves the right to inspect and return a certified copy of such policies, upon written request by the City. If a policy is due to expire prior to the completion of the Services, renewal Certificates of Insurance shall be furnished thirty (30) calendar days prior to the date of their policy expiration. Each policy certificate shall be endorsed with a provision that not less than thirty (30) calendar days' written notice shall be provided to the City before any policy or coverage is cancelled or restricted. Acceptance of the Certificate(s) is subject to approval of the City.

9.3. Additional Insured. Except with respect to Professional Liability Insurance and Worker's Compensation Insurance, the City is to be specifically included as an Additional Insured for the liability of the City resulting from Services performed by or on behalf of the Consultant in performance of this Agreement. The Consultant's insurance, including that applicable to the City as an Additional Insured, shall apply on a primary basis and any other insurance maintained by the City shall be in excess of and shall not contribute to the Consultant's insurance. The Consultant's insurance shall contain a severability of interest provision providing that, except with respect to the total limits of liability, the insurance shall apply to each Insured or Additional Insured (for applicable policies) in the same manner as if separate policies had been issued to each.

9.4. Deductibles. All deductibles or self-insured retentions must be declared to and be reasonably approved by the City. The Consultant shall be responsible for the payment of any deductible or self-insured retentions in the event of any claim.

9.5. The provisions of this section shall survive termination of this Agreement.

10. Nondiscrimination. During the term of this Agreement, Consultant shall not discriminate against any of its employees or applicants for employment because of their race, color, religion, sex, or national origin, and to abide by all Federal and State laws regarding nondiscrimination.

11. Attorneys Fees and Waiver of Jury Trial.

11.1. In the event of any litigation arising out of this Agreement, the prevailing party shall be entitled to recover its attorneys' fees and costs, including the fees and expenses of any paralegals, law clerks and legal assistants, and including fees and expenses charged for representation at both the trial and all appellate levels.

11.2. IN THE EVENT OF ANY LITIGATION ARISING OUT OF THIS AGREEMENT, EACH PARTY HEREBY KNOWINGLY, IRREVOCABLY, VOLUNTARILY AND INTENTIONALLY WAIVES ITS RIGHT TO TRIAL BY JURY.

12. Indemnification.

12.1. Consultant shall indemnify and hold harmless the City, its officers, agents and employees, from and against any and all demands, claims, losses, suits, liabilities, causes of action, judgment or damages, arising from Consultant's performance or non-performance of any provision of this Agreement, including, but not limited to, liabilities arising from contracts between the Consultant and third parties made pursuant to this Agreement. Consultant shall reimburse the City for all its expenses including reasonable attorneys' fees and costs incurred in and about the defense of any such claim or investigation and for any judgment or damages arising from Consultant's performance or non-performance of this Agreement.

12.2. Nothing herein is intended to serve as a waiver of sovereign immunity by the City nor shall anything included herein be construed as consent to be sued by third parties in any matter arising out of this Agreement or any other contract. The City is subject to section 768.28, Florida Statutes, as may be amended from time to time.

12.3. The provisions of this section shall survive termination of this Agreement.

13. Notices/Authorized Representatives. Any notices required by this Agreement shall be in writing and shall be deemed to have been properly given if transmitted by hand-delivery, by registered or certified mail with postage prepaid return receipt requested, or by a private postal service, addressed to the parties (or their successors) at the addresses listed on the signature page of this Agreement or such other address as the party may have designated by proper notice.

14. Governing Law and Venue. This Agreement shall be construed in accordance with and governed by the laws of the State of Florida. Venue for any proceedings arising out of this Agreement shall be proper exclusively in Miami-Dade County, Florida.

15. Entire Agreement/Modification/Amendment.

15.1. This writing contains the entire Agreement of the parties and supersedes any prior oral or written representations. No representations were made or relied upon by either party, other than those that are expressly set forth herein.

15.2. No agent, employee, or other representative of either party is empowered to modify or amend the terms of this Agreement, unless executed with the same formality as this document.

16. Ownership and Access to Records and Audits.

16.1. Consultant acknowledges that all inventions, innovations, improvements, developments, methods, designs, analyses, drawings, reports, compiled information, and all similar or related information (whether patentable or not) which relate to Services to the City which are conceived, developed or made by Consultant during the term of this Agreement (“Work Product”) belong to the City. Consultant shall promptly disclose such Work Product to the City and perform all actions reasonably requested by the City (whether during or after the term of this Agreement) to establish and confirm such ownership (including, without limitation, assignments, powers of attorney and other instruments).

16.2. Consultant agrees to keep and maintain public records in Consultant’s possession or control in connection with Consultant’s performance under this Agreement. The City Manager or her designee shall, during the term of this Agreement and for a period of three (3) years from the date of termination of this Agreement, have access to and the right to examine and audit any records of the Consultant involving transactions related to this Agreement. Consultant additionally agrees to comply specifically with the provisions of Section 119.0701, Florida Statutes. Consultant shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law, for the duration of the Agreement, and following completion of the Agreement until the records are transferred to the City.

16.3. Upon request from the City’s custodian of public records, Consultant shall provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided by Chapter 119, Florida Statutes, or as otherwise provided by law.

16.4. Unless otherwise provided by law, any and all records, including but not limited to reports, surveys, and other data and documents provided or created in connection with this Agreement are and shall remain the property of the City.

16.5. Upon completion of this Agreement or in the event of termination by either party, any and all public records relating to the Agreement in the possession of the Consultant

shall be delivered by the Consultant to the City Manager, at no cost to the City, within seven (7) days. All such records stored electronically by Consultant shall be delivered to the City in a format that is compatible with the City's information technology systems. Once the public records have been delivered upon completion or termination of this Agreement, the Consultant shall destroy any and all duplicate public records that are exempt or confidential and exempt from public records disclosure requirements.

16.6. Any compensation due to Consultant shall be withheld until all records are received as provided herein.

16.7. Consultant's failure or refusal to comply with the provisions of this section shall result in the immediate termination of this Agreement by the City.

16.8. Notice Pursuant to Section 119.0701(2)(a), Florida Statutes. **IF THE CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONSULTANT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS.**

Custodian of Records: Nkenga "Nikki" Payne, CMC, FCRM

Mailing address: 6130 Sunset Drive
South Miami, FL 33143

Telephone number: 305-663-6340

Email: NPayne@southmiamifl.gov

17. Nonassignability. This Agreement shall not be assignable by Consultant unless such assignment is first approved by the City Manager. The City is relying upon the apparent qualifications and expertise of the Consultant, and such firm's familiarity with the City's area, circumstances and desires.

18. Severability. If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each remaining term and provision of this Agreement shall be valid and be enforceable to the fullest extent permitted by law.

19. Independent Contractor. The Consultant and its employees, volunteers and agents shall be and remain an independent contractor and not an agent or employee of the City with respect to all of the acts and services performed by and under the terms of this Agreement. This Agreement shall not in any way be construed to create a partnership, association or any other kind of joint undertaking, enterprise or venture between the parties.

20. Compliance with Laws. The Consultant shall comply with all applicable laws, ordinances, rules, regulations, and lawful orders of public authorities in carrying out Services under this

Agreement, and in particular shall obtain all required permits from all jurisdictional agencies to perform the Services under this Agreement at its own expense.

21. **Waiver.** The failure of either party to this Agreement to object to or to take affirmative action with respect to any conduct of the other which is in violation of the terms of this Agreement shall not be construed as a waiver of the violation or breach, or of any future violation, breach or wrongful conduct.
22. **Survival of Provisions.** Any terms or conditions of either this Agreement that require acts beyond the date of the term of the Agreement, shall survive termination of the Agreement, shall remain in full force and effect unless and until the terms or conditions are completed and shall be fully enforceable by either party.
23. **Prohibition of Contingency Fees.** The Consultant warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Consultant, to solicit or secure this Agreement, and that it has not paid or agreed to pay any person(s), company, corporation, individual or firm, other than a bona fide employee working solely for the Consultant, any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this Agreement.
24. **Public Entity Crimes Affidavit.** Consultant shall comply with Section 287.133, Florida Statutes (Public Entity Crimes Statute), notification of which is hereby incorporated herein by reference, including execution of any required affidavit.
25. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original and such counterparts shall constitute one and the same instrument.
26. **Conflicts.** In the event of a conflict between the terms of this Agreement and any exhibits or attachments hereto, the terms of this Agreement shall control.
27. **E-Verify Affidavit.** In accordance with Section 448.095, Florida Statutes, the City requires all contractors doing business with the City to register with and use the E-Verify system to verify the work authorization status of all newly hired employees. The City will not enter into a contract unless each party to the contract registers with and uses the E-Verify system. The contracting entity must provide its proof of enrollment in E-Verify. For instructions on how to provide proof of the contracting entity's participation/enrollment in E-Verify, please visit: <https://www.e-verify.gov/faq/how-do-i-provide-proof-of-my-participationenrollment-in-e-verify>. By entering into this Agreement, the Contractor acknowledges that it has read Section 448.095, Florida Statutes; will comply with the E-Verify requirements imposed by Section 448.095, Florida Statutes, including but not limited to obtaining E-Verify affidavits from subcontractors; and has executed the required affidavit attached hereto and incorporated herein.

**[Remainder of page intentionally left blank.
Signature page and E-Verify Affidavit follows.]**

E-VERIFY AFFIDAVIT

In accordance with Section 448.095, Florida Statutes, the City requires all contractors doing business with the City to register with and use the E-Verify system to verify the work authorization status of all newly hired employees. The City will not enter into a contract unless each party to the contract registers with and uses the E-Verify system.

The contracting entity must provide of its proof of enrollment in E-Verify. For instructions on how to provide proof of the contracting entity’s participation/enrollment in E-Verify, please visit: <https://www.e-verify.gov/faq/how-do-i-provide-proof-of-my-participationenrollment-in-e-verify>

By signing below, the contracting entity acknowledges that it has read Section 448.095, Florida Statutes and will comply with the E-Verify requirements imposed by it, including but not limited to obtaining E-Verify affidavits from subcontractors.

Check here to confirm proof of enrollment in E-Verify has been attached to this Affidavit.

In the presence of:

Signed, sealed and delivered by:

Witness #1 Print Name:

Print Name:

Title:

Witness #2 Print Name:

Entity Name:

ACKNOWLEDGMENT

State of Florida

County of _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 20__, by _____ (name of person) as _____ (type of authority) for _____ (name of party on behalf of whom instrument is executed).

Notary Public (Print, Stamp, or Type as Commissioned)

- _____
Personally known to me; or
- _____
Produced identification (Type of Identification: _____)
- _____
Did take an oath; or
- _____
Did not take an oath

EXHIBIT "A"
SCOPE OF SERVICES

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year as first stated above.

CITY OF SOUTH MIAMI

WSP USA ENVIRONMENT & INFRASTRUCTURE, INC.

By: _____
Genaro "Chip" Iglesias
City Manager

By: _____
Name: _____

Attest:

Title: _____

By: _____
Nkenga "Nikki" Payne, CMC, FCRM
City Clerk

Entity:

Approved as to form and legal sufficiency:

By: _____
Weiss Serota Helfman Cole & Bierman, P.L.
City Attorney

Addresses for Notice:

Genaro "Chip" Iglesias
City of South Miami
Attn: City Manager
6130 Sunset Drive
South Miami, FL 33143
305-668-2510 (telephone)
305-663-6345 (facsimile)
chip@southmiamifl.gov (email)

Addresses for Notice:

_____ (telephone)
_____ (facsimile)
_____ (email)

With a copy to:

Weiss Serota Helfman Cole & Bierman, P.L.
Attn: Lillian Arango, Esq.
City of South Miami Attorney
2800 Ponce de Leon Boulevard, Suite 1200
Coral Gables, FL 33134
larango@wsh-law.com (email)

With a copy to:

_____ (telephone)
_____ (facsimile)
_____ (email)

City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Daniela Cimo

Submitting Department: City Attorney

Item Type: Resolution

Agenda Section:

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING PARTICIPATION IN A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (VICE MAYOR BONICH)

Suggested Action:

Attachments:

[Memo Re Form 6 Litigation.docx](#)

[48A3453-Resolution Authorizing Participation in Form 6 Lawsuit.docx](#)

[Form 6 Federal Complaint Filed.pdf](#)

[Form 6 State Complaint Filed.pdf](#)



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY ATTORNEY
INTER-OFFICE MEMORANDUM**

To: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Lillian Arango and Tony Recio, City Attorneys
CC: Genaro "Chip" Iglesias
DATE: March 5, 2024 City Commission Meeting
SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING PARTICIPATION IN A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(D), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE.

The accompanying Resolution was prepared and placed on the agenda at the request of Vice Mayor Lisa Bonich.

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING PARTICIPATION IN A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE.

WHEREAS, since 1976, Article II, Section 8 of the Florida Constitution has required that all elected State constitutional officers file a full and public disclosure of their financial interests, which is done through a state-adopted form (“Form 6”) that requires, among other things, the disclosure of the specific amounts of an official’s net worth, income and asset values; and

WHEREAS, historically, municipal elected officials have been required to make a more limited financial disclosure that is done through a different state-adopted form (“Form 1”) that requires, among other things, the disclosure of information related to sources of income, real property, intangible personal property liabilities and interests in specified businesses, but does not include the specific amounts of an official’s net worth, income and asset values; and

WHEREAS, the Mayor and all current elected members of the City Commission (the “City Elected Officials”) were elected by the voters of the City subject to and in reliance upon Florida law that required the Mayor and Commission Members to annually file Form 1 (not Form 6) financial disclosures forms; and

WHEREAS, although the State Legislature has the power in the Florida Constitution to require that additional public officers file a full and public disclosure of their financial interests, it must do so consistent with other constitutional limitations; and

WHEREAS, in 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the “Right to Privacy,” which states that “[e]very natural person has the right to be let alone and free from governmental intrusion into the person’s private life except as otherwise provided herein”; and

WHEREAS, because the right of privacy is a fundamental right within Florida’s constitution, the Florida Supreme Court has consistently required that any law intruding on the right is presumptively unconstitutional and must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means;” and

WHEREAS, the First Amendment to the United States Constitution, and Article 1, Section 4 of the Florida Constitution, protects the freedom of speech, which includes the right to choose what to say and what not to say, any impairment of which must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means;” and

47
48 **WHEREAS**, during the 2023 legislative session, Senate Bill 774 was passed and codified
49 at Law of Florida 2023-09, amending Fla. Stat. § 112.3144, to change the financial disclosure
50 requirements and now require that all elected municipal mayors and elected members of the
51 governing board file a Form 6 financial disclosure, which is substantially more burdensome and
52 personally intrusive than the Form 1; and

53
54 **WHEREAS**, the imposition of the Form 6 disclosure requirements at the municipal level
55 (a) represents an unwarranted intrusion into the privacy rights of municipal elected officials, most
56 of which receive little or no compensation for their service, (b) unnecessarily risks the safety of
57 such officials (making them targets of, among other things, burglary, identity theft and extortion),
58 and (c) will deter many otherwise qualified and interested citizens from running for office; and

59
60 **WHEREAS**, in fact, many municipal officials resigned from office prior to December 31,
61 2023, as a result of the new disclosure requirements, disrupting the ability of some local
62 governments to operate for lack of a quorum; and

63
64 **WHEREAS**, the imposition of the intrusive Form 6 disclosure requirements at the
65 municipal level is not the least restrictive means of serving the governmental interests of
66 preventing abuse of the public trust, as demonstrated by, among other things, the lack of such
67 requirements at the municipal level in other states and at the federal level (even the President of
68 the United States and members of the U.S. Congress are not required to make such extensive
69 disclosures); and

70
71 **WHEREAS**, requiring that unpaid (or low paid) municipal elected officials disclose their
72 precise net worth, income and assets does not serve (let alone constitute the least restrictive means
73 of serving) any compelling interest – Form 1 disclosures constitutes sufficient transparency to
74 inform the public of potential conflicts; and

75
76 **WHEREAS**, the imposition of new financial disclosure requirements upon municipal
77 elected officials who were elected without such requirements violates due process, is
78 fundamentally unfair and violates fundamental constitutional rights; and

79
80 **WHEREAS**, on February 15, 2024, two lawsuits were filed on behalf of 26 municipalities
81 and 74 municipal elected officials, challenging the Form 6 financial disclosure requirement as to
82 municipal elected officials (the "Lawsuit"); and

83
84 **WHEREAS**, the City desires to participate in the Lawsuit seeking a declaration that the
85 provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to
86 file Form 6 financial disclosure forms are unconstitutional and invalid and should be enjoined; and

87
88 **WHEREAS**, the City Commission believes it is in the best interest of the citizens and
89 residents of the City to participate in the Lawsuit and urges other municipalities and their elected
90 officials to also participate as plaintiffs.

91

92 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY
93 COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:
94

95 **Section 1. Recitals.** The above-stated recitals are true and correct and are incorporated
96 herein by this reference.
97

98 **Section 2. Participation.** The City Commission hereby authorizes the participation of
99 the City, and any of individual Members of the City Commission who choose to participate as
100 plaintiffs, in a lawsuit seeking declaratory, injunctive and other appropriate relief challenging the
101 provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to
102 file Form 6 financial disclosure forms, based upon any appropriate legal theories, including those
103 set forth above.
104

105 **Section 3. Attorney Retention.** Weiss Serota Helfman Cole + Bierman, PL (the “Firm”)
106 is hereby retained to represent the City in this litigation. The Firm will charge the City a flat fee,
107 inclusive of attorneys’ fees and costs, of \$10,000 to represent the City and the individual elected
108 officials who choose to participate as plaintiffs, for the litigation in the trial court. The City and
109 elected officials recognize that such flat fee may be less than the actual attorneys’ fees and costs
110 incurred, and that if the City and elected officials prevail in the Lawsuit, the Firm may apply with the
111 Court for its actual reasonable attorneys’ and costs from the defendants. The filing of any appeals
112 will be authorized by separate resolution under the terms thereof. The City and its elected officials
113 also acknowledges that the Firm will be representing other local governments and officials in this
114 lawsuit and waives any conflicts related to such representation.
115

116 **Section 4. Implementation.** The City Manager is hereby authorized to take all actions
117 necessary to implement the purposes and intent of this Resolution.
118

119 **Section 5. Corrections.** Conforming language or technical scrivener-type corrections
120 may be made by the City Attorney for any conforming amendments to be incorporated into the
121 final resolution for signature.
122

123 **Section 6. Effective Date.** This Resolution shall become effective immediately upon
124 adoption.
125

126 PASSED AND ADOPTED this ____ day of _____, 2024.

127
128 ATTEST:
129
130
131 _____
132 CITY CLERK

127
128 APPROVED:
129
130
131 _____
132 MAYOR

133
134 READ AND APPROVED AS TO FORM,
135 LANGUAGE, LEGALITY AND
136 EXECUTION THEREOF
137

133
134 COMMISSION VOTE:
135 Mayor Javier Fernández:
136 Vice Mayor Lisa Bonich:
137 Commissioner Steve Calle:

138
139
140 WEISS SEROTA HELFMAN COLE
141 & BIERMAN, P.L.
142 CITY ATTORNEY

Commissioner Joshua Liebman:
Commissioner Brian Corey:

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.

PRESIDENT OF TOWN COUNCIL
ELIZABETH A. LOPER, ALDERMAN KEITH
J. BLACK, ALDERMAN KATHLEEN M.
GROSS and ALDERMAN WILLIAM BIRCH,
elected officials of the Town of Briny Breezes;

COUNCILMEMBERS WALTER FAJET and
JACKY BRAVO, elected officials of Miami
Springs, Florida;

COMMISSIONER PATRICIA PETRONE, an
elected official of Lighthouse Point, Florida;

MAYOR DANIELLE H. MOORE,
PRESIDENT OF TOWN COUNCIL
MARGARET A. ZEIDMAN, COUNCIL
MEMBER EDWARD A. COONEY, COUNCIL
MEMBER LEWIS CRAMPTON, COUNCIL
MEMBER JULIE ARASKOG and COUNCIL
MEMBER BOBBIE LINDSAY, elected
officials of the Town of Palm Beach, Florida;

MAYOR BRENT LATHAM, VICE MAYOR
RICHARD CHERVONY, and
COMMISSIONER ANDY ROTONDARO,
elected officials of North Bay Village, Florida;

MAYOR GLENN SINGER, an elected official
of the Town of Golden Beach, Florida;

MAYOR BERNARD KLEPACH, an elected
official of Indian Creek, Florida;

MAYOR JEFFREY P. FREIMARK, VICE-
MAYOR SETH E. SALVER, COUNCILMAN
DAVID ALBAUM, and COUNCILMAN
DAVID WOLF, elected officials of the Village
of Bal Harbour, Florida;

MAYOR MARGARET BROWN,
COMMISSIONER MARY MOLINA-MACFIE,
COMMISSIONER CHRIS EDDY,

COMMISSIONER HENRY MEAD, and
COMMISSIONER BYRON L. JAFFE, elected
officials of the City of Weston, Florida;

MAYOR SHELLY PETROLIA, VICE-
MAYOR RYAN BOYLSTON, DEPUTY
VICE-MAYOR ROB LONG,
COMMISSIONER ADAM FRANKEL, and
COMMISSIONER ANGELA BURNS, elected
officials of the City of Delray Beach, Florida;

MAYOR JOSEPH AYOUB, COMMISSIONER
ANDY STEINGOLD, COMMISSIONER
CARLOS DIAZ, COMMISSIONER NANCY J.
BESORE, and COMMISSIONER CLIFF
MERZ, elected officials of the City of Safety
Harbor, Florida;

COMMISSIONER JEREMY KATZMAN, an
elected official of Cooper City, Florida;

MAYOR SCOTT J. BROOK, VICE-MAYOR
SHAWN CERRA, COMMISSIONER JOSHUA
SIMMONS, COMMISSIONER JOY CARTER,
and COMMISSIONER NANCY METAYER
BOWEN, elected officials of the City of Coral
Springs, Florida;

VICE-CHAIR ERIK BRECHNITZ, an elected
official of the City of Marco Island, Florida;

VICE MAYOR ARLENE SCHWARTZ,
COMMISSIONER ANTONIO V. ARSERIO,
COMMISSIONER JOANNE SIMONE, and
COMMISSIONER ANTHONY N.
CAGGIANO, elected officials of the City of
Margate, Florida;

MAYOR ROBERT T. WAGNER, COUNCIL
MEMBER JOHN STEPHENS III, COUNCIL
MEMBER TORY CJ GEILE, COUNCIL
MEMBER JAMES B. BAGBY, and COUNCIL
MEMBER TERESA R. HEBERT, elected
officials of the City of Destin, Florida;

MAYOR KENNETH R. THURSTON, COMMISSIONER MELISSA P. DUNN, and COMMISSIONER SARAI "RAY" MARTIN, elected officials of the City of Lauderhill, Florida,

MAYOR BILL GANZ, VICE-MAYOR BERNIE PARNES, COMMISSIONER BEN PRESTON, and COMMISSIONER MICHAEL HUDAK, elected officials of the City of Deerfield Beach, Florida;

VICE-MAYOR PAUL A. KRUSS and COMMISSIONER RACHEL FRIEDLAND, elected officials of the City of Aventura, Florida;

VICE-MAYOR MICHAEL NAPOLEONE, COUNCILWOMAN TANYA SISKIND, COUNCILMAN JOHN T. MCGOVERN, and COUNCILMAN MICHAEL DRAHOS, elected officials of the Village of Wellington;

MAYOR FRED CLEVELAND, elected official of the City of New Smyrna Beach, Florida;

COUNCILMEMBER JENNIFER ANDREU, elected official of the City of Plantation, Florida,

COUNCILMEMBER KEM E. MASON, elected official of the Town of Lantana, Florida; and

MAYOR CHARLES EDWARD DODD, VICE MAYOR KELLY DIXON, COUNCIL MEMBER FREDERICK B. JONES, COUNCIL MEMBER BOB MCPARTLAN, AND COUNCIL MEMBER CHRISTOPHER NUNN, elected officials of the City of Sebastian, Florida,

Plaintiffs,

vs.

ASHLEY LUKIS, in her official capacity as Chair of the Florida Commission on Ethics; MICHELLE ANCHORS, in her official capacity as Vice Chair of the Florida Commission on Ethics; WILLIAM P. CERVONE, in his official

capacity as a Member of the Florida Commission on Ethics; TINA DESCOVICH, in her official capacity as Member of the Florida Commission on Ethics; FREDDIE FIGGERS, in his official capacity as a Member of the Florida Commission on Ethics; LUIS M. FUSTE, in his official capacity as a Member of the Florida Commission on Ethics; and WENGAY M. NEWTON, SR., in his official capacity as a Member of the Florida Commission on Ethics,

Defendants.

COMPLAINT

Plaintiffs bring this action against Defendants for declaratory and injunctive relief, and state as follows:

OVERVIEW

1. This is an action by a large number of Florida elected municipal officials challenging a recently enacted law (“SB 774”) that on or before July 1, 2024 compels elected municipal officials in office as of January 1, 2024 to utter very specific statements, in writing and available to the public at large through the Internet, regarding the elected officials’ personal finances, including, among other things, stating the exact amount of their net worth and income, the total dollar value of their household goods, and the precise value of every asset and amount of every liability in excess of \$1,000. An elected municipal official’s failure to make these public statements will result in significant fines, civil penalties, and even potential removal from office.

2. SB 774 amended, among other statutes, Fla. Stat. § 112.3144, and renders elected municipal officials in office as of January 1, 2024, and municipal candidates subject to the financial disclosure requirements of Fla. Const., art. II, § 8(j).

3. Prior to the enactment of SB 774, elected municipal officials and municipal candidates were required to provide financial disclosures via a document called “Form 1” pursuant

to Fla. Stat. § 112.3145, but were not subject to the requirements of Fla. Const., art. II, § 8(j). However, Florida Statute sections 112.3144 and 99.061, as amended by SB 774 in 2023, respectively make *all* elected municipal officers and municipal candidates subject to the filing requirements of “Form 6,” which demands much more intrusive financial disclosures as outlined in the Florida Constitution and section 112.3144. A copy of Form 1 is attached as Exhibit A, and a copy of Form 6 is attached as Exhibit B.

4. Forcing municipal elected officials and municipal candidates to publicly make such statements impairs their right to be free of government-compelled, content-based, non-commercial speech, in violation of the First Amendment to the United States Constitution.

5. Rather than being the least restrictive, narrowly tailored means of accomplishing a compelling state interest, these new, financial disclosure requirements imposed on elected municipal officials and municipal candidates through SB 744 are the most restrictive means available – stricter and more onerous than required of federal elected officials (including the President of the United States) and of elected officials in other states throughout the country.

6. The additional, financial information statements required to be made by Form 6 (*e.g.*, the disclosure of exact net worth, exact income and precise values of household goods and other assets and liabilities), as compared to Form 1, have little, if any, bearing on an elected official’s municipal service, does not prevent or even ameliorate conflicts of interest or public corruption, and does not increase public confidence in government.

7. Form 1 is a less restrictive, alternative means of accomplishing the same governmental interests, as would be the less onerous disclosure forms used by the federal government or any of the other states in the United States.

8. Indeed, municipal elected officials and candidates operated under the requirements of Form 1 for decades, and nothing in the Legislature's enactment of the new Form 6 requirement reflected that Form 1 was insufficient and necessitated a change.

9. As such, this action seeks an order (i) declaring the 2023 amendments to Fla. Stat. § 112.3144 related to elected municipal officials and any penalties arising therefrom, including those in Fla. Stat. § 112.317, are unconstitutional under the First Amendment of the United States Constitution, and (ii) enjoining Defendants from enforcing the disclosure requirements.

JURISDICTION AND VENUE

10. The Court has subject matter jurisdiction over this case pursuant to this Court's federal question jurisdiction, 28 U.S.C. § 1331, as this case arises under the First Amendment to the United States Constitution, as made applicable to the States by the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

11. This case seeks declaratory and injunctive relief, pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, Federal Rule of Civil Procedure 57, and 42 U.S.C. § 1983.

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), as two of the Defendants (Freddie Figgers and Luis M. Fuste) reside in this District (and all are residents of this State), the majority of the plaintiffs reside and serve as elected officials in the District, and a substantial part of the events giving rise to the claim herein occurred in this District.

THE PARTIES

A. Plaintiffs

13. Plaintiffs in this action consist of the following current, elected officials of Florida municipalities:

- a. Town of Briny Breezes President of Town Council Elizabeth A. Loper;
- b. Town of Briny Breezes Alderman Keith J. Black;
- c. Town of Briny Breezes Alderman Kathleen M. Gross;
- d. Town of Briny Breezes Alderman William Birch;
- e. City of Miami Springs Councilmember Walter Fajet;
- f. City of Miami Springs Councilmember Jacky Bravo;
- g. City of Lighthouse Point Commissioner Patricia Petrone;
- h. Town of Palm Beach Mayor Danielle H. Moore;
- i. Town of Palm Beach President of Town Council Margaret A. Zeidman;
- j. Town of Palm Beach Council Member Edward A. Cooney;
- k. Town of Palm Beach Council Member Lewis Crampton;
- l. Town of Palm Beach Council Member Julie Araskog;
- m. Town of Palm Beach Council Member Bobbie Lindsay;
- n. North Bay Village Mayor Brent Latham;
- o. North Bay Village Vice Mayor Richard Chervony;
- p. North Bay Village Commissioner Andy Rotondaro;
- q. Golden Beach Mayor Glenn Singer;
- r. Indian Creek Mayor Bernard Klepach;
- s. Village of Bal Harbour Mayor Jeffrey P. Freimark ;
- t. Village of Bal Harbour Vice-Mayor Seth E. Salver;
- u. Village of Bal Harbour Councilman David Albaum;
- v. Village of Bal Harbour Councilman David Wolf;
- w. City of Weston Mayor Margaret Brown;
- x. City of Weston Commissioner Mary Molina-Macfie;

- y. City of Weston Commissioner Chris Eddy;
- z. City of Weston Commissioner Henry Mead;
- aa. City of Weston Commissioner Byron L. Jaffe;
- bb. City of Delray Beach Mayor Shelly Petrolia;
- cc. City of Delray Beach Vice Mayor Ryan Boylston;
- dd. City of Delray Beach Deputy Vice-Mayor Rob Long;
- ee. City of Delray Beach Commissioner Adam Frankel;
- ff. City of Delray Beach Commissioner Angela Burns;
- gg. City of Safety Harbor Mayor Joseph Ayoub;
- hh. City of Safety Harbor Commissioner Andy Steingold;
- ii. City of Safety Harbor Commissioner Carlos Diaz;
- jj. City of Safety Harbor Commissioner Nancy J. Besore;
- kk. City of Safety Harbor Commissioner Cliff Merz;
- ll. Cooper City Commissioner Jeremy Katzman;
- mm. City of Coral Springs Mayor Scott J. Brook;
- nn. City of Coral Springs Vice Mayor Shawn Cerra;
- oo. City of Coral Springs Commissioner Joshua Simmons;
- pp. City of Coral Springs Commissioner Joy Carter;
- qq. City of Coral Springs Commissioner Nancy Metayer Bowen;
- rr. City of Marco Island Vice-Chair Erik Brechnitz;
- ss. City of Margate Vice-Mayor Arlene Schwartz;
- tt. City of Margate Commissioner Antonio V. Arserio;
- uu. City of Margate Commissioner Joanne Simone;
- vv. City of Margate Commissioner Anthony N. Caggiano;

- ww. City of Destin Mayor Robert T. Wagner;
- xx. City of Destin Council Member John Stephens III;
- yy. City of Destin Council Member Torey CJ Geile;
- zz. City of Destin Council Member James B. Bagby;
- aaa. City of Destin Council Member Teresa R. Hebert;
- bbb. City of Lauderhill Mayor Kenneth R. Thurston;
- ccc. City of Lauderhill Commissioner Melissa P. Dunn;
- ddd. City of Lauderhill Commissioner Sarai “Ray” Martin;
- eee. City of Deerfield Beach Mayor Bill Ganz;
- fff. City of Deerfield Beach Vice-Mayor Bernie Parness;
- ggg. City of Deerfield Beach Commissioner Ben Preston;
- hhh. City of Deerfield Beach Commissioner Michael Hudak;
- iii. City of Aventura Vice-Mayor Paul A. Kruss;
- jjj. City of Aventura Commissioner Rachel Friedland;
- kkk. Village of Wellington Vice-Mayor Michael Napoleone;
- lll. Village of Wellington Councilwoman Tanya Siskind;
- mmm. Village of Wellington Councilwoman John T. McGovern;
- nnn. Village of Wellington Councilwoman Michael Drahos;
- ooo. City of New Smyrna Beach Mayor Fred Cleveland;
- ppp. City of Plantation Councilmember Jennifer Andreu;
- qqq. Town of Lantana Councilmember Kem E. Mason;
- rrr. City of Sebastian Mayor Charles Edward Dodd;
- sss. City of Sebastian Vice Mayor Kelly Dixon;
- ttt. City of Sebastian Council Member Frederick B. Jones;

uuu. City of Sebastian Council Member Bob McPartlan; and

vvv. City of Sebastian Council Member Christopher Nunn.

14. Plaintiffs are each duly elected or appointed officials of incorporated municipalities existing under the laws of the State of Florida and are currently in office.

15. As a result of the passage of SB 774, as of January 1, 2024, each, individual Plaintiff is subject to the financial disclosure requirements of Fla. Const., art. II, § 8(j) and Fla. Stat. § 112.3144, and are further subject to the fines, penalties and other enforcement mechanisms outlined in Fla. Stat. §§ 112.317 and 112.324.

16. Each Plaintiff is, therefore, required to file the requisite Form 6 (rather than the prior Form 1) on or before July 1, 2024.

17. The failure of any municipal elected official, including each Plaintiff, to make the compelled statements subjects him or her to a daily fine of \$25 per day up to a maximum of \$1,500 and, following an investigation and public hearing, a potential civil penalty of up to \$20,000 and, among other things, a potential recommendation of removal from office. *See* Fla. Stat. §§ 112.3144(8)(f), 112.324(4), and 112.317.

18. Plaintiffs now face prior to the imminent deadline of July 1, 2024, the obligation to engage in non-commercial, content-based speech requirement to publicly disclose, against their will, the financial information required in Form 6, or face fines or other penalties.

19. Throughout Florida, more than 100 municipal elected officials resigned rather than agree to engage in such unwanted speech.

20. Plaintiffs strongly desire to continue to serve the public and have therefore not yet resigned, but instead have chosen to challenge the new compelled speech requirement.

21. Accordingly, Plaintiffs have each suffered a concrete and particularized injury-in-fact that is actual or imminent.

B. Defendants

22. Defendant, Ashley Lukis (“Lukis”) is the Chair and a member of the Florida Commission on Ethics (“Commission”), a commission existing pursuant to Fla. Const., Art. II, § 8(h)(1) and Fla. Stat. § 112.320. Lukis is sued in her official capacity as Chair of the Commission.

23. Defendant, Michelle Anchors (“Anchors”) is the Vice Chair and a member of the Commission. Anchors is sued in her official capacity as Vice Chair of the Commission.

24. Defendant, William P. Cervone (“Cervone”) is a member of the Commission. Cervone is sued in his official capacity as member of the Commission.

25. Defendant Tina Descovich (“Descovich”) is a member of the Commission. Descovich is sued in her official capacity as member of the Commission.

26. Defendant, Freddie Figgers (“Figgers”) is a member of the Commission. Figgers is sued in his official capacity as member of the Commission and is a resident of this District.

27. Defendant, Luis Fuste (“Fuste”) is a member of the Commission. Fuste is sued in his official capacity as member of the Commission and is a resident of this District.

28. Defendant, Wengay M. Newton, Sr. (“Newton”) is a member of the Commission. Newton is sued in his official capacity as member of the Commission.

29. Lukis, Anchors, Cervone, Descovich, Figgers, Fuste, and Newton, collectively, comprise the Commission.

30. “The Agency Head is the entire Commission, which is responsible for final agency action.” *See* Statement of Organization and Operation of the Commission on Ethics, <https://www.ethics.state.fl.us/Documents/Ethics/statement%20of%20org.pdf?cp=2024127> (last accessed February 12, 2024).

31. The Commission, through each Defendant, is charged with implementing and enforcing the State’s financial disclosure laws, including, among many other things, the receipt of

Form 6 disclosures, training regarding Form 6, investigating alleged violations regarding Form 6 filings, imposing fines for failure to file Form 6, holding enforcement hearings regarding failure to file Form 6, making recommendations of removal from office for failure to file Form 6, and rendering legally binding advisory opinions regarding Form 6. *See* Fla. Const., Art. II, § 8(g); Fla. Stat. §§ 112.3144, 112.317, 112.320.

32. The Commission is also required to identify every person required to file Form 6, provide notification of said requirement to each person subject to these disclosures, and ensure compliance with the disclosure requirements by each person subject thereto. *See* Fla. Const., Art. II, § 8(g); Fla. Stat. §§ 112.3144, 112.317, 112.320.

33. In addition, the Commission's 2022 Annual Report (as well as previous annual reports) expressly requested that the Legislature enact legislation to require that elected municipal officials complete Form 6, rather than Form 1, leading to the enactment of SB 774. *See* Annual Report to the Florida Legislature for Calendar Year 2022, pg. 23, <https://ethics.state.fl.us/Documents/Publications/2022%20Annual%20Report.pdf?cp=202425> (last accessed February 12, 2024).

34. The only justification given by the Commission for its recommendation was:

Elected municipal officials are very important and administer vast amounts of public resources. For these, and other reasons, their disclosure should be on par with that of county officials and others who file Form 6, rather than Form 1. The Commission believes the enhanced disclosure should be applied to all elected municipal officials regardless of the population or revenue of the municipality.

35. Nowhere in its report did the Commission conclude that there has been an increase in the need to oppose corruption or conflicts of interest at the municipal level or that Form 1 in any way was insufficient to the task of guarding against those governmental ills. In short, the Commission justified its recommendation merely by noting that municipal officials should have

to disclose the same information others already disclose, without regard to the municipality's population, revenue, annual budget, or any elected municipal compensation amount, if any.

36. All acts alleged herein by Defendants and their agents, servants, employees, or persons acting on their behalf were done and are continuing to be done under color of state law.

37. Plaintiffs bring this action against the state officers (namely, the members of the Commission) who have the responsibility to enforce the Form 6 requirement against municipal elected officials (including Plaintiffs) and seek only prospective equitable relief to end the continuing violations of the First Amendment to the United States Constitution.

BACKGROUND

A. History of Ethical Standards in Florida

38. Beginning in the late 1960s, the Florida Legislature has enacted numerous laws regulating ethical conduct for Florida's elected officials, including laws related to the solicitation or acceptance of gifts, unauthorized compensation, misuse or abuse of public position, disclosure of certain information, doing business with one's agency, conflicting employment, lobbying restrictions, dual public employment, anti-nepotism, conflicts of interest, and financial disclosure. *See generally* Fla. Stat., Chapter 112.

39. The interests that the financial disclosures are intended to serve are stated by the Commission: "Financial disclosure is required of public officials and employees because it enables the public to evaluate potential conflicts of interest, deters corruption, and increases public confidence in government." *See* Florida Commission on Ethics, Financial Disclosure Information, www.ethics.state.fl.us/FinancialDisclosure/Index.aspx, last accessed February 12, 2024.

40. In 1976, the Florida Constitution was amended to require that all elected, state constitutional officers annually file a full and public disclosure of their financial interests, which

is done through the state-adopted Form 6, requiring the disclosure of highly personal financial information. *See* Fla. Const. Art. II, § 8; Fla. Stat. § 112.3144; Exh. B.

41. The Form 6 requirement did not apply to elected municipal officials or candidates for municipal office prior to January 1, 2024.

B. The Change from Form 1 to Form 6 for Elected Municipal Officials

42. Instead, prior to January 1, 2024, elected municipal officials were required to make a more limited financial disclosure that nevertheless provides sufficient information to satisfy the interests of preventing conflicts of interest and public corruption and increasing public confidence in government. *See* Fla. Stat. § 112.3145. The elected municipal officials' financial disclosure was done through the state-adopted Form 1. Exh. A.

43. In the 2023 legislative session, the Florida Legislature duly enacted (and the Governor signed) SB 774, which was codified at Laws of Florida 2023-09, and which amended (in relevant part) Fla. Stat. § 112.3144, to change the financial disclosure requirements to require, as of January 1, 2024, that all elected municipal mayors and elected members of municipal governing boards (and candidates for such offices) file a Form 6 financial disclosure, rather than the previously required Form 1. *See* Fla. S.B. 774; Fla. Stat. §§ 99.061, 112.3144 (2023).

C. Comparison of Form 6 to Form 1

44. Form 6 is a highly intrusive and extreme level of required, public financial disclosure, mandating the disclosure of private financial information unrelated to any official duties and unnecessary to satisfy the interest of preventing conflicts of interest and public corruption or increasing public confidence in government. *See* Exh. B.

45. Specifically, Form 6 requires that the official disclose:

(a) the official's exact net worth, to the penny, (b) the exact aggregate value of all household goods and personal effects, (c) the precise value of every other asset individually valued at over \$1,000 (including a description of

the asset), (d) the exact outstanding amount of all liabilities in excess of \$1,000, including the name and address of the creditor, (e) every primary source of income that exceeded \$1,000 during the year, including the name and address of the source of income and the precise amount of income, (f) every secondary source of income in excess of \$1,000 from any business of which the official owns more than 5%, including the name of the business entity, the major sources of business income (namely, any that account for 10% or more of the business's revenue), and the address and principal business activity or source, and (g) any interest in certain specified types of businesses.

See Exh. B.

46. In contrast, Form 1 requires that the official disclose:

(a) the name, address and principal business active for every primary sources of income in excess of \$2,500 (but not the amount), (b) every secondary source of income in excess of \$5,000 from any business of which the official owns more than 5%, including the name of the business entity, the major source of business income (any that account for 10% or more of the business's revenue), and the address and principal business activity or source, (c) a description of all real property (but not the value) of which the official had more than a 5% ownership interest, (d) a description (but not the value) of intangible property owned by the official and valued at more than \$10,000, (e) the name and address of each creditor to whom the official owed more than \$10,000 (but not the amount owed), and (f) any interest in certain specified types of businesses.

See Exh. A.

47. The information in Form 1 and Form 6 of each filer is made publicly available through the Commission's website.

COUNT I

COMPELLED, CONTENT-BASED SPEECH IN VIOLATION OF THE FIRST AMENDMENT OF THE U.S. CONSTITUTION, PURSUANT TO 42 U.S.C. § 1983

48. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 47, as if fully set forth herein.

49. The First Amendment to the United States Constitution, as applied to the States by the Fourteenth Amendment, prohibits the government, including Defendants, from abridging Plaintiffs' freedom of speech though government-compelled speech.

50. The First Amendment's speech rights include the right to speak freely, the right to refrain from speaking at all, and the right not to speak certain words or messages.

51. The statements required by Fla. Stat. § 112.3144, through Form 6, constitute non-commercial, compelled speech from Plaintiffs in violation of the First Amendment.

52. Specifically, Fla. Stat. § 112.3144 unconstitutionally compels Plaintiffs to make invasive, public disclosures about their personal finances through Form 6.

53. The required disclosures of Fla. Stat. § 112.3144, through Form 6, are content-based speech because they compel individuals to speak a particular message. Compelled speech is no less compelled and no less speech because it is required to be in writing.

54. For example, among many other things, on July 1, 2024, each Plaintiff will be forced to say the words: "My Net Worth as of December 31, 2023 was \$_____." *See* Exh. B at 1.

55. Plaintiffs would not otherwise engage in such non-commercial, content-based speech (namely, publicly disclosing to the public their exact net worth, income, asset values and other personal financial information required in Form 6) but for the requirements of Fla. Stat. § 112.3144 and the threat of fines, penalties and other enforcement mechanisms set forth in Fla. Stat. § 112.317.

56. The compelled speech in Form 6, as required by Fla. Stat. § 112.3144, is readily reviewable (now and for many years to come) by the public on the Internet, and the information in each filed Form 6 is clearly and readily associated with the individual filer (i.e., via the name of each individual Plaintiff).

57. Because the compelled speech is effectuated through state statute, the constitutional deprivation at issue here is caused by official policy of the state and under color of state law.

58. Although Plaintiffs recognize the government's interest in preventing conflicts of interest, deterring corruption, and increasing public confidence in government, Fla. Stat. § 112.3144, as amended by SB 744, and the application of Form 6 to elected municipal officials are not narrowly tailored to achieve these interests.

59. Requiring Plaintiffs to make the additional, compelled speech required by Form 6 (as opposed to the statements previously required through Form 1) are not the least restrictive means to accomplish any compelling government purpose.

60. Accordingly, an actual controversy exists between Plaintiffs and Defendants, each of whom have adverse legal interests of sufficient immediacy to warrant the issuance of a declaratory judgment and injunctive relief.

WHEREFORE, Plaintiffs respectfully request that judgment be entered in their favor:

A. Declaring, pursuant to 28 U.S.C. § 2201, 42 U.S.C. § 1983, and Rule 57, Fed. R. Civ P., that Fla. Stat. § 112.3144 (2023) compels Plaintiffs to engage in content-based, non-commercial speech in violation of the First Amendment of the United States Constitution and is, therefore, unconstitutional;

B. Enjoining, pursuant to 28 U.S.C. § 2202, Defendants from enforcing Fla. Stat. § 112.3144 (including the imposition of any fines, penalties or other enforcement) against Plaintiffs, arising from the failure of any Plaintiffs to file a Form 6 while subject to such requirements;

C. Awarding Plaintiffs their costs and expenses (including attorneys' fees) incurred in bringing in this action, pursuant to 42 U.S.C. § 1988, 28 U.S.C. § 1920, and other applicable law; and

D. Granting such other relief as this Court deems just and proper.

Dated this 15th day of February, 2024.

WEISS SEROTA HELFMAN
COLE + BIERMAN P.L.
200 East Broward Blvd., Ste. 1900
Fort Lauderdale, FL 33301
Telephone: (954) 763-4242
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Counsel for Plaintiffs

Exhibit A

2023 Form 1 - Statement of Financial Interests

General Information		
Name:	DISCLOSURE FILER	
Address:	SAMPLE ADDRESS	PID SAMPLE
County:	SAMPLE COUNTY	
AGENCY INFORMATION		
Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

Disclosure Period
THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2023 .

Primary Sources of Income		
PRIMARY SOURCE OF INCOME (Over \$2,500) (Major sources of income to the reporting person) (If you have nothing to report, write "none" or "n/a")		
Name of Source of Income	Source's Address	Description of the Source's Principal Business Activity

2023 Form 1 - Statement of Financial Interests

Secondary Sources of Income

SECONDARY SOURCES OF INCOME (Major customers, clients, and other sources of income to businesses owned by the reporting person) (If you have nothing to report, write "none" or "n/a")

Name of Business Entity	Name of Major Sources of Business' Income	Address of Source	Principal Business Activity of Source

Real Property

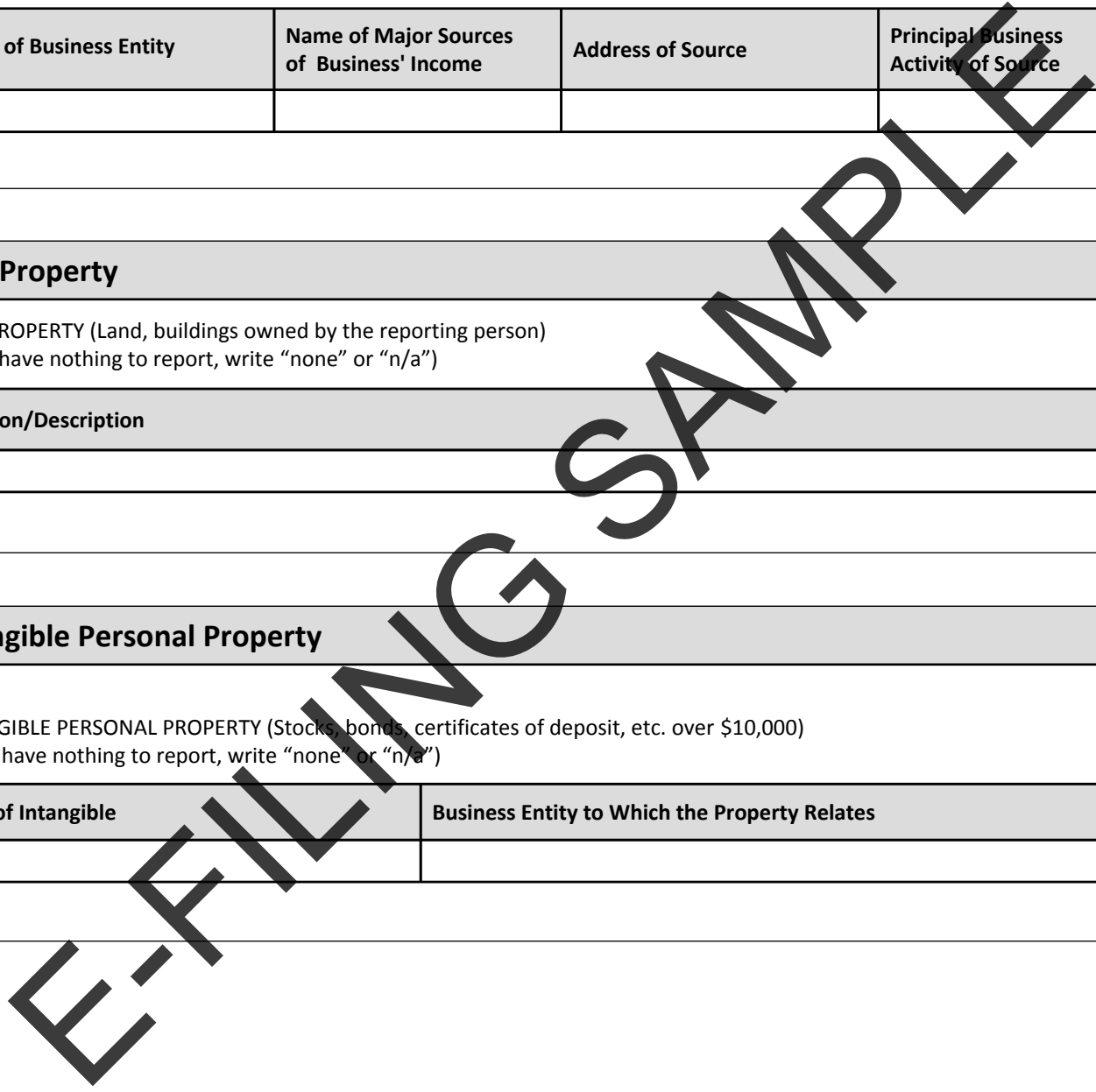
REAL PROPERTY (Land, buildings owned by the reporting person) (If you have nothing to report, write "none" or "n/a")

Location/Description

Intangible Personal Property

INTANGIBLE PERSONAL PROPERTY (Stocks, bonds, certificates of deposit, etc. over \$10,000) (If you have nothing to report, write "none" or "n/a")

Type of Intangible	Business Entity to Which the Property Relates



2023 Form 1 - Statement of Financial Interests

Liabilities

LIABILITIES (Major debts valued over \$10,000):
(If you have nothing to report, write "none" or "n/a")

Name of Creditor	Address of Creditor

Interests in Specified Businesses

INTERESTS IN SPECIFIED BUSINESSES (Ownership or positions in certain types of businesses)
(If you have nothing to report, write "none" or "n/a")

Business Entity # 1

Training

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

E-FILED SAMPLE

2023 Form 1 - Statement of Financial Interests

Signature of Filer

Digitally signed:

Filed with COE:

E-FILING SAMPLE

Exhibit B

2023 Form 6 - Full and Public Disclosure of Financial Interests

General Information

Name: DISCLOSURE FILER
 Address: SAMPLE ADDRESS PID SAMPLE
 County: SAMPLE COUNTY

AGENCY INFORMATION

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

Net Worth

My Net Worth as of December 31, 2023 was \$ [AMOUNT].

Assets

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effect is N/A.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

Description of Asset	Value of Asset

2023 Form 6 - Full and Public Disclosure of Financial Interests

Liabilities		
LIABILITIES IN EXCESS OF \$1,000:		
Name of Creditor	Address of Creditor	Amount of Liability
JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:		
Name of Creditor	Address of Creditor	Amount of Liability

Income			
Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2022 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission’s website.			
<input type="checkbox"/> I elect to file a copy of my 2023 federal income tax return and all W2s, schedules, and attachments.			
PRIMARY SOURCES OF INCOME:			
Name of Source of Income Exceeding \$1,000	Address of Source of Income	Amount	
SECONDARY SOURCES OF INCOME (Major customers, clients, etc. of businesses owned by reporting person):			
Name of Business Entity	Name of Major Sources of Business Income	Address of Source	Principal Business Activity of Source

2023 Form 6 - Full and Public Disclosure of Financial Interests

Interests in Specified Businesses

Business Entity # 1

Training

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

Signature of Reporting Official or Candidate

Under the penalties of perjury, I declare that I have read the foregoing Form 6 and that the facts stated in it are true.

Digitally signed:

Filed with COE:

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CASE NO.

TOWN OF BRINY BREEZES, FLORIDA, a
Florida municipal corporation;

CITY OF MIAMI SPRINGS, FLORIDA, a
Florida municipal corporation;

CITY OF LIGHTHOUSE POINT, FLORIDA, a
Florida municipal corporation;

TOWN OF PALM BEACH, FLORIDA, a
Florida municipal corporation;

NORTH BAY VILLAGE, FLORIDA, a Florida
municipal corporation;

TOWN OF GOLDEN BEACH, FLORIDA, a
Florida municipal corporation;

VILLAGE OF INDIAN CREEK, FLORIDA, a
Florida municipal corporation;

VILLAGE OF BAL HARBOUR, FLORIDA, a
Florida municipal corporation;

CITY OF WESTON, FLORIDA, a Florida
municipal corporation;

CITY OF DELRAY BEACH, FLORIDA, a
Florida municipal corporation;

CITY OF SAFETY HARBOR, FLORIDA, a
Florida municipal corporation;

COOPER CITY, FLORIDA, a Florida municipal
corporation;

CITY OF CORAL SPRINGS, FLORIDA, a
Florida municipal corporation;

CITY OF ST. AUGUSTINE, FLORIDA, a
Florida municipal corporation;

CITY OF MARCO ISLAND, FLORIDA, a Florida municipal corporation;

VILLAGE OF KEY BISCAYNE, FLORIDA, a Florida municipal corporation;

CITY OF WILTON MANORS, FLORIDA, a Florida municipal corporation;

CITY OF MARGATE, FLORIDA, a Florida municipal corporation;

CITY OF DESTIN, FLORIDA, a Florida municipal corporation;

CITY OF LAUDERHILL, FLORIDA, a Florida municipal corporation;

CITY OF DEERFIELD BEACH, FLORIDA, a Florida municipal corporation;

CITY OF AVENTURA, FLORIDA, a Florida municipal corporation;

VILLAGE OF WELLINGTON, FLORIDA, a Florida municipal corporation;

VILLAGE OF PINECREST, FLORIDA, a Florida municipal corporation;

CITY OF NEW SMYRNA BEACH, FLORIDA, a Florida municipal corporation;

CITY OF SEBASTIAN, FLORIDA, a Florida municipal corporation;

PRESIDENT OF TOWN COUNCIL ELIZABETH A. LOPER, ALDERMAN KEITH J. BLACK, ALDERMAN KATHLEEN M. GROSS and ALDERMAN WILLIAM BIRCH, elected officials of the Town of Briny Breezes;

COUNCILMEMBERS WALTER FAJET and JACKY BRAVO, elected officials of Miami Springs, Florida;

COMMISSIONER PATRICIA PETRONE, an elected official of Lighthouse Point, Florida;

MAYOR DANIELLE H. MOORE, PRESIDENT OF TOWN COUNCIL MARGARET A. ZEIDMAN, COUNCIL MEMBER EDWARD A. COONEY, COUNCIL MEMBER LEWIS CRAMPTON, COUNCIL MEMBER JULIE ARASKOG and COUNCIL MEMBER BOBBIE LINDSAY, elected officials of the Town of Palm Beach, Florida;

MAYOR BRENT LATHAM, VICE MAYOR RICHARD CHERVONY, and COMMISSIONER ANDY ROTONDARO, elected officials of North Bay Village, Florida;

MAYOR GLENN SINGER, an elected official of the Town of Golden Beach, Florida;

MAYOR BERNARD KLEPACH, an elected official of Indian Creek, Florida;

MAYOR JEFFREY P. FREIMARK, VICE-MAYOR SETH E. SALVER, COUNCILMAN DAVID ALBAUM, and COUNCILMAN DAVID WOLF, elected officials of the Village of Bal Harbour, Florida;

MAYOR MARGARET BROWN, COMMISSIONER MARY MOLINA-MACFIE, COMMISSIONER CHRIS EDDY, COMMISSIONER HENRY MEAD, and COMMISSIONER BYRON L. JAFFE, elected officials of the City of Weston, Florida;

MAYOR SHELLY PETROLIA, VICE-MAYOR RYAN BOYLSTON, DEPUTY VICE-MAYOR ROB LONG, COMMISSIONER ADAM FRANKEL, and COMMISSIONER ANGELA BURNS, elected officials of the City of Delray Beach, Florida;

MAYOR JOSEPH AYOUB, COMMISSIONER ANDY STEINGOLD, COMMISSIONER

CARLOS DIAZ, COMMISSIONER NANCY J. BESORE, and COMMISSIONER CLIFF MERZ, elected officials of the City of Safety Harbor, Florida;

COMMISSIONER JEREMY KATZMAN, an elected official of Cooper City, Florida;

MAYOR SCOTT J. BROOK, VICE-MAYOR SHAWN CERRA, COMMISSIONER JOSHUA SIMMONS, COMMISSIONER JOY CARTER, and COMMISSIONER NANCY METAYER BOWEN, elected officials of the City of Coral Springs, Florida;

VICE-CHAIR ERIK BRECHNITZ, an elected official of the City of Marco Island, Florida;

VICE MAYOR ARLENE SCHWARTZ, COMMISSIONER ANTONIO V. ARSERIO, COMMISSIONER JOANNE SIMONE, and COMMISSIONER ANTHONY N. CAGGIANO, elected officials of the City of Margate, Florida;

MAYOR ROBERT T. WAGNER, COUNCIL MEMBER JOHN STEPHENS III, COUNCIL MEMBER TORY CJ GEILE, COUNCIL MEMBER JAMES B. BAGBY, and COUNCIL MEMBER TERESA R. HEBERT, elected officials of the City of Destin, Florida;

MAYOR KENNETH R. THURSTON, COMMISSIONER MELISSA P. DUNN, and COMMISSIONER SARAI “RAY” MARTIN, elected officials of the City of Lauderhill, Florida,

MAYOR BILL GANZ, VICE-MAYOR BERNIE PARNES, COMMISSIONER BEN PRESTON, and COMMISSIONER MICHAEL HUDAK, elected officials of the City of Deerfield Beach, Florida;

VICE-MAYOR PAUL A. KRUSS and
COMMISSIONER RACHEL FRIEDLAND,
elected officials of the City of Aventura, Florida;

VICE-MAYOR MICHAEL NAPOLEONE,
COUNCILWOMAN TANYA SISKIND,
COUNCILMAN JOHN T. MCGOVERN, and
COUNCILMAN MICHAEL DRAHOS, elected
officials of the Village of Wellington;

MAYOR FRED CLEVELAND, elected official
of the City of New Smyrna Beach, Florida;

COUNCILMEMBER JENNIFER ANDREU,
elected official of the City of Plantation, Florida;

COUNCILMEMBER KEM E. MASON, elected
official of the Town of Lantana, Florida, and

MAYOR CHARLES EDWARD DODD, VICE
MAYOR KELLY DIXON, COUNCIL
MEMBER FREDERICK B. JONES, COUNCIL
MEMBER BOB MCPARTLAN, AND
COUNCIL MEMBER CHRISTOPHER NUNN,
elected officials of the City of Sebastian, Florida,

Plaintiffs,

vs.

ASHLEY LUKIS, in her official capacity as
Chair of the Florida Commission on Ethics;
MICHELLE ANCHORS, in her official capacity
as Vice Chair of the Florida Commission on
Ethics; WILLIAM P. CERVONE, in his official
capacity as a Member of the Florida Commission
on Ethics; TINA DESCOVICH, in her official
capacity as Member of the Florida Commission
on Ethics; FREDDIE FIGGERS, in his official
capacity as a Member of the Florida Commission
on Ethics; LUIS M. FUSTE, in his official
capacity as a Member of the Florida Commission
on Ethics; and WENGAY M. NEWTON, SR., in
his official capacity as a Member of the Florida
Commission on Ethics,

Defendants.

COMPLAINT

Plaintiffs bring this action against Defendants for declaratory and injunctive relief, and state as follows:

OVERVIEW

1. This is an action by a large number of Florida municipalities and elected municipal officials challenging a recently enacted law (“SB 774”) that requires municipal elected officials in office as of January 1, 2024, to disclose quintessentially private, highly personal financial information, including, among other things, the exact amount of their net worth and income, the total dollar value of their household goods, and the precise value of every asset and amount of every liability in excess of \$1,000, on or before July 1, 2024, or otherwise face significant fines, civil penalties, and even potential removal from office.

2. SB 774 amended, among other statutes, sections 112.3144, and 99.061, Florida Statutes, and renders elected municipal officials and candidates subject to the financial disclosure requirements of article II, section 8(j) of the Florida Constitution.

3. Prior to the enactment of SB 774, elected municipal officials and candidates were required to provide financial disclosures via a document called “Form 1,” pursuant to section 112.3145, Florida Statutes, but were not subject to the requirements of article II, section 8(j). However, sections 112.3144 and 99.061, as amended by SB 774 in 2023, make all elected municipal officers and candidates subject to the filing requirements of “Form 6,” which demands much more intrusive financial disclosures as outlined in the Florida Constitution and section 112.3144. A copy of Form 1 is attached as Exhibit A, and a copy of Form 6 is attached as Exhibit B.

4. Forcing municipal elected officials and candidates to publicly disclose such private information impairs their right to privacy under the Florida Constitution. Because the right to privacy is enumerated as a fundamental right, any such impairment is impermissible unless it is the least restrictive means of achieving a compelling state interest.

5. Rather than being the *least restrictive* means of accomplishing a compelling state interest, the new financial disclosure requirements imposed on municipal officials and candidates through SB 774 are the *most restrictive* means available—stricter and more onerous than those required of federal elected officials (including the President of the United States) and of elected officials in other states throughout the country.

6. The additional financial information required to be disclosed by Form 6 (*e.g.*, the exact net worth, exact income, and precise values of household goods and other assets and liabilities), as compared to Form 1, has little bearing, if any, on an elected official's municipal service, does not prevent conflicts of interest or public corruption, and does not increase public confidence in government.

7. Form 1 is a less restrictive alternative means of accomplishing the same governmental interests, as would be the less onerous disclosure forms used by the federal government or any of the other states in the United States.

8. Indeed, municipal elected officials and candidates operated under the requirements of Form 1 for decades, and nothing in the Legislature's enactment of the new Form 6 requirement reflected that Form 1 was insufficient and necessitated a change.

9. As such, this action seeks an order (i) declaring the 2023 amendments to sections 112.3144 and 99.061, Florida Statutes, related to elected municipal officials and candidates and any penalties arising therefrom, including those in section 112.317, Florida Statutes, violate Article

1, Section 23 of the Florida Constitution, and (ii) enjoining Defendants from enforcing the disclosure requirements.

JURISDICTION AND VENUE

10. This is an action for declaratory relief, pursuant to Chapter 86, Florida Statutes, seeking to declare that the 2023 amendments to sections 112.3144 and 99.061, Florida Statutes, and any penalties arising therefrom, including those in section 112.317, Florida Statutes, are unconstitutional and invalid. The Court has jurisdiction to grant declaratory relief. *See* §§ 86.011, 86.021, 86.101, Fla. Stat. The Court further has jurisdiction to grant supplemental relief, including injunctive relief. § 86.061, Fla. Stat.

11. Venue is proper in Leon County because Defendants are all members of the Commission on Ethics, which is located and conducts business in Leon County, Florida. In addition, any enforcement of the Form 6 requirement would take place in Leon County, Florida.

12. All conditions precedent to the institution of this lawsuit have been, or will be, satisfied or waived.

THE PARTIES

13. The Plaintiffs in this action consist of Florida municipalities and current elected officials of Florida municipalities.

A. The Municipal Plaintiffs

14. The Florida municipal plaintiffs, each of which is an incorporated municipality existing under the laws of the State of Florida (collectively, “Municipal Plaintiffs”), consist of:

- a. Town of Briny Breezes, located in Palm Beach County, Florida;
- b. City of Miami Springs, located in Miami-Dade County, Florida;
- c. City of Lighthouse Point, located in Broward County, Florida;

- d. Town of Palm Beach, located in Palm Beach County, Florida;
- e. North Bay Village, located in Miami-Dade County, Florida;
- f. Town of Golden Beach, located in Miami-Dade County, Florida;
- g. Village of Indian Creek, located in Miami-Dade County, Florida;
- h. Village of Bal Harbour, located in Miami-Dade County, Florida;
- i. City of Weston, located in Broward County, Florida;
- j. City of Delray Beach, located in Palm Beach County, Florida;
- k. City of Safety Harbor, located in Pinellas County, Florida;
- l. Cooper City, located in Broward County, Florida;
- m. City of Coral Springs, located in Broward County, Florida;
- n. City of St. Augustine, located in St. Johns County, Florida;
- o. City of Marco Island, located in Collier County, Florida;
- p. Village of Key Biscayne, located in Miami-Dade County, Florida;
- q. City of Wilton Manors, located in Broward County, Florida;
- r. City of Margate, located in Broward County, Florida;
- s. City of Destin, located in Okaloosa County, Florida;
- t. City of Lauderdale, located in Broward County, Florida;
- u. City of Deerfield Beach, located in Broward County, Florida;
- v. City of Aventura, located in Miami-Dade County, Florida;
- w. Village of Wellington, located in Palm Beach County, Florida;
- x. Village of Pinecrest, located in Miami-Dade County, Florida;
- y. City of New Smyrna Beach, located in Volusia County, Florida, and
- z. City of Sebastian, located in Indian River County, Florida.

15. As a result of SB 774, as of January 1, 2024, each elected member of, and candidate for, the governing body of every Municipal Plaintiff herein is required to file a Form 6.

16. The Municipal Plaintiffs each have a strong interest in having qualified people run for, and continue to serve in, municipal elected office. The Form 6 requirement will deter qualified people from running for and serving in elected office in the Municipal Plaintiffs. In fact, the Florida League of Cities has advised that, throughout Florida, over 100 municipal elected officials have already resigned rather than be subjected to the filing of a Form 6 financial disclosure, significantly disrupting the operations of those municipalities.

17. For example, in plaintiff Briny Breezes, former Mayor Gene Adams, former Council President Christina Adams, and former Alderman and Council President Sue Thaler all resigned in December 2023 because of the Form 6 requirement. As a result of resignations, municipalities, including Municipal Plaintiffs, have been (and/or will be) forced to expend significant public funds for filling vacancies, including temporary appointments and special elections. In addition, the vacancies have disrupted municipal operations.

18. In addition, pursuant to section 112.3144(9), a municipal elected official can be subject to “an order recommending that the officer or employee be removed from his or her public office” for refusing to file the Form 6, potentially creating even more vacancies, disrupting Municipal Plaintiffs’ operations, and causing the additional expenditure of public funds to fill those vacancies.

19. The Florida Legislature has expressly recognized the strong interest of the Municipal Plaintiffs to attract qualified candidates to run for and hold office, and the importance of ensuring that ethics laws not deter people from seeking municipal elected office:

It is also essential that government attract those citizens best qualified to serve. Thus, the law against conflict of interest must be so designed as not to impede

unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when conflicts with the responsibility of such officials to the public cannot be avoided.

§ 112.311, Fla. Stat. The application of the Form 6 disclosure requirement does precisely what the law says it is not to do, to the detriment of the Municipal Plaintiffs: it “impede[s] unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve.” Indeed, its impact is particularly felt at the municipal level where local legislators volunteer to serve their fellow residents, often with little or no compensation.

20. The Municipal Plaintiffs thus have a statutorily recognized interest in ensuring that qualified candidates run for office and remain in office and thus have a substantial interest in this action.

B. The Elected Official Plaintiffs

21. The “Elected Official Plaintiffs” consist of the following, each of whom is currently serving as a municipal elected official:

- a. Town of Briny Breezes President of Town Council Elizabeth A. Loper;
- b. Town of Briny Breezes Alderman Keith J. Black;
- c. Town of Briny Breezes Alderman Kathleen M. Gross;
- d. Town of Briny Breezes Alderman William Birch;
- e. City of Miami Springs Councilmember Walter Fajet;
- f. City of Miami Springs Councilmember Jacky Bravo;
- g. City of Lighthouse Point Commissioner Patricia Petrone;
- h. Town of Palm Beach Mayor Danielle H. Moore;
- i. Town of Palm Beach President of Town Council Margaret A. Zeidman;

- j. Town of Palm Beach Council Member Edward A. Cooney;
- k. Town of Palm Beach Council Member Lewis Crampton;
- l. Town of Palm Beach Council Member Julie Araskog;
- m. Town of Palm Beach Council Member Bobbie Lindsay;
- n. North Bay Village Mayor Brent Latham;
- o. North Bay Village Vice Mayor Richard Chervony;
- p. North Bay Village Commissioner Andy Rotondaro;
- q. Golden Beach Mayor Glenn Singer;
- r. Indian Creek Mayor Bernard Klepach;
- s. Village of Bal Harbour Mayor Jeffrey P. Freimark ;
- t. Village of Bal Harbour Vice-Mayor Seth E. Salver;
- u. Village of Bal Harbour Councilman David Albaum;
- v. Village of Bal Harbour Councilman David Wolf;
- w. City of Weston Mayor Margaret Brown;
- x. City of Weston Commissioner Mary Molina-Macfie;
- y. City of Weston Commissioner Chris Eddy;
- z. City of Weston Commissioner Henry Mead;
- aa. City of Weston Commissioner Byron L. Jaffe;
- bb. City of Delray Beach Mayor Shelly Petrolia;
- cc. City of Delray Beach Vice Mayor Ryan Boylston;
- dd. City of Delray Beach Deputy Vice-Mayor Rob Long;
- ee. City of Delray Beach Commissioner Adam Frankel;
- ff. City of Delray Beach Commissioner Angela Burns;

gg. City of Safety Harbor Mayor Joseph Ayoub;

hh. City of Safety Harbor Commissioner Andy Steingold;

ii. City of Safety Harbor Commissioner Carlos Diaz;

jj. City of Safety Harbor Commissioner Nancy J. Besore;

kk. City of Safety Harbor Commissioner Cliff Merz;

ll. Cooper City Commissioner Jeremy Katzman;

mm. City of Coral Springs Mayor Scott J. Brook;

nn. City of Coral Springs Vice Mayor Shawn Cerra;

oo. City of Coral Springs Commissioner Joshua Simmons;

pp. City of Coral Springs Commissioner Joy Carter;

qq. City of Coral Springs Commissioner Nancy Metayer Bowen;

rr. City of Marco Island Vice-Chair Erik Brechnitz;

ss. City of Margate Vice-Mayor Arlene Schwartz;

tt. City of Margate Commissioner Antonio V. Arserio;

uu. City of Margate Commissioner Joanne Simone;

vv. City of Margate Commissioner Anthony N. Caggiano;

ww. City of Destin Mayor Robert T. Wagner;

xx. City of Destin Council Member John Stephens III;

yy. City of Destin Council Member Torey CJ Geile;

zz. City of Destin Council Member James B. Bagby;

aaa. City of Destin Council Member Teresa R. Hebert;

bbb. City of Lauderhill Mayor Kenneth R. Thurston;

ccc. City of Lauderhill Commissioner Melissa P. Dunn;

ddd. City of Lauderhill Commissioner Sarai “Ray” Martin;
eee. City of Deerfield Beach Mayor Bill Ganz;
fff. City of Deerfield Beach Vice-Mayor Bernie Parness;
ggg. City of Deerfield Beach Commissioner Ben Preston;
hhh. City of Deerfield Beach Commissioner Michael Hudak;
iii. City of Aventura Vice-Mayor Paul A. Kruss;
jjj. City of Aventura Commissioner Rachel Friedland;
kkk. Village of Wellington Vice-Mayor Michael Napoleone;
lll. Village of Wellington Councilwoman Tanya Siskind;
mmm. Village of Wellington Councilwoman John T. McGovern;
nnn. Village of Wellington Councilwoman Michael Drahos;
ooo. City of New Smyrna Beach Mayor Fred Cleveland;
ppp. City of Plantation Councilmember Jennifer Andreu;
qqq. Town of Lantana Councilmember Kem E. Mason;
rrr. City of Sebastian Mayor Charles Edward Dodd;
sss. City of Sebastian Vice Mayor Kelly Dixon;
ttt. City of Sebastian Council Member Frederick B. Jones;
uuu. City of Sebastian Council Member Bob McPartlan; and
vvv. City of Sebastian Council Member Christopher Nunn.

22. The Elected Official Plaintiffs are each elected Mayors or members of the governing bodies of incorporated municipalities existing under the laws of the State of Florida, who are currently in office.

23. As a result of the passage of SB 774, as of January 1, 2024, each Elected Official Plaintiff is subject to the Form 6 financial disclosure requirements of section 8, article II of the Florida Constitution, and section 112.3144, Florida Statutes, and are further subject to the fines, penalties and other enforcement mechanisms outlined therein and in sections 112.317 and 112.324, Florida Statutes, if they do not timely file Form 6 financial disclosures.

24. Each Elected Official Plaintiff is therefore required to file the requisite Form 6 (rather than the prior Form 1) on or before July 1, 2024.

25. The failure of any municipal elected official to file a Form 6, including each Elected Official Plaintiff, subjects him or her to a daily fine of \$25 per day up to a maximum of \$1,500 and, following an investigation and public hearing, a potential civil penalty of up to \$20,000 and, among other things, a potential recommendation of removal from office. *See* §§ 112.3144(8)(f), 112.324(4), 112.317, Fla. Stat.

26. The Elected Official Plaintiffs now face the Hobson's choice of either sacrificing their constitutionally protected right to privacy by filing a Form 6 on or before the imminent deadline of July 1, 2024, as now required by section 112.3144, or face fines, penalties, and other enforcement, including the possible removal from office. Throughout Florida, more than 100 municipal elected officials have resigned rather than agree to surrender their constitutionally protected privacy. The Elected Official Plaintiffs strongly desire to continue to serve the public and have therefore not yet resigned, but instead have chosen to challenge the new requirement.

27. Accordingly, the Elected Official Plaintiffs each has a significant interest in this action.

C. The Defendants

28. Defendant, Ashley Lukis (“Lukis”) is the Chair and a Member of the Florida Commission on Ethics (“Commission”), a commission existing pursuant to article II, section 8(h)(1) of the Florida Constitution and section 112.320, Florida Statutes. Lukis is sued in her official capacity as Chair of the Commission.

29. Defendant, Michelle Anchors (“Anchors”) is the Vice Chair and a Member of the Commission. Anchors is sued in her official capacity as Vice Chair of the Commission.

30. Defendant, William P. Cervone (“Cervone”) is a Member of the Commission. Cervone is sued in his official capacity as Member of the Commission.

31. Defendant Tina Descovich (“Descovich”) is a Member of the Commission. Descovich is sued in her official capacity as Member of the Commission.

32. Defendant, Freddie Figgers (“Figgers”) is a Member of the Commission. Figgers is sued in his official capacity as Member of the Commission.

33. Defendant, Luis Fuste (“Fuste”) is a Member of the Commission. Fuste is sued in his official capacity as Member of the Commission.

34. Defendant, Wengay M. Newton, Sr. (“Newton”) is a Member of the Commission. Newton is sued in his official capacity as Member of the Commission.

35. Lukis, Anchors, Cervone, Descovich, Figgers, Fuste, and Newton, collectively, comprise the Commission.

36. “The Agency Head is the entire Commission, which is responsible for final agency action.” *See* Statement of Organization and Operation of the Commission on Ethics, <https://www.ethics.state.fl.us/Documents/Ethics/statement%20of%20org.pdf?cp=2024127>, last accessed February 12, 2024.

37. The Commission, through each Defendant, is charged with implementing and enforcing the State's financial disclosure laws, including, among many other things, the receipt of the Form 6 disclosure forms, training regarding Form 6, investigating alleged violations regarding Form 6 filings, imposing fines for failure to file Form 6, holding enforcement hearings regarding failure to file Form 6, making recommendations of removal from office for failure to file Form 6, and rendering legally binding advisory opinions regarding Form 6. *See* Art II, § 8(g), Fla. Const.; §§ 112.3144, 112.317, 112.320, Fla. Stat.

38. The Commission is also required to identify every person required to file Form 6, provide notice of said requirements to each person subject to these disclosures, and ensure compliance with the disclosure requirements by each person subject thereto. *See* Art II, § 8(g), Fla. Const.; §§ 112.3144, 112.317, 112.320, Fla. Stat.

39. In addition, the Commission's 2022 Annual Report (as well as previous annual reports) expressly requested that the Legislature enact legislation to require municipal elected officials to complete Form 6, rather than Form 1, leading to the enactment of SB 774. *See* Annual Report to the Florida Legislature for Calendar Year 2022, p. 23, <https://ethics.state.fl.us/Documents/Publications/2022%20Annual%20Report.pdf?cp=202425> (last accessed February 12, 2024). The only justification given by the Commission for its recommendation was:

Elected municipal officials are very important and administer vast amounts of public resources. For these, and other reasons, their disclosure should be on par with that of county officials and others who file Form 6, rather than Form 1. The Commission believes the enhanced disclosure should be applied to all elected municipal officials regardless of the population or revenue of the municipality.

40. Nowhere in its report did the Commission conclude that there has been an increase in the need to oppose corruption or conflicts of interest at the municipal level or that Form 1 in any

way was insufficient to the task of guarding against those governmental ills. In short, the Commission justified its recommendation merely by noting that municipal officials should have to disclose the same information others already disclose, without regard to the municipality's population, revenue, annual budget, or any elected municipal compensation amount, if any.

41. Plaintiffs bring this action against the state officers (namely, the members of the Commission) who have the responsibility to enforce the Form 6 requirement against municipal elected officials (including the Elected Official Plaintiffs) and seek only declaratory and injunctive relief to end the continuing violations of Article 1, Section 23 of the Florida Constitution. Plaintiffs do not seek damages in this action.

BACKGROUND

A. History of Ethical Standards in Florida

42. Beginning in the late 1960s, the Florida Legislature has enacted numerous laws regulating ethical conduct for Florida's elected officials, including laws related to the solicitation or acceptance of gifts, unauthorized compensation, misuse or abuse of public position, disclosure of certain information, doing business with one's agency, conflicting employment, lobbying restrictions, dual public employment, anti-nepotism, conflicts of interest, and financial disclosure. *See generally* Chapter 112, Fla. Stat.

43. The interests that the financial disclosures are intended to serve are stated by the Commission: "Financial disclosure is required of public officials and employees because it enables the public to evaluate potential conflicts of interest, deters corruption, and increases public confidence in government." *See* Florida Commission on Ethics, Financial Disclosure Information, www.ethics.state.fl.us/FinancialDisclosure/Index.aspx, last accessed February 12, 2024.

44. In 1976, the Florida Constitution was amended to require that all elected state constitutional officers annually file a full and public disclosure of their financial interests, which is done through the state-adopted Form 6, which requires the disclosure of highly personal financial information. *See* Art. II, § 8, Fla Const.; § 112.3144, Fla. Stat. *See also* Exh. B.

45. The Form 6 requirement did not apply to elected municipal officials or candidates for elected municipal office prior to 2024.

B. The Change from Form 1 to Form 6 For Elected Municipal Officials

46. Instead, until 2024, elected municipal officials have been required to make a more limited financial disclosure that nevertheless provides sufficient information to satisfy the interest of preventing conflicts of interest and public corruption and increasing public confidence in government. *See* § 112.3145, Fla. Stat. The elected municipal officials' financial disclosure has for years been accomplished through the use of Form 1. *See* Exh. A.

47. In the 2023 legislative session, the Florida Legislature duly enacted (and the Governor signed) SB 774, which was codified at Laws of Florida 2023-09, and which amended (in relevant part) sections 99.061, 112.3144 and 112.317, Florida Statutes to change the financial disclosure requirements to now require that all elected municipal mayors and elected members of the governing board (and candidates for such offices) file a Form 6 financial disclosure, rather than the previously required Form 1. *See* S.B. 774; § 112.3144, Fla. Stat. (2023).

C. Comparison of Form 6 to Form 1

48. Form 6 represents a highly intrusive and extreme level of required financial disclosure, mandating the disclosure of private financial information unrelated to any official duties and unnecessary to satisfy the interest of preventing conflicts of interest and public corruption or increasing public confidence in government.

49. Specifically, Form 6 requires that the official disclose:

(a) the official's exact net worth, to the penny, (b) the exact aggregate value of all household goods and personal effects, (c) the precise value of every other asset individually valued at over \$1,000 (including a description of the asset), (d) the exact outstanding amount of all liabilities in excess of \$1,000, including the name and address of the creditor, (e) every primary source of income that exceeded \$1,000 during the year, including the name and address of the source of income and the precise amount of income, (f) every secondary source of income in excess of \$1,000 from any business of which the official owns more than 5%, including the name of the business entity, the major sources of business income (namely, any that account for 10% or more of the business's revenue), and the address and principal business activity or source, and (g) any interest in certain specified types of businesses.

See Exh. A.

50. In contrast, Form 1 requires that the official disclose:

(a) the name, address and principal business active for every primary sources of income in excess of \$2,500 (but not the amount), (b) every secondary source of income in excess of \$5,000 from any business of which the official owns more than 5%, including the name of the business entity, the major source of business income (any that account for 10% or more of the business's revenue), and the address and principal business activity or source, (c) a description of all real property (but not the value) of which the official had more than a 5% ownership interest, (d) a description (but not the value) of intangible property owned by the official and valued at more than \$10,000, (e) the name and address of each creditor to whom the official owed more than \$10,000 (but not the amount owed), and (f) any interest in certain specified types of businesses.

See Exh. B.

51. The information in Form 1 and Form 6 of each filer is made publicly available through the Commission's website.

D. The Applicable Constitutional Protection

52. In 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the "Right to Privacy," which states that "[e]very natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise

provided herein.” The *only* limitation on this right codified in the Florida Constitution is that the right “shall not be construed to limit the public’s right of access to public records and meetings as provided by law.” Art. I, § 23, Fla. Const.

53. Because the right to privacy is a fundamental right within Florida’s constitution, the Florida Supreme Court has required that any law intruding on that right is presumptively unconstitutional and must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means.” *See, e.g., Winfield v. Div. of Pari-Mutuel Wagering*, 477 So. 2d 544 (Fla. 1985).

E. The Impact of the Change from Form 1 to Form 6 for Municipal Elected Officials

54. The imposition of the Form 6 disclosure requirements at the municipal level (a) represents an unwarranted intrusion into the privacy of municipal elected officials, most of whom receive little or no compensation for their service; (b) unnecessarily risks the safety of such officials (making them targets of, among other things, robbery, identity theft, and extortion); and (c) will deter many otherwise qualified and interested citizens from running for local office.

55. The Florida League of Cities has indicated that over 100 elected municipal officials resigned on or before December 31, 2023, stating that they did not want to be subject to the Form 6 filing requirement (which applies to municipal elected officials in office beginning on January 1, 2024).

56. Requiring that uncompensated (or minimally compensated) municipal elected officials disclose their precise net worth, income and assets does not serve (let alone constitute the least restrictive means of serving) any compelling interest. Form 1 disclosures have for years provided sufficient transparency to inform the public of potential conflicts, prevent corruption, and create public confidence in government.

COUNT I

VIOLATION OF RIGHT TO PRIVACY UNDER FLORIDA CONSTITUTION

57. The Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 56, inclusive, as if fully set forth herein.

58. This count is an action for declaratory judgment, pursuant to sections 86.011, *et. seq.*, Florida Statutes, seeking a declaration from the Court that the requirement in section 112.3144, Florida Statutes, that municipal elected officials file Form 6 financial disclosures violates article I, section 23 of the Florida Constitution, and is therefore unconstitutional and invalid, and to enjoin the enforcement thereof.

59. Any law that intrudes on Florida's Constitutional right to privacy under article 1, section 23 is presumptively unconstitutional and must be justified by a "compelling state interest" which the law serves or protects through the "least restrictive means."

60. Form 6 requires the disclosure of highly private and confidential financial information that the Elected Official Plaintiffs have kept private and desire to continue to keep private.

61. Once disclosure occurs through the filing of Form 6 with the Commission, the highly private financial information will be readily available on the Internet by anyone for many years to come and will be readily associated with the individual filer.

62. Although Plaintiffs recognize the government's interest in preventing conflicts of interest and deterring corruption, SB 774's expansion of section 112.3144 and the requirements of Form 6 to municipal elected officials and candidates is not narrowly tailored to achieve this interest.

63. The highly intrusive disclosures required by Form 6 (as opposed to Form 1 or the forms used by the federal government and every other state in the United States) are not the least restrictive means to accomplish any compelling government purpose.

64. An actual controversy exists between Plaintiffs and Defendants, who have adverse legal interests of sufficient immediacy to warrant the issuance of a declaratory judgment and injunctive relief.

65. All elements necessary to support a cause of action for declaratory relief are present:

- a. There is a bona fide, actual, present need for a declaration that the requirement in section 112.3144, Florida Statutes, that municipal elected officials file Form 6 financial disclosures violates article I, section 23 of the Florida Constitution.
- b. The declaration sought deals with a present controversy as to an ascertainable set of facts.
- c. Plaintiffs' constitutionally protected rights and privileges are dependent upon the law applicable to the facts.
- d. The Plaintiffs and the Defendants have an actual, present, adverse, and antagonistic interest in the subject matter of this Complaint.
- e. The antagonistic and adverse interests are all before this Court.
- f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

Prayer for Relief

WHEREFORE, the Plaintiffs respectfully request that judgment be entered in their favor:

- A. Declaring that the requirement in section 112.3144, Florida Statutes, that municipal elected officials (including the Elected Official Plaintiffs) and candidates file Form 6 financial disclosures violates Article I, Section 23 of the Florida Constitution.
- B. Pursuant to the Court's power to grant supplemental relief under section 86.061, Florida Statutes, temporarily and permanently enjoining the Defendants from enforcing section 112.3144 (including the imposition of any fines, penalties, or other enforcement) arising from the failure of any of the Elected Official Plaintiffs or candidates or elected official of any of the Municipal Plaintiffs, for the failure to file a Form 6.
- C. Awarding Plaintiffs their costs incurred in bringing this action, and
- D. Granting such other relief as this Court deems just and proper.

Dated this 15th day of February, 2024.

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
200 East Broward Blvd., Ste. 1900
Fort Lauderdale, FL 33301
Telephone: (954) 763-4242

By: s/ Jamie A. Cole
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Email: kkopp@romanokopplaw.com
Email: tsander@romanokopplaw.com

Co-Counsel for City of Destin, Florida

Exhibit A

2023 Form 1 - Statement of Financial Interests

General Information

Name: DISCLOSURE FILER

Address: SAMPLE ADDRESS

County: SAMPLE COUNTY

PID SAMPLE

AGENCY INFORMATION

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

Disclosure Period

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2023 .

Primary Sources of Income

PRIMARY SOURCE OF INCOME (Over \$2,500). (Major sources of income to the reporting person)
(If you have nothing to report, write "none" or "n/a")

Name of Source of Income	Source's Address	Description of the Source's Principal Business Activity

Secondary Sources of Income

SECONDARY SOURCES OF INCOME (Major customers, clients, and other sources of income to businesses owned by the reporting person) (If you have nothing to report, write "none" or "n/a")

Name of Business Entity	Name of Major Sources of Business' Income	Address of Source	Principal Business Activity of Source

Real Property

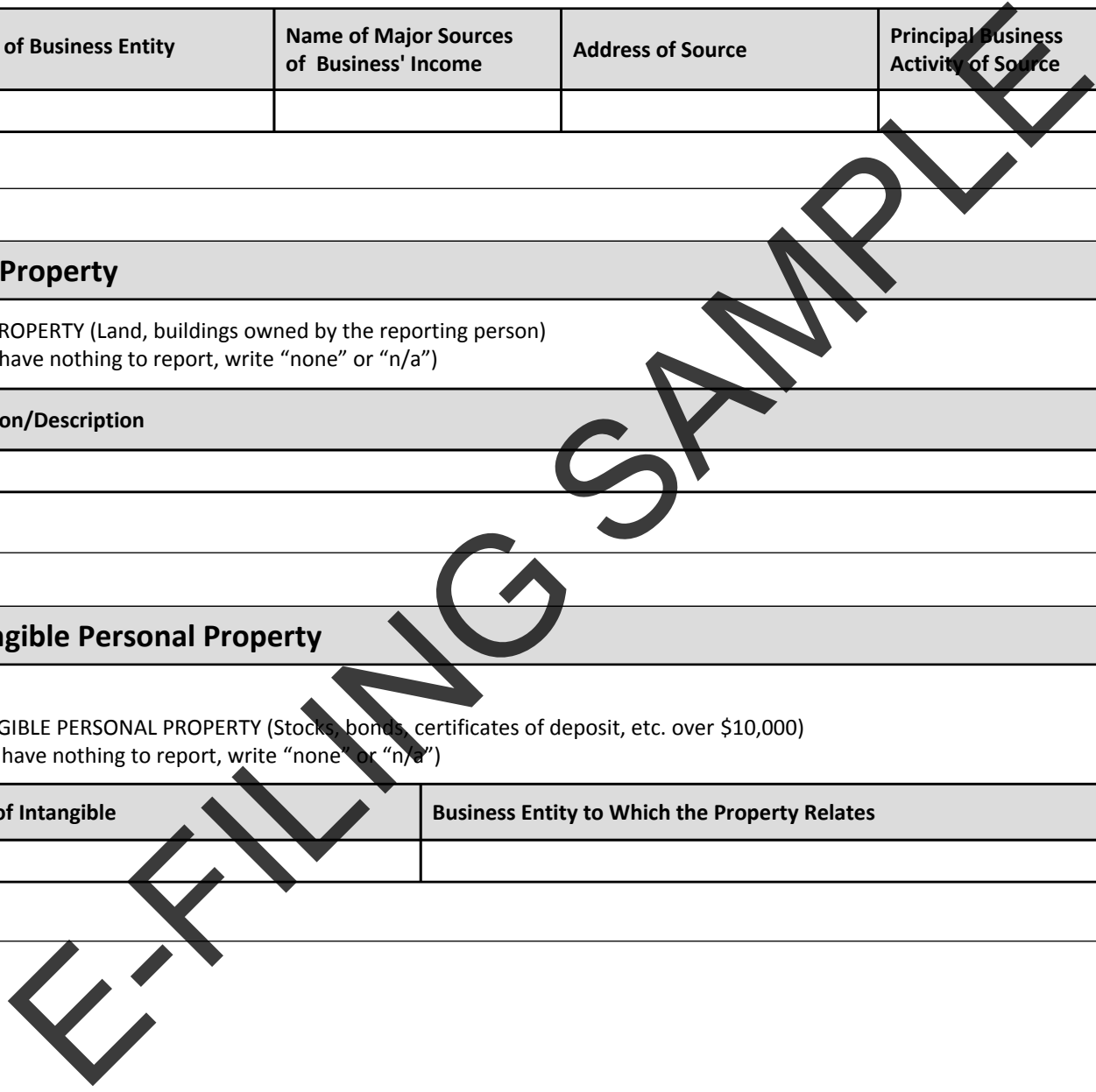
REAL PROPERTY (Land, buildings owned by the reporting person) (If you have nothing to report, write "none" or "n/a")

Location/Description

Intangible Personal Property

INTANGIBLE PERSONAL PROPERTY (Stocks, bonds, certificates of deposit, etc. over \$10,000) (If you have nothing to report, write "none" or "n/a")

Type of Intangible	Business Entity to Which the Property Relates



2023 Form 1 - Statement of Financial Interests

Liabilities

LIABILITIES (Major debts valued over \$10,000):
(If you have nothing to report, write "none" or "n/a")

Name of Creditor	Address of Creditor

Interests in Specified Businesses

INTERESTS IN SPECIFIED BUSINESSES (Ownership or positions in certain types of businesses)
(If you have nothing to report, write "none" or "n/a")

Business Entity # 1

Training

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

E-FILING SAMPLE

Signature of Filer

Digitally signed:

Filed with COE:

E-FILING SAMPLE

Exhibit B

General Information

Name: DISCLOSURE FILER
 Address: SAMPLE ADDRESS PID SAMPLE
 County: SAMPLE COUNTY

AGENCY INFORMATION

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

Net Worth

My Net Worth as of December 31, 2023 was \$ [AMOUNT].

Assets

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effect is N/A.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

Description of Asset	Value of Asset

2023 Form 6 - Full and Public Disclosure of Financial Interests

Liabilities

LIABILITIES IN EXCESS OF \$1,000:

Name of Creditor	Address of Creditor	Amount of Liability

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

Name of Creditor	Address of Creditor	Amount of Liability

Income

Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2022 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

I elect to file a copy of my 2023 federal income tax return and all W2s, schedules, and attachments.

PRIMARY SOURCES OF INCOME:

Name of Source of Income Exceeding \$1,000	Address of Source of Income	Amount

SECONDARY SOURCES OF INCOME (Major customers, clients, etc. of businesses owned by reporting person):

Name of Business Entity	Name of Major Sources of Business Income	Address of Source	Principal Business Activity of Source

Interests in Specified Businesses

Business Entity # 1

Training

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

Signature of Reporting Official or Candidate

Under the penalties of perjury, I declare that I have read the foregoing Form 6 and that the facts stated in it are true.

Digitally signed:

Filed with COE:

City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Alfredo Riverol

Submitting Department: Finance Department

Item Type: Resolution

Agenda Section:

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SCHEDULE OF FEES AND FINES TO MODIFY DAILY VALET PARKING SPACE RENTAL RATES FOR ON-STREET SPACES AND ADOPT A DAILY VALET STORAGE FEE FOR THE SOUTH MIAMI PARKING GARAGE; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; AND AN EFFECTIVE DATE. 3/5 (COMMISSIONER CALLE)

Suggested Action:

Commissioner Calle is recommending revising the Parking Schedule of Fees for valet ramping, applying the existing fees for the Red/Bird Road Area (SW 41st Street Between 57th Avenue and 58th Avenue) throughout the City and implementing a "Valet Storage Fee" within the South Miami Parking Garage.

Attachments:

[Memo_Valet_Fee_3-5-24_DRAFT__1_.docx](#)

[Reso_Amending_Schedule_of_Fees_and_Fines_for__Valet_Fees__2024.docx](#)

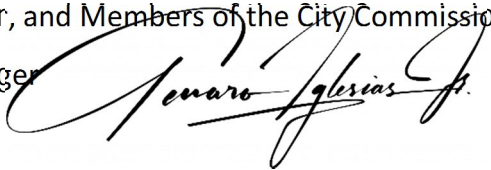
[Res No 048-23-15982 \(Fee for 41st\).pdf](#)

[Chapter 15C as of 2-27-24.pdf](#)

[Parking Schedule of Fees as of 2-24.pdf](#)



CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM

To: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Genaro "Chip" Iglesias, City Manager 
DATE: March 5, 2024
SUBJECT: Amendment to Parking Schedule of Fees for Valet Parking and implementation of a "Valet Storage Fee" within the South Miami Parking Garage.

RECOMMENDATION:

Adoption of amendments the Parking Schedule of Fees for valet ramping and implementation of a "Valet Storage Fee" within the South Miami Parking Garage.

BACKGROUND:

On May 2, 2023, the Mayor and Commission adopted Resolution 048-23-15982 which provided the below daily parking fees per space for ramping related to Valet for the Red/Bird Road Area (SW 41st Street Between 57th Avenue and 58th Avenue).

Jurisdiction Red/Bird Road Area (SW 41 st St. between SW 57 th Ave & SW 58 th Ave)	Cost per Bay for Ramping	Admin Fee per Application
City of South Miami per day		
Brunch/Lunch Only (9 a.m. to 5 p.m.)	\$10	
Dinner Only (5 p.m. to midnight)	\$12	
Lunch and Dinner	\$15	

City staff has completed a review of the city's potential for valet services and is recommending adopting the same fees throughout the city to assist businesses in the town center area that may be desirous of such services for their patrons. Currently, the valet ramping fee is \$100 per space outside of Red/Bird Road. To maintain proper traffic conditions, the City requires that all valet operators obtain a minimum of three (3) on-street parking spaces (bays) to make up a ramping area. The proposed change to the existing Valet fee will help valet resume within the City's Town Center.



CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM

Furthermore, the city has never had a valet storage fee because it did not previously control the parking garage. In April of 2022 the city acquired the management rights to the South Miami Parking Garage located at 5829 SW 73rd Street, hence providing such opportunities to the city.

The Code sets forth certain requirements for valet operators and provided that no valet parking shall occur on public property without the operator securing a valet parking permit from the city.

Section 15C-1. (2)(a) provides Rental of Public Spaces for Ramping. The city shall rent to the valet operator public on-street/curbside parking spaces that shall be used ONLY for the ramping of vehicles. Ramping of vehicles shall consist of allowing customers to enter or exit a vehicle and to turn it over to or retrieve it from valet employees. Ramping shall only be operated in the public on-street/curbside spaces provided for ramping. There shall be no storage of vehicles in the area designated for ramping.

Based on the information obtained from the different jurisdictions, staff recommends that the schedule of fees be revised to the below:

<u>Valet Parking Daily Fee Per Space Red/Bird Road Area</u>	
<u>(SW 41st St between SW 57th Ave & SW 58th Ave)</u>	
Brunch/Lunch Only (9 AM to 5 PM)	\$10
Dinner Only (5 PM to Midnight)	\$12
Lunch and Dinner (Daily Valet Parking Space Rental Fee)	\$15
<u>South Maimi Parking Garage</u>	
<u>5829 SW 73rd St.</u>	
<u>Valet Storage Daily Fee Per Space</u>	<u>15</u>

FINANCIAL IMPACT:

It is difficult for to perform a financial impact, without a specific valet permit application(s) available to review, however, we do not foresee a significant negative financial impact on parking revenues. Furthermore, it is critical to note that the City reserves the right to grant or revoke valet permits.

ATTACHMENTS:

Resolution 048-23-15982
Chapter 15C - VALET PARKING PERMITS FOR USE OF PUBLIC PROPERTY

1 **RESOLUTION NO. _____**

2
3 **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE**
4 **CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SCHEDULE OF**
5 **FEES AND FINES TO MODIFY DAILY VALET PARKING SPACE**
6 **RENTAL RATES FOR ON-STREET SPACES AND ADOPT A DAILY**
7 **VALET STORAGE FEE FOR THE SOUTH MIAMI PARKING GARAGE;**
8 **PROVIDING FOR IMPLEMENTATION; CORRECTIONS; AND AN**
9 **EFFECTIVE DATE.**

10 **WHEREAS**, the City maintains a Schedule of Fees and Fines City of South Miami
11 (“City”) Commission amends from time to time; and

12 **WHEREAS**, staff recently conducted an assessment of Daily Valet Parking Space Rental
13 Fees in other municipalities, and based on those results, proposes (a) decreasing the fees for valet
14 ramping that uses on-street parking spaces, applying the existing fees for the Red/Bird Road Area
15 (SW 41st Street Between 57th Avenue and 58th Avenue) throughout the City, and (b)
16 implementing a “Valet Storage Fee” within the South Miami Parking Garage (collectively, the
17 “Amended Valet Fees”); and

18 **WHEREAS**, the valet services in the City’s Town Center have been adversely affected by
19 new construction and the current daily rates of \$100; and

20 **WHEREAS**, the current fee structure does not limit the rental of on-street parking spaces
21 for ramping, nor require a minimum number of spaces for a ramping operation; and

22 **WHEREAS**, storage of valet vehicles can be accomplished in the South Miami Parking
23 Garage, and establishing daily rates for such use can incentivize valet operators to store vehicles
24 within the garage; and

25 **WHEREAS**, the City Commission finds that amending the Schedule of Fees and Fines to
26 provide for the Amended Valet Fees is in the best interest and welfare of the City; and

27 **NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**
28 **CITY OF SOUTH MIAMI, FLORIDA:**

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

31 **Section 2. Amending the Schedule of Fees and Fines to reflect Amended Valet**
32 **Fees.** The City Commission hereby amends the Schedule of Fees and Fines provided below:
33

PARKING DIVISION FEE SCHEDULE	FEE
Valet Parking <u>Ramping Daily Rental Fee Per Space (minimum three)</u> Red/Bird Road Area (SW 41st St between SW 57th Ave & SW 58th Ave) Brunch/Lunch Only (9 AM to 5 PM)	\$10

Dinner Only (5 PM to Midnight)	\$12
Lunch and Dinner (Daily Valet Parking Space Rental Fee)	\$15

<u>South Miami Parking Garage</u>	
<u>5829 SW 73rd St.</u>	
<u>Valet Storage Daily Fee Per Space</u>	<u>15</u>

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* * *

37 **Section 3. Implementation.** The City Manager is hereby authorized to take any and all
38 action necessary to implement the Schedule of Fees and Fines and the purposes of this Resolution.

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

42 **Section 5. Effective Date.** This Resolution shall become effective immediately upon
43 adoption.

44 PASSED AND ADOPTED this ____ day of _____, 2024.

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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:
Mayor Javier Fernández:
Vice Mayor Lisa Bonich:
Commissioner Steve Calle:
Commissioner Josh Liebman:
Commissioner Brian Corey:

RESOLUTION NO. 048-23-15982

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND ADOPTING WITH AMENDMENTS THE CITY'S SCHEDULE OF FEES AND FINES ADOPTED AS OF MAY 2, 2023, SPECIFICALLY, AMENDING PARKING DIVISION FEES BY ADDING DAILY VALET PARKING SPACE RENTAL FEES FOR THE RED/BIRD ROAD AREA; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, on April 18, 2023 by Resolution No. 045-23-15979, the City of South Miami ("City") Commission adopted the City's Schedule of Fees and Fines with amendments as of April 18, 2023; and

WHEREAS, staff recently conducted an assessment of Daily Valet Parking Space Rental Fees in other municipalities, and wishes to create and add specific fees for the Red/Bird Road Area, consisting of parking spaces located on S.W. 41st Street between S.W. 57th Avenue and S.W. 58th Avenue; and

WHEREAS, the City Commission desires to approve and adopt, as of this date, specific Daily Valet Parking Space Rental Fees for the Red/Bird Road Area set forth herein below; and

WHEREAS, the City Commission desires to approve and adopt the Schedule of Fees and Fines attached hereto as Exhibit "A" as of this date with the aforementioned amendments and finds that it is in the best interest of the City and its residents.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

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

Section 2. Approving and Adopting the Schedule of Fees and Fines with Amendments; Daily Valet Parking Space Rental Fees for Red/Bird Road Area. The City Commission hereby approves and adopts the Schedule of Fees and Fines attached hereto as Exhibit "A" as of this date with the following amendments:

PARKING DIVISION FEE SCHEDULE

Description	Fee
* * *	
Daily Valet Parking Space Rental Fee	\$100
<u>Daily Valet Parking Space Rental Fee – Red/Bird Road Area</u> (S.W. 41 st Street between S.W. 57 th Avenue and S.W. 58 th Avenue)	<u>\$ 15</u>

<u>Brunch/Lunch Only (9 a.m. to 5 p.m.)</u>	<u>\$ 10</u>
<u>Dinner Only (5 p.m. to midnight)</u>	<u>\$ 12</u>
<u>Valet Administration Fee per Valet Application</u>	<u>\$ 30</u>

* * *

Section 3. Implementation. The City Manager is hereby authorized to take any and all action necessary to implement the Schedule of Fees and Fines and the purposes of this Resolution.

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 resolution for signature.

Section 5. Severability. If any section, clause, sentence, or phrase of this Resolution 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 Resolution.

Section 6. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 2nd day of May, 2023.

ATTEST:




CITY CLERK

APPROVED:



MAYOR

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



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

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

City Commission Agenda Item Report

Meeting Date: May 2, 2023

Submitted by: Alfredo Riverol

Submitting Department: Finance Department

Item Type: Resolution

Agenda Section:

Subject:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND ADOPTING WITH AMENDMENTS THE CITY'S SCHEDULE OF FEES AND FINES ADOPTED AS OF MAY 2, 2023, SPECIFICALLY, AMENDING PARKING DIVISION FEES BY ADDING DAILY VALET PARKING SPACE RENTAL FEES FOR THE RED/BIRD ROAD AREA; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE. 3/5 (VICE MAYOR BONICH)

Suggested Action:

Attachments:

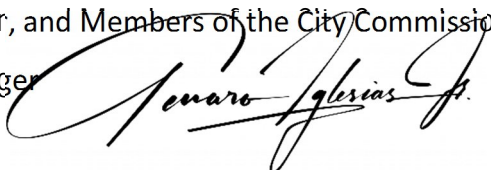
[Memo_Valet_Fee_5-23rv2.docx](#)

[Resolution Adopting City Schedule of Fees and Fines with Amendments \(Valet_Fees\)](#)

[Valet 15C \(Code\) as of 4-19-2023.pdf](#)



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM**

To: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Genaro "Chip" Iglesias, City Manager 
DATE: May 2, 2023
SUBJECT: Changes to Valet Schedule of Fees for the Red/Bird Road Area (SW 41st Street
Between 57th Avenue and 58th Avenue

RECOMMENDATION:

The above referenced resolution is submitted for consideration by the Mayor and City Commission, at the request of Vice Mayor Bonich.

BACKGROUND:

On November 3rd, 2009, the City adopted Ordinance 26-09-2018, adding a new section 15(C) to the City's Code entitled "Valet Parking Permits for Use of Public Property." The Ordinance set forth certain requirements on Valet Operators and provided that no valet parking shall occur on public property without the operator securing a valet parking permit from the City.

Section 15C-1.(2)(a) provides Rental of Public Spaces for Ramping. The City shall rent to the valet operator public on-street/curbside parking spaces that shall be used ONLY for the ramping of vehicles. Ramping of vehicles shall consist of allowing customers to enter or exit a vehicle and to turn it over to or retrieve it from valet employees. Ramping shall only be operated in the public on-street/curbside spaces provided for ramping. There shall be no storage of vehicles in the area designated for ramping.

To maintain proper traffic conditions, the City requires that all valet operators obtain a minimum of three (3) on-street parking spaces (bays) to make up a ramping area. As per the current City's schedule of fees, each bay is \$100 for a total of minimum ramping area of \$300 per day.

It is important to note, the recommended additional Valet fees are specific for the Red/Bird Road Area and the current Valet per Bay fee of \$100 for the remainder of the City will remain unchanged.

The City's Parking Division completed a study of parking programs within Miami-Dade County that have valet programs.



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM**

Below please find what each jurisdiction charges per space for bays and storage related to Valet:

Jurisdiction	Cost per Bay for Ramping	Cost per Space for Storage	Admin Fee per Application
City of South Miami per day			
Bay per day	\$100		
Storage Fee per month per Space		No Storage Allowed	
Admin Fee per Application			\$0
City of Coral Gables			
Lunch Only (11 a.m. to 5 p.m.)	\$8		
Dinner Only (5 p.m. to midnight)	\$9		
Lunch and Dinner	\$15		
Storage Fee per Space per Month		\$95	
Admin Fee per Application			\$100
Miami Parking Authority per day			
Bay per day	\$20		
Storage Fee per Space per Month		No Storage Allowed	
Admin Fee per Application			\$50
City of Miami Beach			
Bay per day	\$38		
Storage Fee per month per Space		No Storage Allowed	
Admin Fee per Application			\$25 to \$36

Based on the information obtained from the different jurisdictions, the City recommends that the schedule of fees be revised to the below:

Jurisdiction Red/Bird Road Area (SW 41 st St. between SW 57 th Ave & SW 58 th Ave)	Cost per Bay for Ramping	Admin Fee per Application
City of South Miami per day		
Brunch/Lunch Only (9 a.m. to 5 p.m.)	\$10	
Dinner Only (5 p.m. to midnight)	\$12	
Lunch and Dinner	\$15	
Valet Administration Fee per Valet Application		\$30



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM**

FINANCIAL IMPACT:

It is difficult for the City to perform a financial impact, without a specific valet permit application available to review, however, Finance does not forecast a significant negative financial impact on parking revenues, based on the current number of parking spaces available to parking customers on 41st Street. Furthermore, it is critical to note that the City reserves the right to grant or revoke valet permits.

ATTACHMENTS:

Resolution
Chapter 15C - VALET PARKING PERMITS FOR USE OF PUBLIC PROPERTY

Chapter 15C - VALET PARKING PERMITS FOR USE OF PUBLIC PROPERTY

Sec. 15C-1. - Separate permit required.

The City of South Miami shall issue valet parking permits to valet operators who conduct their operations on public property and who meet the requirements of this section. No valet parking shall occur on public property without the operator securing a valet parking permit from the city. A separate permit is required for each ramp location where valet parking services are provided. Valet parking permits shall only be issued to operators who are licensed by the City of South Miami pursuant to this chapter.

(1) *Permits.*

(a) *Requirements.* No valet parking permit shall be issued without the proof of the following:

- (i) Approval from the city's risk manager indicating that the valet parking operation has met the following insurance requirements:
1. Commercial general liability or damage liability insurance in the amount of one million dollars (\$1,000,000.00) per occurrence, and in the aggregate, and per location covering bodily injury and property damage resulting from the valet operators' activities connected with the handling of vehicles on public property. This policy must name the city as an additional insured and provide that the policy provides primary coverage.
 2. Garage keepers legal liability insurance to provide collision and comprehensive coverage for vehicles under control of the valet parking operation with minimum limits of three hundred thousand dollars (\$300,000.00) per location with a maximum self insured retention (SIR) or deductible of one thousand dollars (\$1,000.00).
 3. All required insurance policies are to be issued by companies rated A or better per Best's Rating Guide, and rated FPR 6 or better per Best's Vulnerable FPR Rating Scale, applying the latest edition. The policies must provide the city with thirty (30) days' written notice of cancellation.
 4. Valet operators must submit a certificate of insurance and a certified copy of their policies to the city's risk manager for determination that the insurance requirements of this chapter have been met prior to the issuance of a permit and upon request by the risk manager.
 5. Each valet operator applying for a permit for use of public property shall execute an agreement approved by the city attorney providing that the valet parking operator shall indemnify, hold harmless and defend the city and its officers,

agents and employees against and assume all liability for any and all claims, suits, actions, damages, liabilities, expenditures, or causes of actions of any kind arising from its use of the public streets or public parking places for the purpose authorized in this section and resulting or accruing from any alleged negligence, act, omission or error of the valet parking operation, its agents or employees and/or arising from the failure of the valet operation, its agents or employees to comply with each and every requirement of this section or with any other city or county ordinance or state or federal law or regulation applicable to the valet parking operation resulting in or relating to bodily injury, loss of life or limb or damage to property sustained by any person, firm, corporation or other business entity.

- (ii) If incorporated, the valet operator shall provide a copy of a certified certificate of good standing.
 - (iii) Notarized written authorization on company letterhead from the owners/operators of the city-licensed commercial establishments for which the valet operator is providing parking services.
 - (iv) Valid occupational license.
 - (v) Identification of the location of vehicle storage space, and proof in the form of an executed lease or rental agreement or notarized letter of authorization from the owner of the property, which shall include the number of spaces authorized for use by the valet operator, and term of the lease for storage space sufficient to service the establishment for which the permit will be issued. The storage space obtained will be reviewed for sufficiency by the city.
- (b) *Term and renewal.*
- i. The term of each permit shall be for one year.
 - ii. Renewal shall be on an annual basis and shall only be granted after approval from the City of South Miami.
- (c) *Cancellation and revocation.* The city shall cancel and revoke the permit if the valet operator no longer services the commercial establishment that authorized its operation at that location. This cancellation and revocation may be effective whether:
- i. The valet operator voluntarily discontinues service to the establishment;
 - ii. The establishment cancels and revokes authorization for the valet operator to service the location;
 - iii. The city cancels and revokes authorization for the valet operator to service the location. Cancellation and revocation of the valet permit by the city under any of the above scenarios shall be effective immediately upon service of the notice of cancellation. Under subsection (c) above, the city shall inform in writing the

commercial establishment being serviced by the valet operator of the cancellation and revocation. Service of the notice of cancellation and revocation shall be by hand delivery or certified mail, return receipt requested.

(2) *Rental and operation of municipal parking spaces.*

- (a) *Rental of public spaces for ramping.* The city shall rent to the valet operator public on-street/curbside parking spaces that shall be used only for the ramping of vehicles. Ramping of vehicles shall consist of allowing customers to enter or exit a vehicle and to turn it over to or retrieve it from valet employees. Ramping shall only be operated in the public on-street/curbside spaces provided for ramping. There shall be no storage of vehicles in the area designated for ramping. A vehicle will be considered stored if it remains in the ramping area for more than fifteen (15) minutes. This policy will be modified after all establishments serviced by the ramp are closed for further business. At this time the city may, at its own discretion, allow vehicles of remaining customers to be parked on the spaces leased for ramping.

Ramping on public property shall not occur in any other location than the on-street/curbside spaces provided for ramping. Any type of sign, structure or other type of object used to identify the ramp shall not block leased spaces. Vehicle key lock boxes used at the ramp location are not to obstruct pedestrian or vehicular traffic. Leased space shall not be cordoned off with posts, chains or signage of any type except that approved by the city indicating the designation of the rented valet parking area. At its sole discretion and judgment, the city shall provide to the valet operator ramping space in close proximity to the establishment being serviced, if sufficient spaces are available and if the location is considered appropriate. If there is not sufficient space available for rental in front of the establishment, the city shall lease spaces as close to the establishment as possible. Ramping will not be allowed if the city determines, at its sole discretion, that it would be an unsafe activity at that location.

- (b) *Rental fees for public on-street curbside spaces.* The fee for use of rented spaces shall be set forth in the city's permit fee schedule ordinance. Fees shall be paid in advance on a monthly basis, commencing on the date the locations are rented to the valet operator by the city. Advanced payment for meter rentals shall not be made for a period exceeding one (1) month. All additions or changes to existing leased public on-street/curbside parking spaces for ramping, shall be paid upon request. All valet space lease requests shall be required in writing to the city manager or his/her designee, twenty-four (24) hours in advance, and received no later than 3:00 p.m., daily. Exceptions and lease

cancellations not made within the prescribed period will be assessed a twenty-dollar processing fee. The rental fee structure will be reviewed and may be adjusted periodically by the city.

- (c) *Number of spaces leased for ramping.* The amount of ramping spaces available to the valet operator shall be determined by the frontage of the establishment being serviced provided that there is sufficient public on-street/curbside spaces available for ramping, as determined at the sole discretion of the city.
 - (d) *Subletting.* Leased public on-street/curbside spaces may not be sublet.
- (3) *Rental of additional parking for storage of vehicles for special events/program.* Storage space required for the operation of a valet service must be provided in parking lots. Facilities must meet all applicable Code and Ordinance requirements of the City of South Miami. The city may lease additional valet spaces for the storage vehicles for special events, special programs, or at the request of the valet operator if the proposed valet storage does not take away from public parking demand in the area. The fee for use of storage parking spaces shall be based on a twelve-hour period at a rate of ten dollars (\$10.00) per space/per day. Fees shall be paid in full twenty-four (24) hours in advance of the special event or program.
- (4) *Private storage of valet vehicles.* Valet operators shall store vehicles on private parking lots which are properly zoned and permitted as parking lots. The valet operator shall provide to the city satisfactory documentation from the parking facility owner or management company/agent authorizing the valet operator to use those facilities for the purpose of storing valet parked vehicles.
- (5) *Employees and valet operators code of conduct.* The valet parking operator shall require its employees and independent contractors to meet the following requirements:
 - (a) All employees who operate motor vehicles shall have a valid Florida driver's license in good standing and shall abide by all City of South Miami and Miami-Dade County traffic regulations.
 - (b) All employees shall be in similar uniform.
 - (c) All employees shall wear on their uniform a name tag using printed letters of an easily legible print size identifying the employee's name. Such tag must be placed in a visible location such as the employee's chest.
 - (d) All employees shall perform their duties in a courteous and professional manner. Employees found by the city, at its sole discretion and judgment, to perform their duties in a manner that is disruptive to the peaceful enjoyment of the surrounding neighborhood or in a reckless or unprofessional manner, shall be cause for the city to request the immediate removal of the employee from the valet operation. The city shall issue a Valet Code of Conduct warning to the valet operator for any employee found to perform his duties in a disruptive or discourteous manner. The valet operator will have

thirty (30) minutes from the issuance of the warning to remove the employee from its operation for a twenty-four-hour period. The employee may not be moved to any other valet location in the City of South Miami. If the employee is not removed within the requisite thirty minute period, the city shall issue a Valet Code of Conduct Violation.

(6) *Operation of service.*

- (a) *Identification of leased spaces.* Leased spaces shall be so designated by the city as leased parking areas. The designation shall be defined by bagged meters and/or clearly marked signs installed on each meter post indicating the parking restriction.
- (b) *Ramping.* Ramping shall only be operated in the spaces provided for ramping. There shall be no storage of vehicles in the area used for ramping. Ramping on public property shall not occur in any other location than the public on-street/curbside spaces provided for ramping. Ramping from a moving lane of traffic is strictly prohibited.
- (c) *Storage.* Storage of vehicles shall only be in private spaces or in leased municipal spaces as provided by the city. Other than the leased municipal spaces, there shall be no storage of vehicles on any municipal property whatsoever. The valet operator shall clearly identify the vehicles in their possession during the entire period that the car is in their possession. Identification shall be made through a ticket stub visibly placed on top of the dashboard of the stored vehicle and shall state the name of the valet operator and identification of the ramp from which the vehicle was retrieved. Ramp identification shall be made by stating the name of the establishment which the ramp is servicing. Unauthorized storage of valet vehicles in municipal parking facilities or at any public on-street/curbside parking spaces is strictly prohibited and shall result in the issuance of a valet violation to the valet operator in the amount of two hundred dollars (\$200.00) per occurrence.

(7) *Exceptions.*

- (a) Valet services operating for a special event may apply for a special event permit from the city's manager office. Special event parking shall be restricted to any event occurring no more than twice per year and lasting no longer than three (3) days in length. The special event permit will allow the valet operator to request from the city, additional ramping and/or storage space, if available, as long as it does not reduce the number of parking spaces needed to serve the general public in the area of the request.

(8) *Enforcement fine schedule and right to appeal.*

- (a) *Enforcement.* The city shall enforce the provisions of this chapter, including the Valet Operators Code of Conduct. If a violation of this chapter is found, the city shall issue a notice of violation to the violator. The notice shall inform the violator of the nature of the violation, amount of the fine for which the violator may be liable, instructions and due date for paying the fine, and notice that the violation may be appealed by requesting a

hearing before the city's special master. Failure to appeal within ten (10) days after service of the notice of violation shall constitute admission of the violation and a waiver of the right to a hearing.

(b) *The following civil fines shall be imposed for each violation:*

1. Operation without Valet Permit	Immediate cessation of service and \$250.00
2. Unauthorized/Illegal Ramping	\$150.00 per offense
3. Unauthorized/Illegal Storage	\$200.00 per offense
4. Penalty for Lapse in Required Insurance Coverage	Immediate cessation of service and \$150.00. In cases where more than one day has lapsed, \$150.00 per day fine from date of lapse.
5. No Name Tag	\$25.00 per offense
6. No Uniform	\$25.00 per offense
7. No Valid Florida Driver's License	\$25.00 per offense/and immediate removal of the employee from the valet operation.

(c) *Rights of violators; payment of fine, right to appeal; failure to pay civil fine, or to appeal.*

(i) A violator who has been served a notice of violation shall elect either to:

1. Pay the civil fine in the manner indicated on the notice; or
2. Request an administrative hearing within ten (10) days of receipt of the violation before the special master.

(ii) The City of South Miami may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.

(iii) Additionally, a certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but

shall not be deemed to be a court judgment except for enforcement purposes. After two (2) months from the flag of any such lien which remains unpaid, the City of South Miami may foreclose or otherwise execute upon the lien.

- (iv) As an additional means of enforcement, the city will revoke the valet permit when there are repeated violations of this chapter. Specifically, any two (2) violations issued within a three-month period for the following operational deficiencies may result in the revocation of the valet permit:

Unauthorized/Illegal Ramping;

Unauthorized/Illegal Storage.

- (d) *Valet operator's responsibility for vehicles in their possession.* Valet operators shall pay all fines and a fee, including towing charges, arising in connection with a patron's vehicle that is in the possession of the valet operator at the time the charge is incurred. This does not preclude the valet operator from also being cited for violations of this section which resulted in the imposition of the fines and fee.

- (9) *Compliance date.* All valet operators in the City of South Miami shall comply with this section within thirty (30) days of its approval by the city commission on second reading.

(Ord. No. 2018, § 1, 11-3-09; Ord. No. 2057, § 1, 10-5-10)

Chapter 15C - VALET PARKING PERMITS FOR USE OF PUBLIC PROPERTY

Sec. 15C-1. - Separate permit required.

The City of South Miami shall issue valet parking permits to valet operators who conduct their operations on public property and who meet the requirements of this section. No valet parking shall occur on public property without the operator securing a valet parking permit from the city. A separate permit is required for each ramp location where valet parking services are provided. Valet parking permits shall only be issued to operators who are licensed by the City of South Miami pursuant to this chapter.

(1) *Permits.*

(a) *Requirements.* No valet parking permit shall be issued without the proof of the following:

- (i) Approval from the city's risk manager indicating that the valet parking operation has met the following insurance requirements:
1. Commercial general liability or damage liability insurance in the amount of one million dollars (\$1,000,000.00) per occurrence, and in the aggregate, and per location covering bodily injury and property damage resulting from the valet operators' activities connected with the handling of vehicles on public property. This policy must name the city as an additional insured and provide that the policy provides primary coverage.
 2. Garage keepers legal liability insurance to provide collision and comprehensive coverage for vehicles under control of the valet parking operation with minimum limits of three hundred thousand dollars (\$300,000.00) per location with a maximum self insured retention (SIR) or deductible of one thousand dollars (\$1,000.00).
 3. All required insurance policies are to be issued by companies rated A or better per Best's Rating Guide, and rated FPR₆ or better per Best's Vulnerable FPR Rating Scale, applying the latest edition. The policies must provide the city with thirty (30) days' written notice of cancellation.
 4. Valet operators must submit a certificate of insurance and a certified copy of their policies to the city's risk manager for determination that the insurance requirements of this chapter have been met prior to the issuance of a permit and upon request by the risk manager.
 5. Each valet operator applying for a permit for use of public property shall execute an agreement approved by the city attorney providing that the valet parking operator shall indemnify, hold harmless and defend the city and its officers, agents and employees against and assume all liability for any and all claims, suits,

actions, damages, liabilities, expenditures, or causes of actions of any kind arising from its use of the public streets or public parking places for the purpose authorized in this section and resulting or accruing from any alleged negligence, act, omission or error of the valet parking operation, its agents or employees and/or arising from the failure of the valet operation, its agents or employees to comply with each and every requirement of this section or with any other city or county ordinance or state or federal law or regulation applicable to the valet parking operation resulting in or relating to bodily injury, loss of life or limb or damage to property sustained by any person, firm, corporation or other business entity.

- (ii) If incorporated, the valet operator shall provide a copy of a certified certificate of good standing.
 - (iii) Notarized written authorization on company letterhead from the owners/operators of the city-licensed commercial establishments for which the valet operator is providing parking services.
 - (iv) Valid occupational license.
 - (v) Identification of the location of vehicle storage space, and proof in the form of an executed lease or rental agreement or notarized letter of authorization from the owner of the property, which shall include the number of spaces authorized for use by the valet operator, and term of the lease for storage space sufficient to service the establishment for which the permit will be issued. The storage space obtained will be reviewed for sufficiency by the city.
- (b) *Term and renewal.*
- i. The term of each permit shall be for one year.
 - ii. Renewal shall be on an annual basis and shall only be granted after approval from the City of South Miami.
- (c) *Cancellation and revocation.* The city shall cancel and revoke the permit if the valet operator no longer services the commercial establishment that authorized its operation at that location. This cancellation and revocation may be effective whether:
- i. The valet operator voluntarily discontinues service to the establishment;
 - ii. The establishment cancels and revokes authorization for the valet operator to service the location;
 - iii. The city cancels and revokes authorization for the valet operator to service the location. Cancellation and revocation of the valet permit by the city under any of the above scenarios shall be effective immediately upon service of the notice of cancellation. Under subsection (c) above, the city shall inform in writing the

commercial establishment being serviced by the valet operator of the cancellation and revocation. Service of the notice of cancellation and revocation shall be by hand delivery or certified mail, return receipt requested.

(2) *Rental and operation of municipal parking spaces.*

- (a) *Rental of public spaces for ramping.* The city shall rent to the valet operator public on-street/curbside parking spaces that shall be used only for the ramping of vehicles. Ramping of vehicles shall consist of allowing customers to enter or exit a vehicle and to turn it over to or retrieve it from valet employees. Ramping shall only be operated in the public on-street/curbside spaces provided for ramping. There shall be no storage of vehicles in the area designated for ramping. A vehicle will be considered stored if it remains in the ramping area for more than fifteen (15) minutes. This policy will be modified after all establishments serviced by the ramp are closed for further business. At this time the city may, at its own discretion, allow vehicles of remaining customers to be parked on the spaces leased for ramping.

Ramping on public property shall not occur in any other location than the on-street/curbside spaces provided for ramping. Any type of sign, structure or other type of object used to identify the ramp shall not block leased spaces. Vehicle key lock boxes used at the ramp location are not to obstruct pedestrian or vehicular traffic. Leased space shall not be cordoned off with posts, chains or signage of any type except that approved by the city indicating the designation of the rented valet parking area. At its sole discretion and judgment, the city shall provide to the valet operator ramping space in close proximity to the establishment being serviced, if sufficient spaces are available and if the location is considered appropriate. If there is not sufficient space available for rental in front of the establishment, the city shall lease spaces as close to the establishment as possible. Ramping will not be allowed if the city determines, at its sole discretion, that it would be an unsafe activity at that location.

- (b) *Rental fees for public on-street curbside spaces.* The fee for use of rented spaces shall be set forth in the city's permit fee schedule ordinance. Fees shall be paid in advance on a monthly basis, commencing on the date the locations are rented to the valet operator by the city. Advanced payment for meter rentals shall not be made for a period exceeding one (1) month. All additions or changes to existing leased public on-street/curbside parking spaces for ramping, shall be paid upon request. All valet space lease requests shall be required in writing to the city manager or his/her designee, twenty-four (24) hours in advance, and received no later than 3:00 p.m., daily. Exceptions and lease cancellations not made within the prescribed period will be assessed a twenty-dollar processing fee. The rental fee structure will be reviewed and may be adjusted periodically by the city.

- (c) *Number of spaces leased for ramping.* The amount of ramping spaces available to the valet operator shall be determined by the frontage of the establishment being serviced provided that there is sufficient public on-street/curbside spaces available for ramping, as determined at the sole discretion of the city.
- (d) *Subletting.* Leased public on-street/curbside spaces may not be sublet.
- (3) *Rental of additional parking for storage of vehicles for special events/program.* Storage space required for the operation of a valet service must be provided in parking lots. Facilities must meet all applicable Code and Ordinance requirements of the City of South Miami. The city may lease additional valet spaces for the storage vehicles for special events, special programs, or at the request of the valet operator if the proposed valet storage does not take away from public parking demand in the area. The fee for use of storage parking spaces shall be based on a twelve-hour period at a rate of ten dollars (\$10.00) per space/per day. Fees shall be paid in full twenty-four (24) hours in advance of the special event or program.
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- (5) *Employees and valet operators code of conduct.* The valet parking operator shall require its employees and independent contractors to meet the following requirements:
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- (b) All employees shall be in similar uniform.
- (c) All employees shall wear on their uniform a name tag using printed letters of an easily legible print size identifying the employee's name. Such tag must be placed in a visible location such as the employee's chest.
- (d) All employees shall perform their duties in a courteous and professional manner. Employees found by the city, at its sole discretion and judgment, to perform their duties in a manner that is disruptive to the peaceful enjoyment of the surrounding neighborhood or in a reckless or unprofessional manner, shall be cause for the city to request the immediate removal of the employee from the valet operation. The city shall issue a Valet Code of Conduct warning to the valet operator for any employee found to perform his duties in a disruptive or discourteous manner. The valet operator will have thirty (30) minutes from the issuance of the warning to remove the employee from its operation for

a twenty-four-hour period. The employee may not be moved to any other valet location in the City of South Miami. If the employee is not removed within the requisite thirty minute period, the city shall issue a Valet Code of Conduct Violation.

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(8) *Enforcement fine schedule and right to appeal.*

- (a) *Enforcement.* The city shall enforce the provisions of this chapter, including the Valet Operators Code of Conduct. If a violation of this chapter is found, the city shall issue a notice of violation to the violator. The notice shall inform the violator of the nature of the violation, amount of the fine for which the violator may be liable, instructions and due date for paying the fine, and notice that the violation may be appealed by requesting a

hearing before the city's special master. Failure to appeal within ten (10) days after service of the notice of violation shall constitute and admission of the violation and a waiver of the right to a hearing.

(b) *The following civil fines shall be imposed for each violation:*

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5. No Name Tag	\$25.00 per offense
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- (i) A violator who has been served a notice of violation shall elect either to:
 1. Pay the civil fine in the manner indicated on the notice; or
 2. Request an administrative hearing within ten (10) days of receipt of the violation before the special master.
- (ii) The City of South Miami may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.
- (iii) Additionally, a certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but

shall not be deemed to be a court judgment except for enforcement purposes. After two (2) months from the flag of any such lien which remains unpaid, the City of South Miami may foreclose or otherwise execute upon the lien.

(iv) As an additional means of enforcement, the city will revoke the valet permit when there are repeated violations of this chapter. Specifically, any two (2) violations issued within a three-month period for the following operational deficiencies may result in the revocation of the valet permit:

Unauthorized/Illegal Ramping;

Unauthorized/Illegal Storage.

(d) *Valet operator's responsibility for vehicles in their possession.* Valet operators shall pay all fines and a fee, including towing charges, arising in connection with a patron's vehicle that is in the possession of the valet operator at the time the charge is incurred. This does not preclude the valet operator from also being cited for violations of this section which resulted in the imposition of the fines and fee.

(9) *Compliance date.* All valet operators in the City of South Miami shall comply with this section within thirty (30) days of its approval by the city commission on second reading.

(Ord. No. 2018, § 1, 11-3-09; Ord. No. 2057, § 1, 10-5-10)

PARKING DIVISION FEE SCHEDULE

Description	Fee
Half an Hour Parking Rate, 4-hour limit	\$1.50
Hourly Rate South Miami Parking Garage - 5829 SW 73 ST, 4-hour limit	\$1.50
Hourly Rate South Miami Library, 2-hour limit	\$1.50
Daily Parking Space Rental Fee	\$100
Daily Valet Parking Space Rental Fee	\$100
Valet Administration Fee per Valet Application	\$30
Monthly Parking Permits (Includes Sales Tax)	\$65
Annually Residential Parking Decal (Maximum of 2)	\$20
Annually Residential Paking Visitor (Maximum of 1)	\$100
Valet Administration Fee per Valet Application	\$30
<u>Valet Parking Daily Fee Per Space Red/Bird Road Area</u> <u>(SW 41st St between SW 57th Ave & SW 58th Ave)</u>	
Brunch/Lunch Only (9 AM to 5 PM)	\$10
Dinner Only (5 PM to Midnight)	\$12
Lunch and Dinner (Daily Valet Parking Space Rental Fee)	\$15
<u>South Maimi Parking Garage</u>	
<u>5829 SW 73rd St.</u>	
<u>Valet Storage Daily Fee Per Space</u>	<u>15</u>

City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Nkenga Payne

Submitting Department: City Clerk

Item Type: Resolution

Agenda Section:

Subject:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, DESIGNATING MAYOR JAVIER E. FERNÁNDEZ AS THE CITY'S DIRECTOR AND _____ AS THE ALTERNATE DIRECTOR WITH THE MIAMI-DADE LEAGUE OF CITIES; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE. 3/5 (CITY CLERK)

Suggested Action:

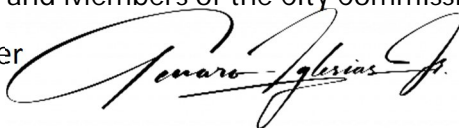
Attachments:

[Memo_League_director_and_alternate.docx](#)

[Resolution_designating_league_director___alternate_director 2024-25.doc](#)



CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM

To: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Genaro "Chip" Iglesias, City Manager 
DATE: March 5, 2024
SUBJECT: Designation of Director and Alternate Director with the Miami-Dade League of Cities

RECOMMENDATION: Pursuant to the request of Mayor Fernández, the above referenced Resolution is submitted for consideration by the City Commission.

ATTACHMENTS: Resolution

1 RESOLUTION NO. _____
2

3 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
4 SOUTH MIAMI, FLORIDA, DESIGNATING MAYOR JAVIER E.
5 FERNÁNDEZ AS THE CITY’S DIRECTOR AND _____ AS
6 THE ALTERNATE DIRECTOR WITH THE MIAMI-DADE LEAGUE OF
7 CITIES; PROVIDING FOR IMPLEMENTATION; CORRECTIONS;
8 SEVERABILITY; AND AN EFFECTIVE DATE.
9

10 WHEREAS, the City of South Miami is a member of the Miami-Dade League of Cities,
11 Inc; and
12

13 WHEREAS, each member municipality designates one of its elected officials to serve as
14 a Director and one as an alternate Director of the League for a period of one year. The term
15 commences at the date of the Annual Meeting in the month of May, and runs until the following
16 May; and
17

18 WHEREAS, the City Commission desires to designate Mayor Fernández as the City’s
19 Director, and _____ as the alternate Director to the Miami-Dade League of Cities
20 for a term beginning May 2024 and ending May 2025.
21

22 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY
23 COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, THAT:
24

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

27 **Section 2. Designating a Director and an alternate Director.** The City
28 Commission hereby designates Mayor Javier Fernández as the City’s Director, and
29 _____ as the alternate Director, of the Miami-Dade County League of Cities,
30 Inc., for a one-year term from May 2024 through April 2025.
31

32 **Section 3 Implementation.** The City Manager is hereby authorized to take any and
33 all action necessary to implement the purposes of this Resolution.
34

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

38 **Section 5. Severability.** If any section, clause, sentence, or phrase of this Resolution
39 is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding
40 shall not affect the validity of the remaining portions of this Resolution.
41

42 **Section 6. Effective Date.** This Resolution shall become effective immediately upon
43 adoption.
44

1 PASSED AND ADOPTED this _____ day of _____ 2024.

2

3 ATTEST:

APPROVED:

4

5

6

7 _____
CITY CLERK

8 _____
MAYOR

8

9 READ AND APPROVED AS TO FORM,
10 LANGUAGE, LEGALITY AND
11 EXECUTION THEREOF:

COMMISSION VOTE:
Mayor Fernández:
Vice Mayor Bonich:
Commissioner Liebman:
Commissioner Corey:
Commissioner Calle:

12

13

14

15 _____
WEISS SEROTA HELFMAN COLE
16 & BIERMAN, P.L.
17 CITY ATTORNEY

City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Marcus Lightfoot

Submitting Department: Planning & Zoning Department

Item Type: Resolution

Agenda Section:

Subject:

QUASI-JUDICIAL WARNING:

THE FOLLOWING MATTER IS CONSIDERED TO BE QUASI-JUDICIAL. PLEASE REVIEW THE RESTRICTIONS THAT ARE MORE FULLY SET FORTH AT THE END OF THIS AGENDA.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA [GRANTING APPROVAL OF/DENYING] AN APPLICATION FOR FINAL PLAT APPROVAL PURSUANT TO SECTION 20-4.2 OF THE LAND DEVELOPMENT CODE SEEKING TO SUBDIVIDE A PROPERTY WITHIN THE LOW DENSITY SINGLE-FAMILY RESIDENTIAL (RS-3) ZONING DISTRICT LOCATED AT 7709 SW 67 AVENUE; PROVIDING FOR CONDITIONS; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-PLANNING DEPT.)

Suggested Action:

Attachments:

[CC_7709_SW_67_Avenue_Final_Plat_Staff_Report_02222024.docx](#)

[48A7072- Final Plat Resolution.docx](#)

[Exhibit B to Plat Resolution.pdf](#)

[Exhibit C to Plat Resolution.pdf](#)

[PB-24-005 Application Documents.pdf](#)

[A01.0-SitePlan-01232024-ss.pdf](#)

[LA 1.0 TREE DISPOSITION 1.10.2023.pdf](#)

[LA 2.0 PLANTING 1.10.2023.pdf](#)


[22-001542 LUDLAM HOMES UPDATE SURVEY DigitallySigned.pdf](#)

[LUDLAM ROAD RESIDENTIAL TENTATIVE OF PLAT.pdf](#)

[MH Ad.pdf](#)



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM**

TO: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Genaro "Chip" Iglesias, City Manager 
DATE: March 5, 2024
SUBJECT: Final Plat Approval seeking to subdivide the property located at 7709 SW 67th Avenue

RECOMMENDATION:

Staff recommends approval of the Final Plat application subject to the following terms and conditions as well as all applicable City ordinances, codes, rules, and regulations:

1. Compliance with all of the conditions outlined in the Notice of Action for Plat No. T – 25021 – 2 – R.A.;
2. Execute and record in the public records of Miami-Dade County, a restrictive covenant, in a form approved by and subject to the review and approval of the City Manager and City Attorney, which contains all commitments made and conditions imposed as part of the approval of the approved waiver of plat, tentative and/or final plat;
3. The Applicant shall submit a grading plan, landscape plan, and tree disposition plan in addition to all other required plans to the Environmental Review & Preservation Board for review for each of the three (3) homes.
4. Compliance with Section 20-3.6(J)(2)(a) of the LDC for swimming pools by the time building permits are submitted;

BACKGROUND:

On May 5, 2023, an application for Tentative Plat (T-Plat) was filed by the property owner, Legacy 7709, LLC, in order to subdivide the existing vacant parcel located at 7709 SW 67 Avenue into three (3) single family parcels so that new single-family homes can be built. The vacant property is a corner lot sitting at the northeast corner of SW 67th Avenue and SW 77th Terrace. The T-Plat was reviewed by the City Commission at their September 5, 2023, meeting where it was approved with conditions via Resolution #106-23-16039. After receiving T-Plat approval from the Miami-Dade County Plat Committee on December 29, 2023, via the Notice of Action (NOA) for Plat No. T-25021-2-R.A., the applicant is requesting Final Plat approval from the City Commission.

REQUEST:

The applicant is requesting approval through the Final Plat process as provided in Section 20-4.2 of the City's Land Development Code (LDC) to re-plat and subdivide the existing parcel of land into three (3) individual parcels so that they can be redeveloped into three (3) single-family residential properties.

LEGAL DESCRIPTION:

The West 263.45 feet, thereof in the North 1/2 of the South 1/2 of the North 1/2 of the Southwest 1/4 of the Northwest 1/4, of Section 36, Township 54 South, Range 40 East, Dade County, Florida, less the South 25 feet and less that part deeded to Miami-Dade County by Special Warranty Deed recorded in O.R. Book 11965, Page 534, Public Records of Miami-Dade County, Florida. More particularly described as follows:

The West 35.00 feet of the West 263.45 feet of the North 1/2 of the South 1/2 of the North 1/2 of the SW 1/4 of the NW 1/4 of Section 36, Township 54 South, Range 40 East, Miami-Dade County, Florida, LESS the South 25.00 feet thereof,

AND

The external area formed by a 25.00 foot radius arc concave to the Northeast, tangent to the East line of the West 35.00 feet of the NW 1/4 of said Section 36, and tangent to the North line of the South 25.00 feet of the North 1/2 of the South 1/2 of the North 1/2 of the SW 1/4 of the NW 1/4 of said Section 36

ANALYSIS:

Located in the Low Density Single-Family Residential (RS-3) zoning district, the intent of the proposed Final Plat application is to subdivide the parcel of land located at 7709 SW 67 Avenue into three (3) separate parcels (Lot "1," Lot "2," and "Lot 3"). As required by the LDC, the applicant has provided a conceptual site plan, sheet A-1.0, for the City to review. Pursuant to Section 20-4.2 of the LDC, the proposed subdivision must meet the minimum requirements for the RS-3 zoning district. Additionally, pursuant to the City's subdivision regulations listed in Section 20-4.2(B) of the Land Development Code (LDC), prior to approving a waiver of plat, tentative or final plat, the City Commission shall use the following guidelines to review the project:

1. Section 20-4.2(B)(2)(a)(i):

The building site created by the proposed waiver of plat, tentative or final plat, should be equal to or larger than the median of the existing building sites in the Surrounding area (this shall be demonstrated using copies of the official plat maps for the subject property and surrounding neighborhood), unless otherwise permitted by this ordinance. Surrounding area is defined as all lots within the same zoning district and within five hundred (500) feet from the exterior boundaries of the subject property.

Staff Response: A review of the lot sizes and frontages of the surrounding area was performed and is provided in the table below:

Final Plat Median Analysis Table

	Surrounding Area	Lot 1	Lot 2	Lot 3
Net Lot Area/ Buildable Site (SF)	10,223	11,001	10,654.7	10,658.6
Lot Frontage (Ft.)	84.500	78.45	75	75

When looking at the neighborhood surrounding the proposed subdivision, it was found that the proposed lots exceeded the median lot size of the surrounding area. However, the lots did not meet or exceed the median frontage of the surrounding area. Pursuant to Section 20-4.2(B)(2)(a)(ii) of the LDC,

The City Commission may, in its discretion, approve a subdivision of land into lots that are included as part of a waiver of plat, tentative or final plat and that have lot frontage or lot area that is less than the Surrounding area median, provided it is approved by four votes of the City Commission and provided that at least the minimum requirements of the Land Development Code are satisfied.

As long as the project meets the minimum requirements of the RS-3 zoning district, the City Commission may approve the project even though it does not meet the surrounding area median. For more information on the median buildable site/lot size and the median frontage for the surrounding area, please refer to the attached exhibit, Tentative Plat Median Analysis for 7709 SW 67th Avenue.

2. Section 20-4.2(B)(2)(b):

The building site created by the proposed waiver of plat, tentative or final plat, will not result in existing structures becoming nonconforming as they relate to setbacks, lot area, lot width and depth, ground coverage and other applicable regulations of the City's Land Development Code and/or City's Code of Ordinances, except as permitted by this ordinance. Compliance with this provision may occur by demolition or relocation of existing structures.

Staff Response: The project will comply with the aforementioned LDC section as the parcel is currently vacant. A single-family structure previously resided on the parcel but has since been demolished via Building Permit #12-1269 which was issued on December 11, 2012, and closed.

3. Section 20-4.2(B)(2)(c):

The building site created by the proposed waiver of plat, tentative or final plat, will be free of encroachments from abutting building sites.

Staff Response: The building sites that will be created will be free of encroachments from abutting building sites.

4. Section 20-4.2(B)(2)(d):

The building site created by the proposed waiver of plat, tentative or final plat, is free of any declarations of restrictive covenants, unity of title, easements, or the like, which would prevent the separation of the site. However, this provision may be satisfied if existing

covenants, unity of title, easements, or similar instruments, which conflict with the proposed subdivision, are released or modified to accommodate the proposed building site.

Staff Response: The applicant has provided an owner’s affidavit dated January 9, 2024, that there are no documents that provide restrictions, reservations and/or covenants applicable to the parcel and that the parcel is free of any declarations of restrictive covenants, unity of title, easements, or the like, which would prevent the separation of the site.

5. Section 20-4.2(B)(2)(e):

The scale of any proposed new construction shall be compatible with the as-built character of the surrounding area and shall not create adverse impacts on the surrounding area; but if so, the applicant shall provide satisfactory commitments as to how the adverse impacts will be mitigated. An example of an adverse impact includes visual impacts arising from a proposed two-story structure in an area built out with single-story homes; mitigation could include adding a condition to the approval of the waiver of plat, tentative plat or final plat, for landscape buffers, or adjusting second-story setbacks or building facades to reduce the visual impact.

Staff Response: Surrounded by single-family homes, the proposed project will be similar in nature. The Applicant is proposing to build three (3) two-story single-family residences on the sites, which will be surrounded by existing one-story single-family structures. In response to this, the City Commission added a condition to Resolution #106-23-16039 that stated that the easternmost lot (furthest from SW 67th Avenue) shall be limited to a maximum height of one story unless allowable impervious coverage exceeds 40% of the lot area by Code at time of building permit. The Commission later adopted Ordinance #18-23-2469 on September 19, 2023, which increased the maximum impervious coverage from 40% to 50% for a one-story home and from 40% to 47.5% for a two-story home. Because of the increase to maximum impervious coverage, the applicant is proposing a two-story single-family structure for lot 3. In an effort to curb any adverse impacts created by the size of the structures, the applicant is proposing landscaping that will aid in shielding the homes from view

6. Sec. 20-4.2(B)(2)(f):

The building site(s), lot(s) or parcel(s) of land that would be created are divided in such a manner that they are in compliance with the regulations of the City's Land Development Code. Lot area and street frontage calculations shall exclude abutting public rights-of-way.

Staff Response: The proposed plat complies with the LDC section above. As shown in the table below, the three (3) proposed parcels are consistent with the minimum lot size and minimum frontage requirements for the RS-3 zoning district.

RS-3 Dimensional Requirements Table

	RS-3 Minimum Requirements	Existing Parcel	Lot 1 (Proposed)	Lot 2 (Proposed)	Lot 3 (Proposed)
Lot Size (SF)	10,000	32,314	11,001	10,654.7	10,658.6
Frontage (Ft.)	75	203.18	78.45	75	75

7. Sec. 20-4.2(B)(2)(g):

The building site or sites created by the proposed waiver of plat, tentative or final plat cannot constitute an irregular parcel (one that has more than four (4) corners or that has any curved or jagged lot line), unless the City Commission by a four-fifths (4/5) vote determines that the irregularity arises from irregularity in the original parcel and cannot be corrected, or the Commission by such vote determines the irregularity is compatible with the parcels in the Surrounding area.

Staff Response: The proposed plat complies with the LDC section above. The proposed plat will not create any irregular sized parcels as all parcels will have four (4) corners.

8. Sec. 20-4.2(B)(3)(a)

Ensure the retention of specimen trees for six (6) years and permanently maintain fifty (50) percent of existing protected tree canopy, but in no event shall the condition be less restrictive than what is required by the City's and County's tree ordinance.

Staff Response: The applicant has supplied staff with proposed landscape plans for the project. This includes the Tree Disposition Plan, sheet LA-1.0 and the Preliminary Planting Plan, sheet LA-2.0, which have both been signed and sealed by Orlando Comas, ASLA. As part of Resolution #106-23-16039, the City Commission placed a condition that sheet LA-1.0 be updated to show that Tree #12 (Sausage Tree), a specimen sized tree, will either remain in place or be relocated. The applicant has complied with the condition and has updated the plan to show that Tree #12 will be relocated on the site. Below are the following trees that have been identified as specimen sized trees that must be retained for at least six (6) years:

- 8 Live Oak Trees (Tree #11, #15, #24, #39, #56, #65, #69, #72)
- 3 Royal Poinciana Trees (Tree #30, #32, #60)
- 1 Gumbo Limbo Tree (Tree #67)
- 2 Kigelia pinnata/Sausage Trees (Tree #12, #75)
- 1 Sabal Palmetto x Ficus Aurea (Tree #74)
- 1 Strangler Fig Tree (Tree #21) (On Neighbor's Property)

Sheet LA-1 shows that each of the specimen trees listed above will either remain or be relocated on the site.

Also shown on sheet LA-1.0 are the trees listed for removal which are also listed below.

Total Amount of Trees Listed for Removal: 34 [4,803.42 S.F. Canopy Removed (13.5%)]

- 8 Purple Orchid Trees* (Tree #16, #41, #51, #52, #53, #57, #61)
- 5 Queen Palm Trees (Tree #22, 58, #62, #63, #80)
- 5 Umbrella Trees* (Tree #17, #33, #34, #46, #48)
- 3 Indian Rosewood Trees* (Tree #29, 31, 35)
- 3 Royal Poinciana Trees (Tree #23, #25, #28)
- 2 Brazilian Pepper Trees* (Tree #26, #27)
- 2 Camphor Trees (Tree #54, #55)
- 1 Coconut Palm Tree (Tree #50)
- 4 Solitaire Palm Tree* (Tree #49, #77, #78, #79)
- 1 Crape Myrtle Tree (Tree #81)

- 1 Madagascar Plum* (Tree #82)
- 1 Sabal Palm Tree (Tree #64)

**Prohibited/Controlled/Invasive Plant Species that are exempt from Tree Protection Ordinance*

It is important to note that prohibited, controlled and invasive plant species are not included in the tree canopy calculation listed above as their removal is exempt from the City's Tree Protection regulations. Per the plan, approximately 35,640 SF of tree canopy is on the site and approximately 13.5% (4,803.42 SF) of the existing tree canopy will be removed to accommodate the new single-family residences, leaving approximately 86.5% (30,836 SF) on site.

9. Sec. 20-4.2(B)(3)(c)

Execute and record in the public records of Miami-Dade County, a restrictive covenant, in a form approved by and subject to the review and approval of the City Manager and City Attorney, which contains all commitments made and conditions imposed as part of the approval of the approved waiver of plat, tentative and/or final plat.

Staff Response: Pursuant to the LDC section above, the Applicant will be required to execute and record in the public records of Miami-Dade County, a restrictive covenant that contains all commitments made and conditions imposed as part of the approval of the final plat.

10. Sec. 20-4.2(B)(4)(a & b)

Additional Application Requirements. As part of the required tentative or final plat or waiver of plat application, applicants, other than the City, shall be required to submit a proposed conceptual site plan drawn to scale, and indicating the following information for the entire subject property to be subdivided:

- (a) Building footprints;*
- (b) Setbacks, yard requirements and easements.*

For purposes of this section, a conceptual site plan means a plan that is drawn at the schematic design phase, showing parcel lot lines, land uses, general building location, general driveway and parking arrangements, and major site features. Future construction may not exceed by more than four (4) percent the size of the building, or floor area, gross, shown on the conceptual plan, unless approved by the City Commission by a four-fifths (4/5) vote, and as long as the setbacks and yard requirements are in accord with the Code existing at the time of such future construction. The conceptual site plan shall be reviewed by the Planning Board and approved by resolution of the City Commission under the provisions for applications requiring a public hearing of Section 20-5.5.

Staff Response: The applicant has provided the City with a proposed site plan, sheet A-1.0, that details the building footprints, setbacks, yard requirements, and any easements. Staff has reviewed the conceptual site plan against the dimensional requirements for the RS-3 zoning district that are listed in Section 20-3.5(H) of the LDC. That review can be found in the tables below.

Final Plat Setback Analysis Table - Lot 1

	RS-3 Minimum Requirement	Lot 1
Front Setback (Ft.)	25	30
Rear Setback (Ft.)	25	28
1 st Floor Side Interior Setback (Ft.)	10	15
2 nd Floor Side Interior Setback (Ft.)	15	15
1 st Floor Side Street Setback (Ft.)	20	25
2 nd Floor Side Street Setback (Ft.)	25	25

Final Setback Analysis Table – Lot 2

	RS-3 Minimum Requirement	Lot 2
Front Setback (Ft.)	25	30
Rear Setback (Ft.)	25	34
East 1 st Floor Side Interior Setback (Ft.)	10	15
East 2 nd Floor Side Interior Setback (Ft.)	15	15
West 1 st Floor Side Interior Setback (Ft.)	10	15
West 2 nd Floor Side Interior Setback (Ft.)	15	15

Final Plat Setback Analysis Table – Lot 3

	RS-3 Minimum Requirement	Lot 3
Front Setback (Ft.)	25	30
Rear Setback (Ft.)	25	34
East 1 st Floor Side Interior Setback (Ft.)	10	15
East 2 nd Floor Side Interior Setback (Ft.)	15	15
West 1 st Floor Side Interior Setback (Ft.)	10	15
West 2 nd Floor Side Interior Setback (Ft.)	15	15

In addition to meeting the minimum setbacks for the RS-3 zoning district, the project must also comply with the cumulative lot width as well. Pursuant to Section 20-3.5(H) of the LDC, the cumulative width of both side yards shall be not less than 20 percent (20%) of the total lot width.

Final Plat Cumulative Lot Width Analysis Table

	Lot 1	Lot 2	Lot 3
Lot Width (Ft.)	78.45	75	75
Minimum Cumulative Width (Ft.)	15.69	15	15
Proposed Combined Side Setback (Ft.)	40	30	30

Last, the applicant has provided the proposed building coverage, impervious coverage and FAR for the lots, which can be found in the tables below.

Final Plat Coverage Analysis Table – Lot 1

	RS-3 Maximum Requirement	Lot 1

Building Coverage (SF)	3,300 (30%)	3,300
Impervious Coverage (SF)	5,225 (47.5%)	5,225
Floor Area Ratio (SF)	4,950 (45%)	4,950

Final Plat Coverage Analysis Table – Lot 2

	RS-3 Maximum Requirement	Lot 2
Building Coverage (SF)	3,196.4 (30%)	3,196
Impervious Coverage (SF)	5,060 (47.5%)	5,060
Floor Area Ratio (SF)	4,794.62 (45%)	4,794

Final Plat Coverage Analysis Table – Lot 3

	RS-3 Maximum Requirement	Lot 3
Building Coverage (SF)	3,197.58 (30%)	3,196
Impervious Coverage (SF)	5,062 (47.5%)	5,062
Floor Area Ratio (SF)	4,796.37 (45%)	4,794

It is important to note that the tables above have been updated to reflect the increase in impervious coverage approved by Ordinance #18-23-2469 and show that all three (3) of the proposed structures will comply with the dimensional requirements for two-story single-family residences. For reference, the dimensional requirements for the RS-3 zoning district can be found in Section 20-3.5(H) of the LDC.

When reviewing the conceptual site plan, it was found that there were no safeguards shown for the proposed swimming pools. Pursuant to Section 20-3.6(J)(2)(a) of the LDC, unless the pools are screened, they shall be surrounded by a protective wall or fence of at least four (4) feet in height. If approved, the swimming pools will need to be secured prior to permitting.

11. Sec. 20-4.2(B)(4)(c)

(c) A certified tree survey overlaid directly upon the site plan, as required by Section 20-4.5. The tree survey must include the canopy measurements. Once an application for a waiver of plat or tentative plat is filed, no tree may be removed until after final waiver of plat or final plat approval is issued (Tree Removal Moratorium). The applicant may appeal to the City Commission to waive the Tree Removal Moratorium for good cause.

Staff Response: The applicant has supplied staff with a Tree Disposition Plan, sheet LA-1.0, for the project that shows the existing trees that will be affected by the redevelopment of the site. Additionally, the applicant has also supplied staff with a preliminary planting plan, sheet LA-2.0, which shows the landscaping that is proposed for the project. As required by Section 20-4.2(B)(4)(c) the LDC, the applicant was required to provide a certified tree survey overlaid directly upon the site plan. The Tree Disposition Plan, sheet L-1.0 details all existing trees on the property and has been overlaid on top of the conceptual site plan for the project. The Tree Disposition Chart details all of the tree species and measurements for the trees on the site. Per the Tree Disposition Chart, the following existing trees are shown to be in conflict with the proposed development:

Trees in Conflict with Development - Lot 1

- 1 Sausage Tree (Tree #12)
- 1 Live Oak Tree (Tree #13)
- 1 Queen Palm Tree (Tree #80)
- 1 Crape Myrtle Tree (Tree #81)
- 1 Madagascar Plum Tree* (Tree #82)

Trees in Conflict with Development - Lot 2

- Purple Orchid Tree* (Tree #41)
- Sabal Palm x Ficus Aurea (Tree #42)
- Fishtail Palm Tree (Tree #43)
- Live Oak Tree (Tree #44)
- Coconut Palm Tree (#50)
- Purple Orchid Tree* (Tree #51)
- Purple Orchid Tree* (Tree #52)
- Purple Orchid Tree* (Tree #53)
- Camphor Tree (Tree #54)
- Camphor Tree (Tree #55)
- Live Oak Tree (Tree #56)
- Purple Orchid Tree* (Tree #57)
- Queen Palm Tree (Tree #58)
- Purple Orchid Tree* (Tree #61)

Trees in Conflict with Development - Lot 3

- Queen Palm (Tree #22)
- Royal Poinciana Tree (Tree #23)
- Live Oak Tree (Tree #24)
- Royal Poinciana Tree (Tree #25)
- Indian Rosewood Tree* (Tree #31)
- Royal Poinciana Tree (Tree #32)
- Umbrella Tree* (Tree #33)
- Umbrella Tree* (Tree #34)
- Indian Rosewood Tree (Tree #35)
- Live Oak Tree (Tree #36)

Specimen Sized Trees are identified using BOLD lettering

**Prohibited/Controlled/Invasive Plant Species that are exempt from Tree Protection Ordinance*

12. Sec. 20-4.2(C)(1)

Sidewalks, curbs, gutters, drainage and paving shall be installed by the owner or developer of the abutting parcel in accordance with Chapter 28 of the County Code and other applicable city requirements, unless such can be and are waived or deferred by the city commission.

Staff Response: After receiving Tentative Plat approval from the City Commission, the project was presented to the Miami-Dade County Plat Committee on December 29, 2023, for review and approval. At that time, the Plat Committee recommended approval of the plat pursuant to the conditions that are outlined in the Notice of Action (NOA) for Plat No. T – 25021 – 2 – R.A. This includes reviews by both the Miami-Dade County Public Works Department and the Miami-Dade Water Department. Per the email dated February 8, 2024, from Mr. Nelson Gomez, the City's Project Engineer, all of the previous comments regarding this project still stand and will be re-reviewed once it comes back from Miami-Dade County. Those comments were provided by Mr. Aurelio Carmentates, P.E. during the T-Plat review, and are as follows:

As it relates to 7709 SW 67th Ave, there is an existing sidewalk along SW 67th Ave that ends at 77th Terr / Each property must retain the stormwater within the property line but drainage on ROW may be required – this is pending an engineering analysis / paving limits edge to edge and from PL to PL / water & sewer permit from WASD / Traffic approval for driveways – ROW is 50ft

As part of the review by the Miami-Dade County Plat Committee, they required that the plat receive traffic concurrency approval from the City prior to final plat review and prior to the issuance of a building permit. After reviewing the City's Comprehensive Plan, the following transportation policy should be noted:

TRA Policy 1.1.1

The City of South Miami, in its entirety, is located within the Miami-Dade County's Urban Infill Area, which is designated as a Transportation Concurrency Exception Area by Miami-Dade County. Miami-Dade County controls the roadway design and traffic pattern including signage and direction of all roads within the City. To a great extent, the City is not in control of its ability to manage the Level of Service (please refer to the Data, Inventory, and Analysis for a description of the Level of Service classification system). The City's level-of-service standards for roadways are as follows:

- *Principal Arterials "F"*
 - *Minor Arterials "F"*
 - *Miller Drive "F"*
1. *The peak hour level-of-service standard shall be 150 percent of level of service D capacity for US-1.*
 2. *The peak hour level-of-service standard for Bird Road shall be 120 percent of level of service E capacity.*

Based on the above listed Comprehensive Plan policy, the project would be exempt from providing transportation concurrency because the City is in Miami-Dade County's Urban Infill Area. Compliance with

all the remaining conditions listed in the NOA will be required for the project.

Previous Action

On February 13, 2024, the Planning Board (PB) held a Public Hearing on the item and voted 5 to 1 to recommend approval of the request, subject to the Conditions of Approval recommended by Staff and the condition that the Commission have a note in the final adoption clarifying to the applicant that they will be required to produce a grading plan, landscape plan, and tree disposition plan in addition to all other plans required by the Environmental Review & Preservation Board.

Attachments:

- Resolution
- Application, dated December 27, 2023
- Letter of Intent, dated January 9, 2024
- Warranty Deed
- Resolution #106-23-16039
- Miami Dade County Plat Committee – Notice of Action (NOA), dated December 29, 2023
- Email from Nelson Gomez, dated February 8, 2024
- Owner's Affidavit, dated January 9, 2024
- Opinion of Title, prepared by Oscar Rodriguez, Esq., dated January 25, 2024
- Neighborhood Awareness Affidavit of Mailing, dated January 22, 2024
- Affidavit of First-Class Mail Service, dated January 22, 2024
- Neighborhood Awareness Letter, dated
- City Notice of Public Hearing
- Mailing Label Affidavit w/Location Map, dated June 16, 2023
- PB-24-005 Final Plat Median Analysis – 7709 SW 67 Avenue
- Proposed Site Plan, sheet A-1.0
- Tree Disposition Plan, sheet LA-1.0
- Preliminary Planting Plan, sheet LA-2.0
- Map of Boundary and Topographic Survey
- Tentative Plat of Ludlam Road Residential

1 RESOLUTION NO. _____

2
3 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH
4 MIAMI, FLORIDA [GRANTING APPROVAL OF/DENYING] AN
5 APPLICATION FOR FINAL PLAT APPROVAL PURSUANT TO
6 SECTION 20-4.2 OF THE LAND DEVELOPMENT CODE SEEKING TO
7 SUBDIVIDE A PROPERTY WITHIN THE LOW DENSITY SINGLE-
8 FAMILY RESIDENTIAL (RS-3) ZONING DISTRICT LOCATED AT 7709
9 SW 67 AVENUE; PROVIDING FOR CONDITIONS; CORRECTIONS;
10 SEVERABILITY; AND AN EFFECTIVE DATE.

11
12 WHEREAS, the Applicant, Legacy 7709, LLC, as the owner of the property located at
13 7709 SW 67 Avenue (Folio Number 09-4036-000-0440) and legally described in Exhibit “A”
14 attached hereto (the “Property”), submitted Application No. PB-23-006 (the “Application”)
15 requesting approval of a Final Plat seeking to subdivide the Property pursuant to Section 20-4.2 of
16 the Land Development Code (the “LDC”); and

17
18 WHEREAS, the Application requests a subdivision of the Property into three (3) lots in
19 the Low-Density Single Family Residential (RS-3) zoning district, so that each of the three (3)
20 buildable single-family lots can be developed with a new single-family residence; and

21
22 WHEREAS, on September 5, 2023, the City Commission approved the Applicant’s
23 Tentative Plat application via Resolution No. 106-23-16039 (the “Tentative Plat Approval”); and

24
25 WHEREAS, at a Public Hearing on February 13, 2024, the Planning Board recommend
26 approval of the Final Plat application, subject to Conditions of Approval; and

27
28 WHEREAS, the Mayor and City Commission of the City of South Miami, having
29 considered each of the guidelines listed in Section 20-4.2(B) of the LDC and having found that
30 those conditions [have/have not] been met, desire to [approve/deny] the Final Plat application.

31
32 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY
33 COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

34
35 **Section 1. Recitals and Findings.** The recitals set forth in this resolution and in the
36 Tentative Plat Approval are true and correct, and are supported by competent substantial evidence,
37 and they are incorporated into this resolution by reference as if set forth in full herein. The City
38 Commission finds that the Final Plat requested in the Application [meets/does not meet] the
39 requirements of Section 20-4.2(B) of the LDC.

40
41 **Section 2. Final Plat [Approval/Denial].** The Application submitted by the Applicant,
42 Legacy 7709, LLC, requesting approval of a proposed Final Plat subdividing the Property into
43 three (3) lots located at 7709 SW 67 Avenue and legally described in Exhibit “A” attached hereto,
44 pursuant to the Land Subdivision Regulations outlined in LDC Section 20-4.2, is hereby
45 [approved/denied].

1 **Section 3. Conditions of Approval.** [This section applicable only if the Application is
2 approved]. The Final Plat is hereby approved subject to the following terms and conditions, as well
3 as all applicable City ordinances, codes, rules, and regulations:
4

- 5 a. Compliance with all of the conditions that are outlined in City Resolution No. 106-23-
6 16039, attached hereto as Exhibit “B”;
7
- 8 b. Compliance with all of the conditions outlined in the Miami-Dade County Notice of
9 Action for Plat No. T – 25021-2-R.A., attached hereto as Exhibit “C”; and
10
- 11 c. Utility easements shall be granted by the Owner on the Property after collaboration
12 with the utility companies and the City, and as required and approved by the City in
13 order to properly service the utility needs of the Property.
14

15 **Section 4. Corrections.** Conforming language or technical scrivener-type corrections
16 may be made by the City Attorney for any conforming amendments to be incorporated into the
17 final resolution for signature.
18

19 **Section 5. Severability.** If any section clause, sentence, or phrase of this resolution is for
20 any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall
21 not affect the validity of the remaining portions of this resolution.
22

23 **Section 6. Effective Date.** This resolution shall become effective immediately upon
24 adoption by vote of the City Commission.
25

26
27 PASSED AND ADOPTED this _____ day of March, 2024.
28

29
30 ATTEST:
31

30 APPROVED:
31

32
33 _____
34 CITY CLERK
35

32
33 _____
34 MAYOR
35

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37 READ AND APPROVED AS TO FORM,
38 LANGUAGE, LEGALITY, AND
39 EXECUTION THEREOF
40

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37 COMMISSION VOTE:
38 Mayor Fernandez:
39 Vice Mayor Bonich:
40 Commissioner Liebman:
41 Commissioner Calle:
42 Commissioner Corey:
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41 _____
42 CITY ATTORNEY
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EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

7709 SW 67 Avenue (Folio Number 09-4036-000-0440)

The West 263.45 feet, thereof in the North 1/2 of the South 1/2 of the North 1/2 of the Southwest 1/4 of the Northwest 1/4, of Section 36, Township 54 South, Range 40 East, Dade County, Florida, less the South 25 feet and less that part deeded to Miami-Dade County by Special Warranty Deed recorded in O.R. Book 11965, Page 534, Public Records of Miami-Dade County, Florida. More particularly described as follows:

The West 35.00 feet of the West 263.45 feet of the North 1/2 of the South 1/2 of the North 1/2 of the SW 1/4 of the NW 1/4 of Section 36, Township 54 South, Range 40 East, Miami-Dade County, Florida, LESS the South 25.00 feet thereof,

AND

The external area formed by a 25.00 foot radius arc concave to the Northeast, tangent to the East line of the West 35.00 feet of the NW 1/4 of said Section 36, and tangent to the North line of the South 25.00 feet of the North 1/2 of the South 1/2 of the North 1/2 of the SW 1/4 of the NW 1/4 of said Section 36

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RESOLUTION NO. 106-23-16039

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA GRANTING APPROVAL OF AN APPLICATION FOR TENTATIVE PLAT APPROVAL PURSUANT TO SECTION 20-4.2 OF THE LAND DEVELOPMENT CODE SEEKING TO SUBDIVIDE A PROPERTY WITHIN THE LOW DENSITY SINGLE-FAMILY RESIDENTIAL (RS-3) ZONING DISTRICT LOCATED AT 7709 SW 67 AVENUE; PROVIDING FOR CONDITIONS; ENFORCEMENT OF CONDITIONS; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the applicant, Legacy 7709, LLC, submitted Application No. PB-23-006 (the "Application"), requesting approval of a Tentative Plat to subdivide the parcel identified as 7709 SW 67 Avenue (Folio Number 09-4036-000-0440) (the "Property"), pursuant to Section 20-4.2 of the Land Development Code (the "LDC"); and

WHEREAS, the Tentative Plat application requests a subdivision of the Property into three (3) lots in the Low-Density Single Family Residential (RS-3) zoning district; and

WHEREAS, the three (3) buildable single family lots can each be developed with a new single-family residence; and

WHEREAS, the lots created by the proposed Tentative Plat meet all of the requirements of Section 20-4.2(B) of the LDC, except Section 20-4.2(B)(2)(a)(i) of the LDC, which provides that "the building site[s] created by the proposed [plat] should be equal to or larger than the median of the existing building sites in the Surrounding Area . . ."; and

WHEREAS, although the frontages of all three (3) proposed buildable sites are smaller than the median frontage of the surrounding area, their respective lot areas are larger than the median lot area of the lots in the surrounding area and the three proposed lots all are in compliance with the dimensional requirements for both the minimum lot size and frontage for the RS-3 zoning district; and

WHEREAS, pursuant to Section 20-4.2(B)(2)(a)(ii) of the Land Development Code,

The City Commission may, in its discretion, approve a subdivision of land into lots that are included as part of a waiver of plat, tentative or final plat and that have lot frontage or lot area that is less than the Surrounding area median, provided it is approved by four votes of the City Commission and provided that at least the minimum requirements of the Land Development Code are satisfied.

WHEREAS, the owner has submitted a conceptual site plan, conceptual tree disposition plan, and conceptual landscape plan for the project which have been reviewed by the Planning Board; and

WHEREAS, at a Public Hearing on August 8, 2023, the Planning Board voted five (5) to one (1) to recommend approval of the Tentative Plat application, subject to the Conditions of Approval; and

WHEREAS, the Mayor and City Commission of the City of South Miami, having considered each of the guidelines listed in Section 20-4.2(B) of the LDC and having found that those conditions have been met, desire to approve the Tentative Plat application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1. Recitals and Findings. The recitals set forth in this resolution are true and correct, and are supported by competent substantial evidence, and they are incorporated into this resolution by reference as if set forth in full herein. The City Commission finds that the Tentative Plat requested in the Application meets the requirements of Section 20-4.2(B) of the LDC.

Section 2. Approval. The application submitted by Legacy 7709, LLC, requesting approval of a proposed Tentative Plat to subdivide the property located at 7709 SW 67 Avenue into three (3) lots, pursuant to the Land Subdivision Regulations outlined in LDC Section 20-4.2 is hereby Approved.

Section 3. Conditions. The Tentative Plat is hereby approved subject to the following terms and conditions, as well as all applicable City ordinances, codes, rules, and regulations:

- a. Submittal of an affidavit from the owner that there are no documents that provide restrictions, reservations and/or covenants applicable to the parcel of land being considered and that the parcel is free of any declarations of restrictive covenants, unity of title, easements, or the like, which would prevent the separation of the site; and
- b. No tree may be removed until after the final plat approval is issued (Tree Removal Moratorium). The applicant may appeal to the City Commission to waive the Tree Removal Moratorium for good cause;
- c. Revise the Tree Disposition Plan, sheet L-1.0 to show that Tree #12 will either remain or be relocated, and that Trees #77, #78 and #79 will be removed;
- d. Once approved by Miami-Dade County, it will be required that the project be reviewed by the City Commission for Final Plat approval;
- e. Compliance with Section 20-3.6(J)(2)(a) of the LDC for swimming pools by the time Building Permits are submitted;
- f. The project must comply with all of the regulations outlined in Section 20-4.2 of the LDC; and

- g. The easternmost lot (furthest from SW 67th Avenue) shall be limited to a maximum height of one story unless allowable impervious coverage exceeds 40% of the lot area by Code at time of building permit.

Section 4. Enforcement of Conditions. The Owner of the Property understands and acknowledges that they must comply with these conditions and all other applicable requirements of the LDC and City Code before they may commence construction or occupancy, and that the foregoing approval in this Resolution may be revoked by the City at any time upon a determination by the City Commission, following a public hearing, that the Owner is in noncompliance with the LDC, the City Code and/or the conditions of this Approval and have failed to cure, or to provide an acceptable plan to timely cure, the non-compliance.

Section 5. 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 resolution for signature.


Section 6. Severability. If any section clause, sentence, or phrase of this resolution 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 resolution.

Section 7. Effective Date. This resolution shall become effective immediately upon adoption by vote of the City Commission.

PASSED AND ADOPTED this 5th day of September, 2023.

ATTEST:

APPROVED:



 CITY CLERK



 MAYOR

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

COMMISSION VOTE: 5-0



 CITY ATTORNEY

Mayor Fernández:	Yea
Vice Mayor Bonich:	Yea
Commissioner Liebman:	Yea
Commissioner Calle:	Yea
Commissioner Corey:	Yea

MIAMI DADE COUNTY PLAT COMMITTEE NOTICE OF ACTION

Plat No: T - 25021 - 2 - R.A.

STR1: 36 54 40

Municipality: SOUTH MIAMI

Zoning: District: 7



Name: LUDLAM ROAD RESIDENTIAL
 Location by Streets: SW 77 TERRACE & LUDLAM ROAD
 Owner: LEGACY 7709, LLC,
 3850 BIRD RD., SUITE 800
 CORAL GABLES, FL 33146 Phone: 786-223-7356
 Surveyor: JOHN IBARRA & ASSOCIATES, INC.
 777 NW 72 AVE., SUITE 3025
 MIAMI, FL 33126 Phone: 305-262-0400

This is to advise you that on Friday, December 29, 2023 the Dade County Plat Committee reviewed the above plat and that the same was:

- Recommended for approval subject to conditions indicated on attached action copy.
- Approved as an extension of time, subject to previous requirements and:
- Deferred for reasons indicated below:
- Denied for the reasons indicated below:

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LUDLAM ROAD RESIDENTIAL

TENTATIVE PLAT NO. 25021-2-R.A.
 Sec. 36 Twp. 54 Rge. 40
 Municipality: SOUTH MIAMI
 Zoned: RS-3
 RECOMMENDS APPROVAL 12-29-23 
 Date, Regulatory and Economic Resources Dept. (Planning)
 RECOMMENDS APPROVAL 12-29-23 
 Date, Regulatory and Economic Resources Dept. (Zoning)

- Recommends approval subject to the City of South Miami requirements and the requirements checked below:
- Traffic concurrency approval by the Municipality is required prior to final plat review and prior to the issuance of a building permit. Municipality concurrency review to include all City, State and County roads.
- Tentative Plat valid until 9-29-24
Note: The Plat Committee must officially review the Extension of Time request prior to the expiration of the Tentative Plat. Application request must be submitted at least ten (10) days prior to said Plat Committee meeting.
- No road, sidewalks, or drainage facilities within unincorporated Miami Dade County or on County maintained rights-of-ways are to be constructed or installed without prior knowledge, approval and complete progressive inspection by the Department of Transportation and Public Works. Construction or installation of these facilities does not guarantee acceptance by the County unless final plat is approved and recorded.
- Final approval and recording subject to the Department of Regulatory and Economic Resources (Environmental Resources Management) and the Florida Department of Health approval on sewage disposal facilities and water supply.
- Site to be filled to County Flood Criteria Elevation or to an elevation not less than the approved crown of the road fronting the property. Cutting of existing grade is not permitted below the established base flood elevation of the F.I.R.M. for Miami-Dade County Florida Community # 125098.
- Property owner/ Developer must provide the required improvements within the right-of-way.
- The Highway Division of the Miami Dade County Department of Transportation and Public Works shall approve Paving and Drainage plans for Section and Half Section Line roads.
- Paving and Drainage Plan required. Contact Mohammed Mansuri at (305)375-2707.
- Bond Estimate for required improvements. Items and amounts to be determined by the approved tentative plat and the approved paving and drainage plan.
- Performance Bond and Agreement for required improvements is required. (Cash or Letter of Credit).
- Applicant must contact the United States Postal Service (USPS) for mailbox requirements. Refer to our website for more information. Contact (305) 470-0553 for details.

- Add "Block 1" on the Final Plat
- Compliance with the Department of Regulatory and Economic Resources (Environmental Resources Management). Contact Ingrid Guerrero at (305) 372-6507 or Ingrid.Guerrero@miamidade.gov for environmental concerns and requirements.
- School Board approval required prior to final plat review.
- Street Lights are required along Section and Half Section Line roads. Contact Julio Navarro at (305) 679-0062 for details.
- Compliance with the Miami Dade Water and Sewer Department (MDWASAD). Contact Maria Capote at (786) 268-5329 or Maria.Capote@miamidade.gov for water and sewer concerns and requirements.
- Final Mylar(s) plus five (5) prints.
- Opinion of Title (Valid for 30 days, unincorporated; 45 days municipality). An update is usually required before the County Commissioners meeting and/or recordation.
- Paid Tax receipts (and escrow, if applicable).
- Processing fee for Final Plat.
- Recording fee for Final Plat.
- Water Control Division approval after final plat submittal. (DRER)
- Approval regarding method of water supply.
- Approval regarding method of sewage disposal.
- Certified copy of municipal ordinance and/or resolution accepting final plat and letter(s) stating paving and drainage plans have been approved and Improvement Bond held by Municipality (if applicable).
- Letter from F.P.&L. Company (TP-7 letter) regarding underground electric service (ORD. 68-69).
- State Plane Coordinate Data Sheet.
- AFTER SUBMITTAL OF FINAL PLAT, CHECK THE PUNCH LIST AT THE FOLLOWING WEBSITE FOR ADDITIONAL SCHEDULING AND/OR RECORDATION REQUIREMENTS. (<http://www.miamidade.gov/apps/rer/platstatus/>)



City of South Miami
Planning & Zoning Department
City Hall, 6130 Sunset Drive, South Miami, Florida 33143
Telephone: (305) 663-6326

Application for Public Hearing before Planning Board & City Commission

Address of Subject Property: 7709 SW 67th Ave Lot(s) Block Subdivision
PB

Meets & Bounds:

Applicant: Tomas Cabrerizo Phone: 718-812-3924

Representative: Maribel Aguilar Organization: D.E.T. Strategic Consultants, LLC

Address: 12385 N.Parkland Bay Trail Phone: 718-812-3924
Parkland, FL 33076

Property Owner: Legacy 7709, LLC Signature:

Mailing Address: 3850 Bird Rd., Suite 800 Phone: 786-556-0660
Coral Gables, FL 33146

Architect/Engineer: Horacio Carlos Huembes Phone: 305-613-1851

AS THE APPLICANT, PLEASE INDICATE YOUR RELATIONSHIP TO THIS PROJECT:
x Owner Owner's Representative Contract to purchase Option to purchase Tenant/Lessee

APPLICATION IS HEREBY MADE FOR THE FOLLOWING:

- PLEASE CHECK THE APPROPRIATE ITEM:
Text Amendment to LDC Variance
Zoning Map Amendment Special Use
PUD Approval Special Exception
PUD Major Change Abandonment of ROW
Other (Waiver of Plat)

Briefly explain application and cite specific Code sections:

[Empty box for application explanation]

[Empty box for application explanation]

Section: Subsection: Page #: Amended Date:

SUBMITTED MATERIALS

- PLEASE CHECK ALL THAT APPLY:
Letter of intent
Justifications for change
Statement of hardship
Proof of ownership or letter from owner
Power of attorney
Contract to purchase
Current survey (1 original sealed and signed/1 reduced copy @ 11" x 17")
15 copies of Site Plan and Floor Plans 24 x 36", 1 reduced copy @ 11" x 17"
Affidavit-Receipts attesting to mail notices sent
Petition
Mailing labels (3 sets) and map
Required Fee(s)

The undersigned has read this completed application and represents that the information and all submitted materials are true and correct to the best of the applicant's knowledge and belief.

Applicant's Signature and title: Tomas Cabrerizo Print Name Date: 12/27/23

Upon receipt, applications and all submitted materials will be reviewed for compliance with the Land Development Code and other applicable regulations. Applications found not in compliance will be rejected and returned to the applicant.

OFFICE USE ONLY:
Date Filed Date of PB Hearing Date of Commission
Petition Required Petition Accepted
Method of Payment



"A Modern Approach to Land Development"
12385 N. Parkland Bay Trl.
Parkland, FL 33076
Office: 954-309-5945 Mobile: 718-812-3924
Email: maribel@det-sc.com

January 9, 2024


Mr. Marcus Lightfoot
Senior Planning & Zoning Administrator
City of South Miami- Planning and Zoning Department
6130 Sunset Drive
South Miami, FL 33143

Re: Ludlam Road Residential
Letter of Intent- 09-4036-000-0440

Dear Mr. Lightfoot,

The intent of the Ludlam Road Residential plat is to subdivide the existing vacant lot into three (3) buildable lots as follows:
Proposed Lot 1 containing 11,001 Sq. Ft. - Proposed 4,950 Sq. Ft. Single Family Residence
Proposed Lot 2 containing 10,654 Sq. Ft. - Proposed 4,794 Sq. Ft. Single Family Residence
Proposed Lot 3 containing 10,658.6 Sq. Ft. - Proposed 4,794 Sq. Ft. Single Family Residence

Sincerely,


Maribel Aguilar
Project Manager

CFN: 20220368378 BOOK 33170 PAGE 2377
 DATE:05/04/2022 04:17:33 PM
 DEED DOC 8,250.00
 SURTAX 6,187.50
 HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

Return to:
 Law Offices of Oscar J. Rodriguez, P.A.
 3850 Bird Road
 Suite 903
 Miami, FL 33146

**WARRANTY DEED
 STATUTORY
 F.S.- 689.02**

This Instrument Prepared by:
 Mark Evans Kass, Esquire
 1497 NW 7th Street
 Miami, FL 33125

Property Appraisers Parcel Identification
 (Folio) Numbers(s): 09-4036-000-0440

THIS INDENTURE, Made this 28 day of April, A.D. 2022, **BETWEEN BAHMAN AMINI**, individually and as trustee of the testamentary trust for the benefit of Bahman Amini contained in Article II of the Parvine M. Amini Revocable Living Trust dated February 14, 2020, whose address is 151 Crandon Blvd, Unit 1039, Key Biscayne, FL 33149, party of the first part, and **LEGACY 7709, LLC**, a Florida limited liability company, whose post office address is 3850 Bird Road, Suite 801, Miami, FL 33146 party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten and 00/100 (\$10.00)--- Dollars, to have in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged has granted, bargained, and sold to the said party of the second part their heirs and assigns forever, the following described land, situate, and being in the County of Miami-Dade, State of Florida, to-wit:

The West 263.45 feet, thereof in the North 1/2 of the South 1/2 of the North 1/2 of the Southwest 1/4 of the Northwest 1/4, of Section 36, Township 54 South, Range 40 East, Miami-Dade County, Florida, less the South 25 feet and less the West 35 feet thereof, and less the external area formed by a 25.00 foot radius arc concave to the Northeast, tangent to the East line of the West 35.00 feet of the NW 1/4 of said Section 36, and tangent to the North line of the South 25.00 feet of the North 1/2 of the South 1/2 of the North 1/2 of the SW 1/4 of the NW 1/4 of said Section 36.

Property address: 7709 SW 67th Avenue, South Miami, FL 33143

The above described property is not the homestead of Grantor herein, as neither Grantor, nor any member of Grantor's family resides therein, or in any property contiguous thereto. Grantor resides at the address for said Grantor set forth above.

Subject to: Restrictions, reservations, and easements of record; Applicable zoning ordinances; Real property taxes for 2022 and thereafter;

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Witness Signature
Alyssa Kass
Printed Name

[Signature]
Witness Signature
Marie Perutz
Printed Name

[Signature]
BAHMAN AMINI, individually and as trustee of the
testamentary trust for the benefit of Bahman Amini contained in
Article II of the Parvine M. Amini Revocable Living Trust dated
February 14, 2020

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I hereby Certify that on this day, before me,
an officer duly authorized to administer oaths
and take acknowledgments, personally appeared

BAHMAN AMINI, individually and as trustee of the testamentary trust for the benefit of Bahman Amini contained in Article II of the Parvine M. Amini Revocable Living Trust dated February 14, 2020 known to me to be the persons described in and who executed the foregoing instrument, who acknowledged before me by means of physical presence or online notarization, that he executed the same, that I relied upon the following form of identification of the above-named person: Florida Drivers License and that an oath (was) (was not) taken.

WITNESS my hand and official seal in the County and State last aforesaid this 28 day of April, A.D.2022.



ALYSSA KASS
Commission # GG 262126
Expires September 25, 2022
Bonded Thru Budget Notary Services

[Signature]
NOTARY SIGNATURE

RESOLUTION NO. 106-23-16039

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA GRANTING APPROVAL OF AN APPLICATION FOR TENTATIVE PLAT APPROVAL PURSUANT TO SECTION 20-4.2 OF THE LAND DEVELOPMENT CODE SEEKING TO SUBDIVIDE A PROPERTY WITHIN THE LOW DENSITY SINGLE-FAMILY RESIDENTIAL (RS-3) ZONING DISTRICT LOCATED AT 7709 SW 67 AVENUE; PROVIDING FOR CONDITIONS; ENFORCEMENT OF CONDITIONS; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the applicant, Legacy 7709, LLC, submitted Application No. PB-23-006 (the "Application"), requesting approval of a Tentative Plat to subdivide the parcel identified as 7709 SW 67 Avenue (Folio Number 09-4036-000-0440) (the "Property"), pursuant to Section 20-4.2 of the Land Development Code (the "LDC"); and

WHEREAS, the Tentative Plat application requests a subdivision of the Property into three (3) lots in the Low-Density Single Family Residential (RS-3) zoning district; and

WHEREAS, the three (3) buildable single family lots can each be developed with a new single-family residence; and

WHEREAS, the lots created by the proposed Tentative Plat meet all of the requirements of Section 20-4.2(B) of the LDC, except Section 20-4.2(B)(2)(a)(i) of the LDC, which provides that "the building site[s] created by the proposed [plat] should be equal to or larger than the median of the existing building sites in the Surrounding Area . . ."; and

WHEREAS, although the frontages of all three (3) proposed buildable sites are smaller than the median frontage of the surrounding area, their respective lot areas are larger than the median lot area of the lots in the surrounding area and the three proposed lots all are in compliance with the dimensional requirements for both the minimum lot size and frontage for the RS-3 zoning district; and

WHEREAS, pursuant to Section 20-4.2(B)(2)(a)(ii) of the Land Development Code,

The City Commission may, in its discretion, approve a subdivision of land into lots that are included as part of a waiver of plat, tentative or final plat and that have lot frontage or lot area that is less than the Surrounding area median, provided it is approved by four votes of the City Commission and provided that at least the minimum requirements of the Land Development Code are satisfied.

WHEREAS, the owner has submitted a conceptual site plan, conceptual tree disposition plan, and conceptual landscape plan for the project which have been reviewed by the Planning Board; and

Res. No. 106-23-16039

WHEREAS, at a Public Hearing on August 8, 2023, the Planning Board voted five (5) to one (1) to recommend approval of the Tentative Plat application, subject to the Conditions of Approval; and

WHEREAS, the Mayor and City Commission of the City of South Miami, having considered each of the guidelines listed in Section 20-4.2(B) of the LDC and having found that those conditions have been met, desire to approve the Tentative Plat application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1. Recitals and Findings. The recitals set forth in this resolution are true and correct, and are supported by competent substantial evidence, and they are incorporated into this resolution by reference as if set forth in full herein. The City Commission finds that the Tentative Plat requested in the Application meets the requirements of Section 20-4.2(B) of the LDC.

Section 2. Approval. The application submitted by Legacy 7709, LLC, requesting approval of a proposed Tentative Plat to subdivide the property located at 7709 SW 67 Avenue into three (3) lots, pursuant to the Land Subdivision Regulations outlined in LDC Section 20-4.2 is hereby Approved.

Section 3. Conditions. The Tentative Plat is hereby approved subject to the following terms and conditions, as well as all applicable City ordinances, codes, rules, and regulations:

- a. Submittal of an affidavit from the owner that there are no documents that provide restrictions, reservations and/or covenants applicable to the parcel of land being considered and that the parcel is free of any declarations of restrictive covenants, unity of title, easements, or the like, which would prevent the separation of the site; and
- b. No tree may be removed until after the final plat approval is issued (Tree Removal Moratorium). The applicant may appeal to the City Commission to waive the Tree Removal Moratorium for good cause;
- c. Revise the Tree Disposition Plan, sheet L-1.0 to show that Tree #12 will either remain or be relocated, and that Trees #77, #78 and #79 will be removed;
- d. Once approved by Miami-Dade County, it will be required that the project be reviewed by the City Commission for Final Plat approval;
- e. Compliance with Section 20-3.6(J)(2)(a) of the LDC for swimming pools by the time Building Permits are submitted;
- f. The project must comply with all of the regulations outlined in Section 20-4.2 of the LDC; and

- g. The easternmost lot (furthest from SW 67th Avenue) shall be limited to a maximum height of one story unless allowable impervious coverage exceeds 40% of the lot area by Code at time of building permit.

Section 4. Enforcement of Conditions. The Owner of the Property understands and acknowledges that they must comply with these conditions and all other applicable requirements of the LDC and City Code before they may commence construction or occupancy, and that the foregoing approval in this Resolution may be revoked by the City at any time upon a determination by the City Commission, following a public hearing, that the Owner is in noncompliance with the LDC, the City Code and/or the conditions of this Approval and have failed to cure, or to provide an acceptable plan to timely cure, the non-compliance.

Section 5. 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 resolution for signature.


Section 6. Severability. If any section clause, sentence, or phrase of this resolution 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 resolution.

Section 7. Effective Date. This resolution shall become effective immediately upon adoption by vote of the City Commission.

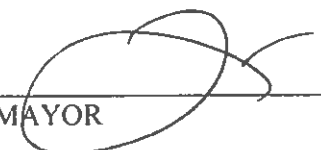
PASSED AND ADOPTED this 5th day of September, 2023.

ATTEST:

APPROVED:



 CITY CLERK



 MAYOR

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

COMMISSION VOTE: 5-0



 CITY ATTORNEY

Mayor Fernández: Yea
 Vice Mayor Bonich: Yea
 Commissioner Liebman: Yea
 Commissioner Calle: Yea
 Commissioner Corey: Yea

MIAMI DADE COUNTY PLAT COMMITTEE NOTICE OF ACTION

Plat No: T - 25021 - 2 - R.A.

STR1: 36 54 40

Municipality: SOUTH MIAMI

Zoning: District: 7

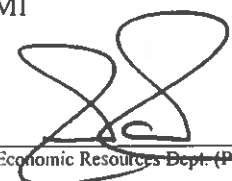

Name: LUDLAM ROAD RESIDENTIAL
 Location by Streets: SW 77 TERRACE & LUDLAM ROAD
 Owner: LEGACY 7709, LLC,
 3850 BIRD RD., SUITE 800
 CORAL GABLES, FL 33146 Phone: 786-223-7356
 Surveyor: JOHN IBARRA & ASSOCIATES, INC.
 777 NW 72 AVE., SUITE 3025
 MIAMI, FL 33126 Phone: 305-262-0400

This is to advise you that on Friday, December 29, 2023 the Dade County Plat Committee reviewed the above plat and that the same was:

- Recommended for approval subject to conditions indicated on attached action copy.
- Approved as an extension of time, subject to previous requirements and:
- Deferred for reasons indicated below:
- Denied for the reasons indicated below:

6

LUDLAM ROAD RESIDENTIAL

TENTATIVE PLAT NO. 25021-2-R.A.
 Sec. 36 Twp. 54 Rge. 40
 Municipality: SOUTH MIAMI
 Zoned: RS-3
 RECOMMENDS APPROVAL 12-29-23 
 Date, Regulatory and Economic Resources Dept. (Planning)
 RECOMMENDS APPROVAL 12-29-23 
 Date, Regulatory and Economic Resources Dept. (Zoning)

- Recommends approval subject to the City of South Miami requirements and the requirements checked below:
- Traffic concurrency approval by the Municipality is required prior to final plat review and prior to the issuance of a building permit. Municipality concurrency review to include all City, State and County roads.
- Tentative Plat valid until 9-29-24
Note: The Plat Committee must officially review the Extension of Time request prior to the expiration of the Tentative Plat. Application request must be submitted at least ten (10) days prior to said Plat Committee meeting.
- No road, sidewalks, or drainage facilities within unincorporated Miami Dade County or on County maintained rights-of-ways are to be constructed or installed without prior knowledge, approval and complete progressive inspection by the Department of Transportation and Public Works. Construction or installation of these facilities does not guarantee acceptance by the County unless final plat is approved and recorded.
- Final approval and recording subject to the Department of Regulatory and Economic Resources (Environmental Resources Management) and the Florida Department of Health approval on sewage disposal facilities and water supply.
- Site to be filled to County Flood Criteria Elevation or to an elevation not less than the approved crown of the road fronting the property. Cutting of existing grade is not permitted below the established base flood elevation of the F.I.R.M. for Miami-Dade County Florida Community # 125098.
- Property owner/ Developer must provide the required improvements within the right-of-way.
- The Highway Division of the Miami Dade County Department of Transportation and Public Works shall approve Paving and Drainage plans for Section and Half Section Line roads.
- Paving and Drainage Plan required. Contact Mohammed Mansuri at (305)375-2707.
- Bond Estimate for required improvements. Items and amounts to be determined by the approved tentative plat and the approved paving and drainage plan.
- Performance Bond and Agreement for required improvements is required. (Cash or Letter of Credit).
- Applicant must contact the United States Postal Service (USPS) for mailbox requirements. Refer to our website for more information. Contact (305) 470-0553 for details.

- Add "Block 1" on the Final Plat
- Compliance with the Department of Regulatory and Economic Resources (Environmental Resources Management). Contact Ingrid Guerrero at (305) 372-6507 or Ingrid.Guerrero@miamidade.gov for environmental concerns and requirements.
- School Board approval required prior to final plat review.
- Street Lights are required along Section and Half Section Line roads. Contact Julio Navarro at (305) 679-0062 for details.
- Compliance with the Miami Dade Water and Sewer Department (MDWASAD). Contact Maria Capote at (786) 268-5329 or Maria.Capote@miamidade.gov for water and sewer concerns and requirements.
- Final Mylar(s) plus five (5) prints.
- Opinion of Title (Valid for 30 days, unincorporated; 45 days municipality). An update is usually required before the County Commissioners meeting and/or recordation.
- Paid Tax receipts (and escrow, if applicable).
- Processing fee for Final Plat.
- Recording fee for Final Plat.
- Water Control Division approval after final plat submittal. (DRER)
- Approval regarding method of water supply.
- Approval regarding method of sewage disposal.
- Certified copy of municipal ordinance and/or resolution accepting final plat and letter(s) stating paving and drainage plans have been approved and Improvement Bond held by Municipality (if applicable).
- Letter from F.P.&L. Company (TP-7 letter) regarding underground electric service (ORD. 68-69).
- State Plane Coordinate Data Sheet.
- AFTER SUBMITTAL OF FINAL PLAT, CHECK THE PUNCH LIST AT THE FOLLOWING WEBSITE FOR ADDITIONAL SCHEDULING AND/OR RECORDATION REQUIREMENTS. (<http://www.miamidade.gov/apps/rer/platstatus/>)

Lightfoot, Marcus

From: Gomez, Nelson
Sent: Thursday, February 8, 2024 4:15 PM
To: Lightfoot, Marcus
Cc: Cabrera, Suramy; Carmenates, Aurelio
Subject: RE: 7709 SW 67 Avenue Tentative Plat Application
Attachments: RE: 7709 SW 67 Avenue Tentative Plat Application

Good afternoon Marcus,

All previous Comments provided (*attached*) still stand and will re-review once this comes back from MDC.

Thank you,

Nelson Gomez
 Project Engineer
 Direct: 305-403-2078
 City of South Miami
 Public Works Engineering & Construction Division
 6130 Sunset Drive, South Miami, FL 33143



Follow us on: [Instagram](#) | [Facebook](#) | [Twitter](#) | [TikTok](#) | [LinkedIn](#) | [YouTube](#)

Download the SoMi Connect App: [Apple](#) | [Google Play](#)

Under Florida law, e-mails are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact City Hall by phone or in writing.

From: Lightfoot, Marcus <MLightfoot@southmiamifl.gov>
Sent: Wednesday, February 07, 2024 12:04 PM
To: Carmenates, Aurelio <ACarmenates@southmiamifl.gov>; Gomez, Nelson <NGomez@southmiamifl.gov>
Cc: Cabrera, Suramy <SCabrera@southmiamifl.gov>
Subject: RE: 7709 SW 67 Avenue Tentative Plat Application

Aurelio and Nelson,

Attached are the plans for 7709 SW 67 Avenue which is currently scheduled for Final Plat Review by the Planning Board at its February 13, 2024, meeting and City Commission will be reviewing it next month. Also attached is the Notice of Action from the Miami-Dade Plat Committee for you to review as well. Pursuant to Section 20-4.2(C)(1) of the LDC,

Sidewalks, curbs, gutters, drainage and paving shall be installed by the owner or developer of the abutting parcel in accordance with Chapter 28 of the County Code and other applicable city requirements, unless such can be and are waived or deferred by the city commission.

Please review the plans provided and let me know if you have any comments regarding this project.

Regards,

Marcus W. Lightfoot
Senior Planner/Zoning Administrator

City of South Miami
Planning and Zoning Department

6130 Sunset Drive
South Miami, FL 33143
Telephone: 305.663.6331
Email: milightfoot@southmiamifl.gov

Please note: Florida has a very broad public records law. Most written communications are public records and available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Lightfoot, Marcus
Sent: Friday, July 7, 2023 9:07 AM
To: Carmenates, Aurelio <ACarmenates@southmiamifl.gov>; Gomez, Nelson <NGomez@southmiamifl.gov>
Cc: Flores, Hank <hflores@southmiamifl.gov>
Subject: RE: 7709 SW 67 Avenue Tentative Plat Application

Aurelio & Nelson,

Thank you for responding. I will incorporate your comments into my report to the Planning Board.

Regards,

Marcus W. Lightfoot
Senior Planner/Zoning Administrator

City of South Miami
Planning and Zoning Department

6130 Sunset Drive
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From: Carmenates, Aurelio <ACarmenates@southmiamifl.gov>
Sent: Thursday, July 6, 2023 5:21 PM
To: Gomez, Nelson <NGomez@southmiamifl.gov>; Lightfoot, Marcus <MLightfoot@southmiamifl.gov>
Cc: Flores, Hank <HFlores@southmiamifl.gov>
Subject: RE: 7709 SW 67 Avenue Tentative Plat Application

Marcus,

Additionally, as it relates to 7709 SW 67th Ave, there is an existing sidewalk along SW 67th Ave that ends at 77th Terr / Each property must retain the stormwater within the property line but drainage on ROW may be required – this is

pending an engineering analysis / paving limits edge to edge and from PL to PL / water & sewer permit from WASD /
 Traffic approval for driveways – ROW is 50ft
 Thanks,

AURELIO J. CARMENATES, P.E.
Capital Improvement Program Project Manager



Public Works Engineering & Construction Division
6130 Sunset Drive
Miami, FL 33143
Main: (305)-403-2072
Fax: (305)-668-7208

ATTENTION: This e-mail may contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the addressee named above. If you are not the intended receiver, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone, call collect if outside of your area code and delete this e-mail. We will reimburse you for the cost of your long distance call. Thank you. Please also note: All e-mails to and from this e-mail site are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time pursuant to Florida Statutes, ch. 119.

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To: Lightfoot, Marcus <MLightfoot@southmiamifl.gov>
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We went to the site yesterday and will wait to see once this comes back from the County and go over what MDC Comments are and respond. In essence, we will respond once this Plat comes back for Final Approval.

Thank you,

Nelson Gomez
Project Engineer



Public Works Engineering & Construction Division
4795 SW 75th Avenue
Miami, FL 33155
Main: (305)-403-2078
Fax: (305)-668-7208

From: Lightfoot, Marcus
Sent: Monday, July 03, 2023 4:59 PM
To: Carmenates, Aurelio <ACarmenates@southmiamifl.gov>
Cc: Gomez, Nelson <NGomez@southmiamifl.gov>; Flores, Hank <HFlores@southmiamifl.gov>
Subject: 7709 SW 67 Avenue Tentative Plat Application

Aurelio & Nelson,

I received an application requesting approval to subdivide the property located at 5907 SW 80 Street which will be reviewed by the Planning Board at its Tuesday, July 11, 2023, meeting. I've attached a copy of the conceptual plans for you to review. Please review them and forward me any comments or conditions for approval that you may have. The City's subdivision regulations require that sidewalks, curbs, gutters, drainage and paving shall be installed by the owner or developer of the abutting parcel in accordance with Chapter 28 of the County Code and other applicable city requirements, unless such can be and are waived or deferred by the city commission. Additionally, no building shall be erected, improved, modified, altered or enlarged in any zoning use district, other than in an RS residential district, unless proper public improvements have been installed. If you have any questions, please contact me immediately.

Regards,

Marcus W. Lightfoot
Senior Planner/Zoning Administrator

City of South Miami
Planning and Zoning Department

6130 Sunset Drive
South Miami, FL 33143
Telephone: 305.663.6331
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AURELIO J. CARMENATES, P.E.
Capital Improvement Program Project Manager



Public Works Engineering & Construction Division
 6130 Sunset Drive

Miami, FL 33143
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Fax: (305)-668-7208

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Marcus W. Lightfoot
Senior Planner/Zoning Administrator

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OWNER'S AFFIDAVIT


BEFORE ME, the undersigned Notary Public, personally appeared **Tomas E. Cabrerizo** (hereinafter "Affiant"), in his capacity as Manager of Legacy 7709, LLC, a Florida limited liability company (hereinafter "Owner"), who being first duly sworn, deposes and says that he has personal knowledge of the facts and matters set forth herein:

- 1. Owner is the fee simple owner of the real property legally described in Exhibit "A" hereto (the "Property").
- 2. Owner conducted an examination of the title history for the Property. Said title examination revealed no documents, restrictions, covenants, or reservations applicable to the Property.
- 3. The Property is free of any declarations of restrictive covenants, unity of title, easements or the like which would prevent a separation or partition of the land.

FURTHER AFFIANT SAYETH NAUGHT.

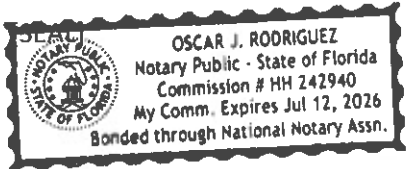
Dated this 9th day of January, 2024.

LEGACY 7709, LLC
a Florida limited liability company


By: **Tomas E. Cabrerizo**
Manager

STATE OF FLORIDA }
COUNTY OF MIAMI-DADE }

The foregoing instrument was sworn to and subscribed before me by means of physical presence or online notarization, this 9th day of January, 2024, by **Tomas E. Cabrerizo**, who is personally known, or has produced a driver's license as identification.



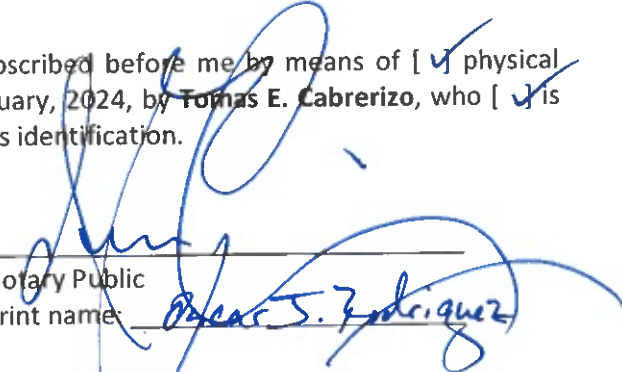

Notary Public
Print name: Oscar J. Rodriguez

EXHIBIT "A"Legal Description of the Property

The West 263.45 feet, thereof in the North 1/2 of the South 1/2 of the North 1/2 of the Southwest 1/4 of the Northwest 1/4, of Section 36, Township 54 South, Range 40 East, Dade County, Florida, less the South 25 feet and less that part deeded to Miami-Dade County by Special Warranty Deed recorded in O.R. Book 11965, Page 534, Public Records of Miami-Dade County, Florida. More particularly described as follows:

The West 35.00 feet of the West 263.45 feet of the North 1/2 of the South 1/2 of the North 1/2 of the SW 1/4 of the NW 1/4 of Section 36, Township 54 South, Range 40 East, Miami-Dade County, Florida, LESS the South 25.00 feet thereof,

AND

The external area formed by a 25.00 foot radius arc concave to the Northeast, tangent to the East line of the West 35.00 feet of the NW 1/4 of said Section 36, and tangent to the North line of the South 25.00 feet of the North 1/2 of the South 1/2 of the North 1/2 of the SW 1/4 of the NW 1/4 of said Section 36.

Property Address: 7709 SW 67th Avenue, Miami, FL 33143

Folio No.: 09-4036-000-0440

LAW OFFICES OF OSCAR J. RODRIGUEZ, P.A.

ATTORNEY AT LAW

January 25, 2024

City of South Miami
 Planning and Zoning Department
 6130 Sunset Drive
 South Miami, FL 33143

RE: Opinion of Title (7709 SW 67th Avenue, Miami, FL 33143)

To Whom it May Concern:

With the understanding that this Opinion of Title is furnished to the City of South Miami as an inducement for acceptance of a proposed final subdivision plat or waiver of plat covering the real property (the "Plat") hereinafter described, it is hereby certified that I have examined (a) Old Republic National Title Insurance Company Owner's Policy No. OF6-9058696, with an effective date of May 4, 2022, and (b) an updated title search report covering the period from May 4, 2022, through January 12 at 11:00 PM, inclusive (collectively, the "Title Evidence") of the real property described in Exhibit A attached hereto and made a part hereof by this reference (the "Property"). I know of no reason that this Title Evidence is inaccurate or incomplete.

Basing solely on my examination of the Title Evidence and assuming the accuracy of, and without any independent investigation of, the information contained therein, and subject to the qualifications contained below, I am of the opinion that, subject to the exceptions listed herein, fee simple title to the Property is vested in **Legacy 7709, LLC, a Florida limited liability company ("Legacy")**, by virtue of that certain Warranty Deed dated April 28, 2022, and recorded in the Public Records of Miami-Dade County, Florida on May 4, 2022, at Official Records Book 33170, at page 2377 (CFN 20220368378). **Tomas E. Cabrerizo, Lisamarie Garcia, and/or Jose Garcia**, in their capacity as Managers, are each authorized to bind Legacy 7709, LLC.

Legacy's title to the Property is subject to the following exceptions:¹

A. GENERAL EXCEPTIONS:

- i. Property taxes for 2024 and subsequent years;
- ii. Any unrecorded labor, mechanics' or materialman's liens;
- iii. Zoning and other restrictions imposed by governmental authority.

B. SPECIAL EXCEPTIONS:

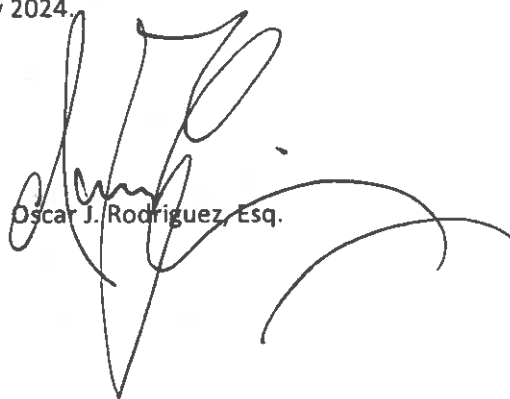
- i. Charter of the City of South Miami recorded in O.R. Book 10217, Page 994.
- ii. Miami-Dade County Environmental Quality Control Board Order No. 22-17 dated May 1, 2023 and recorded in O.R. Book 33830, Page 473
- iii. Miami-Dade County Environmental Quality Control Board Order No. 23-34 dated January 9, 2024 and recorded in O.R. Book 34047, Page 2653

¹ All recording references are to the Public Records of Miami-Dade County, Florida.

There are no recorded mortgages, construction liens or other liens encumbering the subject Property. Therefore, it is my opinion that there are no third parties that would need to authorize any agreement pertaining to the Property to make the agreement a valid and binding covenant on the lands described herein.

I hereby certify that I am an attorney at law duly admitted to practice in the State of Florida since November 2001, and I am a member in good standing of the Florida Bar (FL Bar No. 530352).

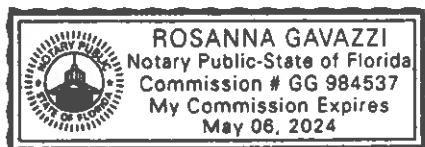
Respectfully submitted this 25th day of January 2024.


Oscar J. Rodriguez, Esq.

STATE OF FLORIDA }
COUNTY OF MIAMI-DADE }

I hereby certify that the foregoing was sworn to and subscribed to before me by means of X physical presence or ___ online notarization, this 25th day of January, 2024, by Oscar J. Rodriguez, who X is personally known to me, or ___ produced the following as identification: _____

[NOTARY SEAL]




Notary Public, State of Florida
Print Name: Rosanna Gavazzi

EXHIBIT A

Legal Description of the Property

The West 263.45 feet, thereof in the North 1/2 of the South 1/2 of the North 1/2 of the Southwest 1/4 of the Northwest 1/4, of Section 36, Township 54 South, Range 40 East, Dade County, Florida, less the South 25 feet and less that part deeded to Miami-Dade County by Special Warranty Deed recorded in O.R. Book 11965, Page 534, Public Records of Miami-Dade County, Florida. More particularly described as follows:

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AND

The external area formed by a 25.00 foot radius arc concave to the Northeast, tangent to the East line of the West 35.00 feet of the NW 1/4 of said Section 36, and tangent to the North line of the South 25.00 feet of the North 1/2 of the South 1/2 of the North 1/2 of the SW 1/4 of the NW 1/4 of said Section 36.

AFFIDAVIT OF MAILING

STATE OF Florida
COUNTY OF Miami-Dade

KNOW ALL MEN BY THESE PRESENTS, that on this day, before me, a Notary Public, personally came and appeared Maribel Aguilar, as Affiant, who after being first duly sworn, upon oath stated:

1. My name is Maribel Aguilar. I am over the age of eighteen years. I have personal knowledge of the facts stated below.

2. On January 20, 2024 (insert date), I mailed [the original / a true copy of] [describe document(s) mailed],

Public notice of development for 7709 SW 67th Ave

3. I mailed the document(s) to the person(s) named below by enclosing the same in an envelope, postage prepaid, certified mail, with return receipt requested, and depositing it in a post office or an official depository under the care and custody of the United States Postal Service

The person(s) and their respective, addresses are as follows:

Recipient Name
Recipient address
Recipient City, State Zip
Certified mail return receipt number See exhibit A & B

4. On the date(s) below, I received a return receipt/delivery confirmation from the United States Postal Service, as evidence that the above identified envelope(s) had been delivered as follows:

Certified mail return receipt number n/a, delivered on date _____

5. I have [retained/attached] [the original / a true copy] of the document(s) mailed.

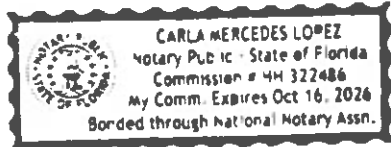
M. Aguilar
Signature of Affiant

SUBSCRIBED AND SWORN TO, OR AFFIRMED, before me on this 22 day of January, 2024 by Carla Lopez.

Carla Lopez
Notary Public

(SEAL)

My Commission expires: Oct. 16, 2026



AFFIDAVIT OF FIRST-CLASS MAIL SERVICE
to Neighbors within 500 Feet of Property

I, Maribel Aguilar, either on my own behalf or as a representative of D.E.T. Strategic Consultants, hereby swear and or otherwise affirm that I gave notice of the proposed application to all the property owners within the noted five-hundred-foot radius by regular U.S. mail with the exception of the abutting, or contiguous, property owners, who shall be made aware via Certified Mail.

SIGNATURE OF AFFIANT: [Signature]
PRINT NAME: Maribel Aguilar
ADDRESS: 12385 N.Parkland Bay Trail, Parkland, FL 33076

Sworn to and subscribed before me this 22 day of January, 2024.

Signature of Notary Public: [Signature]

Print, Type or Stamp Commissioned Name of Notary Public: Carla Lopez

Affiant is personally known to Notary Public OR Affiant produced Identification _____ and if so, Type of Identification produced: _____



A MODERN APPROACH



TO LAND DEVELOPMENT

January 9, 2024

VIA CERTIFIED MAIL

CONTIGUOUS PROPERTY OWNERS
ABUTTING NEIGHBORS

Re: Notification of Application for Tentative Plat (the "application")
7709 SW 67 Avenue, City of South Miami ("Property")
Folio No: 09-4036-000-0440

Dear Neighbor:

We write to you on behalf of 7709 SW 67th Ave, LLC, the owner of the property (the "applicant") located at 7709 SW 67th Ave in the City of South Miami. The applicant has requested that the City process the subdivision of the existing vacant lot into three (3) buildable lots as follows:

- Proposed Lot 1 containing 11,001 Sq. Ft. - Proposed 4,950 Sq. Ft. Single Family Residence
- Proposed Lot 2 containing 10,654 Sq. Ft. - Proposed 4,794 Sq. Ft. Single Family Residence
- Proposed Lot 3 containing 10,658.6 Sq. Ft. - Proposed 4,794 Sq. Ft. Single Family Residence

In addition, the proposed lots will meet the minimum lot frontage lot size requirements for this zoning district.

More detailed plans of the Proposed Development have been submitted to the city and available for review. Should you have any questions or concerns, please contact us (954) 309-5945.

Sincerely,

Maribel Aguilar
Project Manager

A MODERN APPROACH



TO LAND DEVELOPMENT

January 9, 2024

VIA USPS MAIL

CONTIGUOUS PROPERTY OWNERS
NEIGHBORS WITHIN 500 FEET RADIUS

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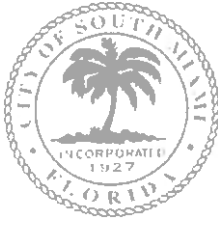
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Maribel Aguilar
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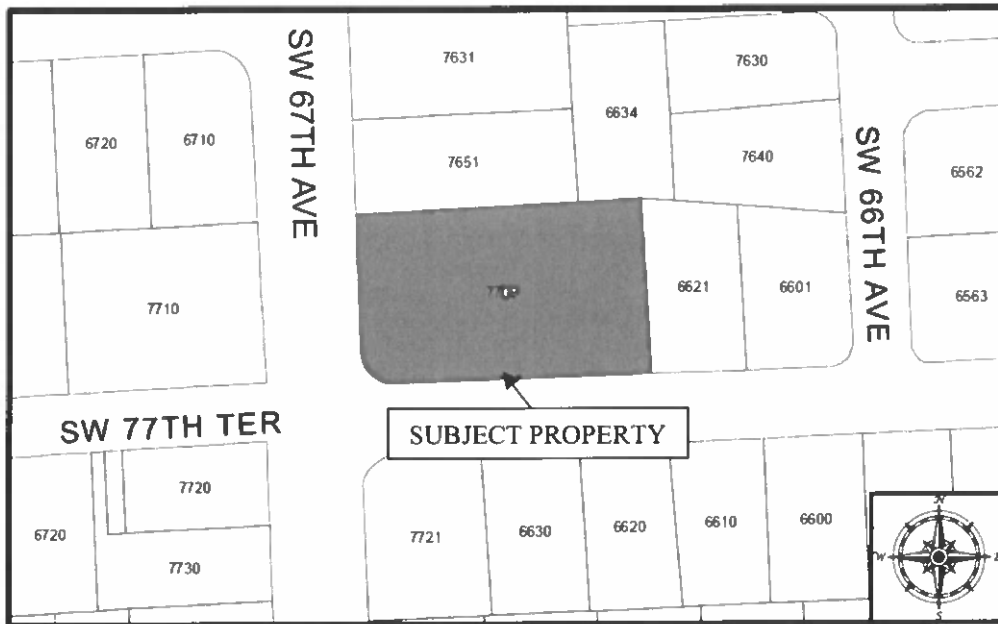
CITY OF SOUTH MIAMI, FLORIDA NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Board will hold a public hearing on **Tuesday, February 13, 2024, at 7:00 p.m.** to consider the following applications:

1. PB-24-005

Applicant: Tomas Cabrerizo

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA [GRANTING APPROVAL OF/DENYING] AN APPLICATION FOR FINAL PLAT APPROVAL PURSUANT TO SECTION 20-4.2 OF THE LAND DEVELOPMENT CODE SEEKING TO SUBDIVIDE A PROPERTY WITHIN THE LOW DENSITY SINGLE-FAMILY RESIDENTIAL (RS-3) ZONING DISTRICT LOCATED AT 7709 SW 67 AVENUE; PROVIDING FOR CONDITIONS; CORRECTIONS; IMPLEMENTATION; SEVERABILITY; AND AN EFFECTIVE DATE.



The hearing will be held online and all Board members as well as City staff will participate by video conferencing at **City Hall Commission Chambers, 6130 Sunset Drive, South Miami, Florida 33143** or at remote locations through the Zoom platform, and members of the public may join the meeting via either Zoom at (<https://zoom.us/j/3056636338>), by phone by calling +1-786-635-1003 and entering Meeting ID: 3056636338 when prompted, or in person in the Commission Chambers, and where their appearance will be broadcast on the Zoom platform, and where they can participate.

If you desire to present evidence or you are unable to use Zoom, there are procedures to follow and other options available including a dedicated phone line to listen and participate in the meeting and limited public attendance, all of which is set forth in the meeting notice posted at City Hall and at <http://www.southmiamifl.gov/580/Public-Meetings-Notices>.

The pending application and supporting documentation can be reviewed and copies obtained by contacting the City Clerk at 305-663-6340 or 305-663-6331.

ADA: To request a modification to a policy, practice or procedure or to request an auxiliary aide or service in order to participate in a City program, activity or event, you must on or before 4:00 p.m. 3 business days before the meeting (not counting the day of the meeting) deliver your request to the City Clerk by telephone: 305-663-6340, by mail at 6130 Sunset Drive, South Miami, Florida or email at npayne@southmiamifl.gov.

Nkenga A. Payne, CMC, FCRM
City Clerk



December 27, 2023

**City of South Miami
Planning & Zoning Department
6130 Sunset Drive
South Miami FL 33143**

RE: Property Owners List within 500 feet of:


LOCATION: 7709 SW 67 Avenue, South Miami, FL 33143
FOLIO: 09-4036-000-0440

PREPARED FOR: D.E.T. STRATEGIC CONSULTANTS
ORDER: 231213

Total number of property owners without repetition: 102

This is to certify that the attached ownership list, map and mailing matrix is a complete and accurate representation of the real estate property and property owners within 500 feet of the subject property listed above. This reflects the most current records on the file in Miami-Dade County Property Appraiser's Office.

Sincerely,
THE ZONING SPECIALISTS GROUP, INC.



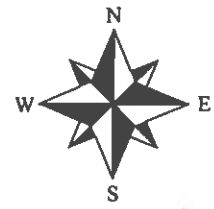
**Omara R. Lopez
For the Firm**

500-FOOT RADIUS MAP OF:

LOCATION: 7709 SW 67 Avenue, South Miami, FL 33143
FOLIO: 09-4036-000-0440

PREPARED FOR: D.E.T. STRATEGIC CONSULTANTS

ORDER: 231213
DATE: December 27, 2023



SCALE: 1" = 150'



The Zoning Specialists Group, Inc.

7729 NW 146th Street
Miami Lakes FL 33016

Ph: (305)828-1210

www.thezoningspecialistsgroup.com

**PB-24-005: Final Plat Median Analysis
7709 SW 67 Avenue**

Address	Zoning District	Lot Size (S.F.)	Frontage (Ft.)
7550 SW 67 AVE	RS-3	21,000.0	140.000
6730 SW 75 TER	RS-3	10,920.0	78.000
6740 SW 75 TER	RS-3	10,920.0	78.000
6750 SW 75 TER	RS-3	10,920.0	78.000
7730 SW 67 AVE	RS-3	8,442.0	75.000
7720 SW 67 AVE	RS-3	6,250.0	62.500
7720 SW 67 AVE	RS-3	930.0	15.000
6720 SW 77 TER	RS-3	9,375.0	75.000
6730 SW 77 TER	RS-3	6,250.0	50.000
6744 SW 77 TER	RS-3	9,375.0	75.000
6752 SW 77 TER	RS-3	6,250.0	50.000
6762 SW 77 TER	RS-3	6,250.0	50.000
7710 SW 67 AVE	RS-3	18,750.0	125.000
6737 SW 77 TER	RS-3	15,250.0	125.000
6747 SW 77 TER	RS-3	9,375.0	75.000
6765 SW 77 TER	RS-3	9,375.0	75.000
6775 SW 77 TER	RS-3	12,500.0	100.000
7840 SW 67 AVE	RS-3	5,000.0	50.000
7830 SW 67 AVE	RS-3	7,500.0	75.000
6740 SW 78 TER	RS-3	9,375.0	75.000
6742 SW 78 TER	RS-3	6,250.0	50.000
6744 SW 78 TER	RS-3	12,500.0	100.000
7810 SW 67 AVE	RS-3	12,500.0	125.000
6717 SW 78 TER	RS-3	7,500.0	60.000
6727 SW 78 TER	RS-3	11,250.0	90.000
09-4035-013-0830	RS-3	3,125.0	25.000
6747 SW 78 TER	RS-3	9,375.0	75.000
6761 SW 78 TER	RS-3	12,500.0	100.000
7850 SW 67 AVE	RS-3	9,198.0	63.000
6711 SW 76 TER	RS-3	11,999.0	84.500
6721 SW 76 TER	RS-3	10,650.0	75.000
6731 SW 76 TER	RS-3	10,650.0	75.000
6741 SW 76 TER	RS-3	10,650.0	75.000
6751 SW 76 TER	RS-3	10,650.0	75.000
6761 SW 76 TER	RS-3	10,650.0	75.000
6710 SW 76 TER	RS-3	11,999.0	84.500
6720 SW 76 TER	RS-3	10,650.0	75.000
6730 SW 76 TER	RS-3	10,650.0	75.000
6740 SW 76 TER	RS-3	10,650.0	75.000
6750 SW 76 TER	RS-3	10,650.0	75.000
6760 SW 76 TER	RS-3	10,650.0	75.000
7651 SW 67 AVE	RS-3	13,500.0	75.000
7631 SW 67 AVE	RS-3	16,380.0	91.000
7709 SW 67 AVE	RS-3	-	-
6625 SW 76 TER	RS-3	10,664.0	100.000
7721 SW 67 AVE	RS-3	12,780.0	142.000
6630 SW 77 TER	RS-3	10,650.0	75.000
6620 SW 77 TER	RS-3	10,650.0	75.000
6610 SW 77 TER	RS-3	10,650.0	75.000
6600 SW 77 TER	RS-3	10,650.0	75.000
7730 SW 65 PL	RS-3	11,970.0	114.000
7740 SW 65 PL	RS-3	10,240.0	88.000
6501 SW 78 TER	RS-3	10,736.0	88.000
6515 SW 78 TER	RS-3	10,032.0	88.000
6529 SW 78 TER	RS-3	10,032.0	88.000
6543 SW 78 TER	RS-3	10,032.0	88.000
6557 SW 78 TER	RS-3	10,032.0	88.000
6611 SW 78 TER	RS-3	10,032.0	88.000
6625 SW 78 TER	RS-3	10,032.0	88.000
7801 LUDLAM RD	RS-3	10,032.0	88.000
6501 MANOR LN	RS-3	10,320.0	190.930
6530 SW 78 TER	RS-3	10,032.0	88.000
6544 SW 78 TER	RS-3	10,032.0	88.000
6556 SW 78 TER	RS-3	10,032.0	88.000
6610 SW 78 TER	RS-3	10,032.0	88.000
6624 SW 78 TER	RS-3	10,032.0	88.000
6646 SW 78 TER	RS-3	10,032.0	88.000
7891 SW 67 AVE	RS-3	10,032.0	114.000
6625 SW 79 ST	RS-3	10,032.0	88.000
6611 SW 79 ST	RS-3	10,032.0	88.000
6557 SW 79 ST	RS-3	10,032.0	88.000
6551 MANOR LN	RS-3	15,400.0	75.920
6550 SW 75 TER	RS-3	16,501.0	83.340
6600 SW 75 TER	RS-3	16,499.0	83.330
6610 SW 75 TER	RS-3	16,499.0	83.330
7531 SW 67 AVE	RS-3	14,850.0	150.000
7551 SW 67 AVE	RS-3	14,824.0	98.830
6520 SW 76 ST	RS-3	10,000.0	100.000
6540 SW 76 ST	RS-3	10,000.0	100.000
6560 SW 76 ST	RS-3	10,000.0	100.000
6561 SW 76 TER	RS-3	10,000.0	100.000
6541 SW 76 TER	RS-3	10,000.0	100.000
6521 SW 76 TER	RS-3	10,000.0	100.000
6522 SW 76 TER	RS-3	10,093.0	99.940
6542 SW 76 TER	RS-3	10,100.0	100.000
6562 SW 76 TER	RS-3	10,100.0	100.000
6563 SW 77 TER	RS-3	10,100.0	100.000
6543 SW 77 TER	RS-3	10,000.0	100.000
6523 SW 77 TER	RS-3	10,003.0	99.040

PB-24-005: Final Plat Median Analysis

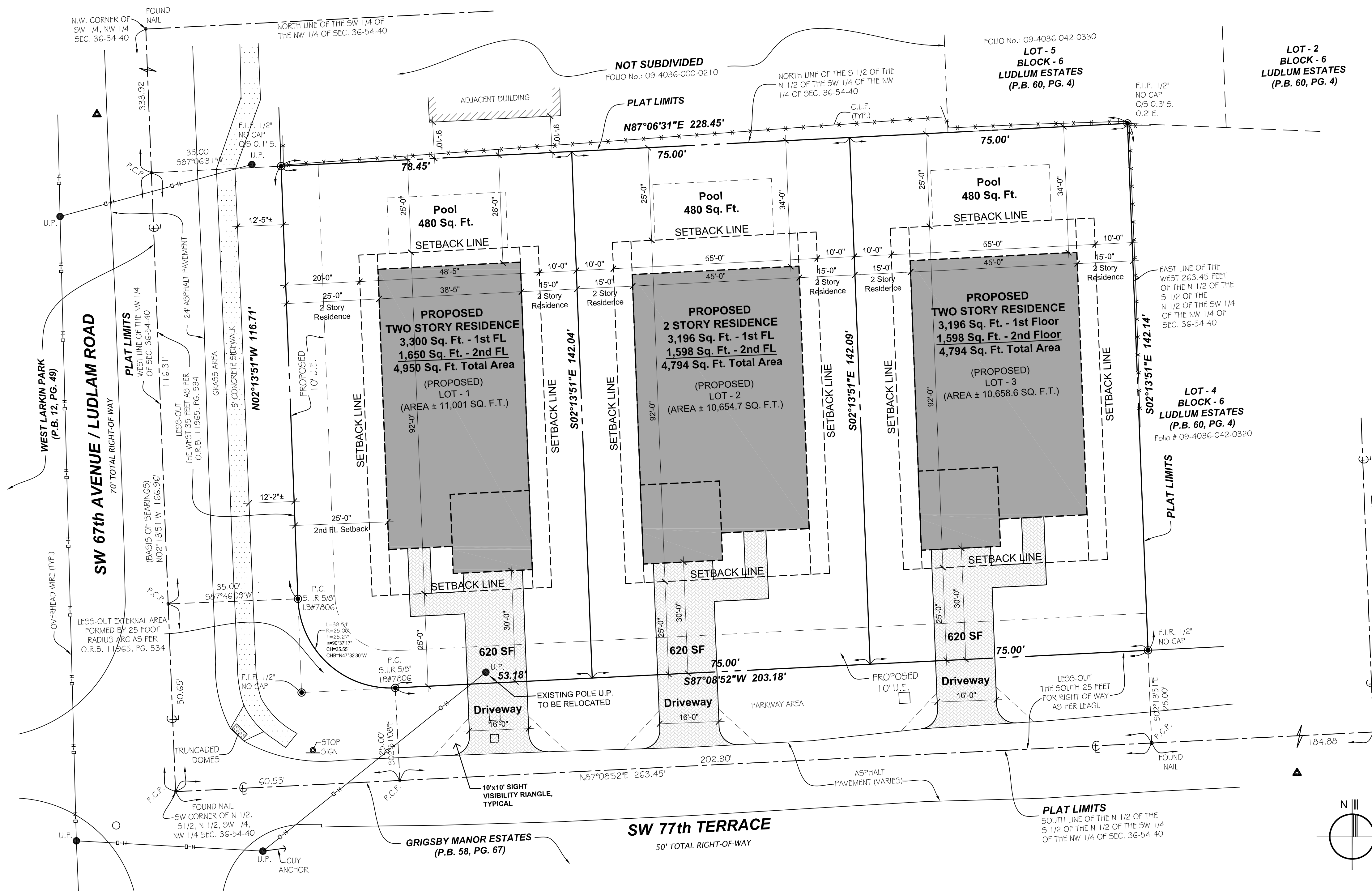
7709 SW 67 Avenue

7630 SW 66 AVE	RS-3	9,975.0	75.000
7640 SW 66 AVE	RS-3	10,157.0	75.800
6601 SW 77 TER	RS-3	11,135.0	85.000
6621 SW 77 TER	RS-3	10,350.0	75.000
6634 SW 76 TER	RS-3	10,725.0	75.000
7611 SW 67 AVE	RS-3	10,082.0	71.000
7621 LUDLAM RD	RS-3	10,082.0	71.000
6635 SW 76 TER	RS-3	15,321.0	107.000
6645 SW 76 TER	RS-3	10,223.0	75.000
6530 SW 75 TER	RS-3	12,975.0	75.000
6570 SW 77 TER	RS-3	10,650.0	75.000
6560 SW 77 TER	RS-3	11,147.0	78.500
6550 SW 77 TER	RS-3	12,400.0	80.000
6540 SW 75 TER	RS-3	11,919.0	137.000
6551 SW 76 ST	RS-3	11,919.0	137.000

Median Lot Size (S.F.): 10,223.0

Median Frontage (Ft.): 84.500

* Lot Size & Frontage Data derived from both Miami-Dade Property Appraiser & Plat Maps



ZONING INFORMATION EXISTING

City	City of South Miami
Address	7709 SW 67th AVENUE, South Miami, Florida 33143
Property Tax Folio	09-4036-000-0440
Zoning - Existing	RS-3 (Low Density Single Family)
Zoning - Applied for	RS-3 (Low Density Single Family)
	Subdivide an existing oversized lot
Net Lot Area	32,314 S.F. (0.74 ACRES)
Gross Lot Area	44,007 S.F. (1.01 ACRES) including all dedications
Density Proposed	3 Single Family Residences Proposed in 1.01 Acres

NOTE: REFER TO ZONING LEGENDS FOR EACH LOT BELOW

REVISIONS:	
06/28/23	CITY COMMENTS
01/23/24	CITY COMMENTS

PROPOSED TWO STORY RESIDENCES
FOR:
LEGACY 7709 LLC
VACANT LAND: 7709 SW 67th AVENUE
CITY OF SOUTH MIAMI, FLORIDA 33143
FOLIO # 09-4036-000-0440

PROPOSED SITE PLAN 1/16" = 1'-0"
NOTE: REFER TO LANDSCAPE DRAWINGS FOR LANDSCAPE DESIGN AND ALL EXISTING TREES TO REMAIN

ZONING LEGEND - LOT 1

City	City of South Miami	
Address	6675 SW 77th Terrace, South Miami, Florida 33143	
Property Tax Folio	09-4036-000-0440 - shall be revised when subdivided	
Zoning - Existing	RS-3 (Low Density Single Family)	
Zoning - Applied for	RS-3 (Low Density Single Family)	
	Subdivide an existing oversized lot	
Net Lot Area	32,314 S.F. (0.74 ACRES)	
Gross Lot Area	44,007 S.F. (1.01 ACRES) including all dedications	
Density Proposed	3 Single Family Residences Proposed in 1.01 Acres	

Section 20-3.5H
Dimensional Requirements Table: RS-3 District

	Required	Provided
Minimum Land Area per Unit		
Net Area (Sq. Ft.)	10,000 Sq. Ft.	11,001 Sq. Ft.
Frontage (Ft.)	75 Ft.	78.45 Ft.
Minimum Setbacks - 2 Story Res.		
Front: South	25 Ft.	30 Ft.
Rear: North	25 Ft.	28 Ft.
Side (Interior - East): at 1st Floor	10 Ft.	15 Ft.
Side (Interior - East): at 2nd Floor	15 Ft.	15 Ft.
Side (Interior - West): at 1st Floor	20 Ft.	25 Ft.
Side (Interior - West): at 2nd Floor	25 Ft.	25 Ft.
Maximum Building Height		
Stories	2 Stories	2 Stories
Feet	25 Ft.	25 Ft.
Maximum Building Coverage %	30% = 3,300 SF	3,300 SF = 30 %
Maximum Impervious Coverage %	47.5% = 5,225 SF	5,225 SF = 47.5%
Maximum Floor Area Ratio %	45% = 4,950 SF	4,950 SF = 45%

ZONING LEGEND - LOT 2

City	City of South Miami	
Address	6655 SW 77th Terrace, South Miami, Florida 33143	
Property Tax Folio	09-4036-000-0440 - shall be revised when subdivided	
Zoning - Existing	RS-3 (Low Density Single Family)	
Zoning - Applied for	RS-3 (Low Density Single Family)	
	Subdivide an existing oversized lot	
Net Lot Area	32,314 S.F. (0.74 ACRES)	
Gross Lot Area	44,007 S.F. (1.01 ACRES) including all dedications	
Density Proposed	3 Single Family Residences Proposed in 1.01 Acres	

Section 20-3.5H
Dimensional Requirements Table: RS-3 District

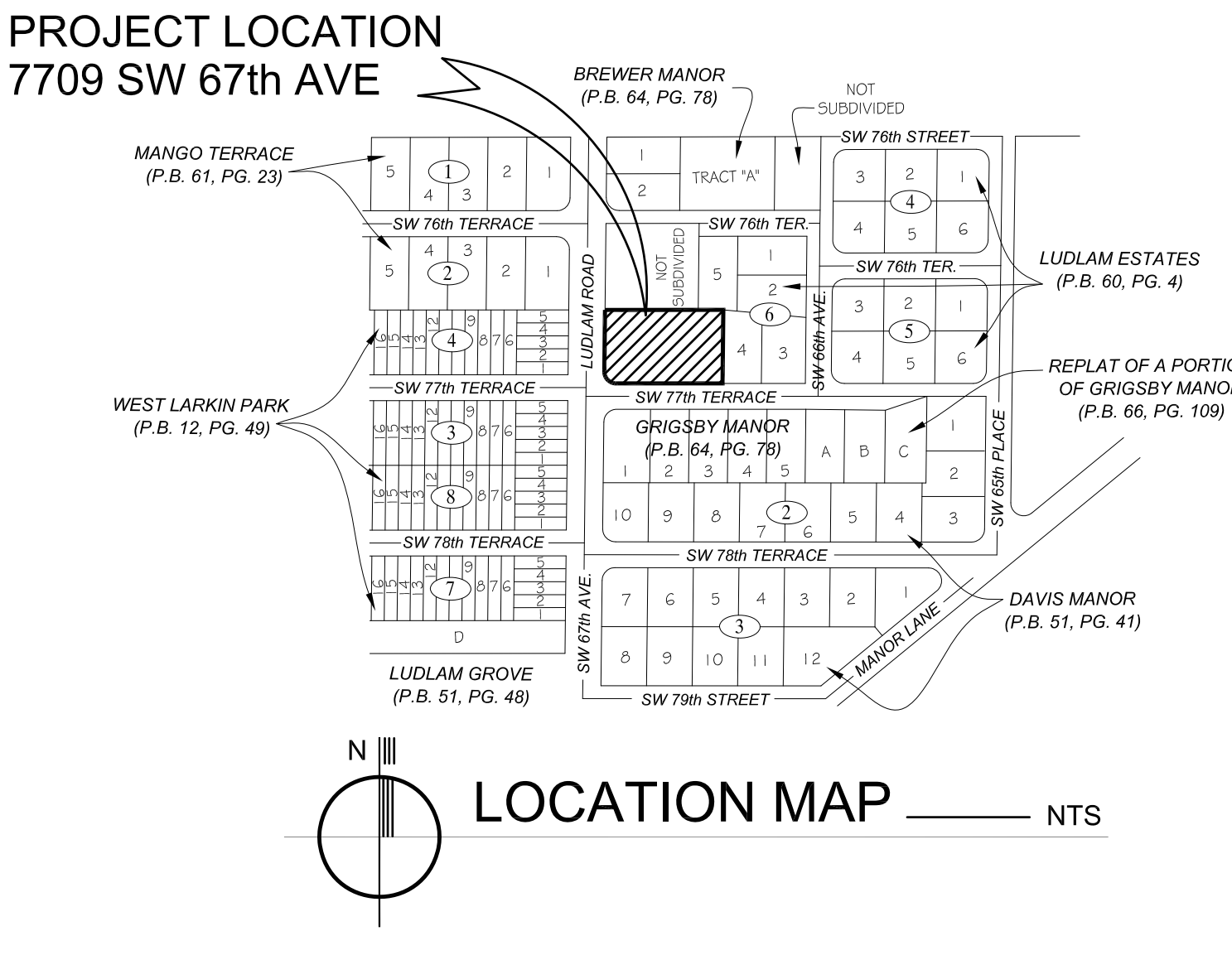
	Required	Provided
Minimum Land Area per Unit		
Net Area (Sq. Ft.)	10,000 Sq. Ft.	10,654.7 Sq. Ft.
Frontage (Ft.)	75 Ft.	75 Ft.
Minimum Yard Setbacks (Ft.)		
Front: South	25 Ft.	30 Ft.
Rear: North	25 Ft.	34 Ft.
Side (Interior - East): at 1st Floor	10 Ft.	15 Ft.
Side (Interior - East): at 2nd Floor	15 Ft.	15 Ft.
Side (Interior - West): at 1st Floor	10 Ft.	15 Ft.
Side (Interior - West): at 2nd Floor	15 Ft.	15 Ft.
Maximum Building Height		
Stories	2 Stories	2 Stories
Feet	25 Ft.	25 Ft.
Maximum Building Coverage %	30% = 3,196.4 SF	3,196 SF = 30%
Maximum Impervious Coverage %	47.5% = 5,060 SF	5,060 SF = 47.5%
Maximum Floor Area Ratio %	45% = 4,794.62 SF	4,794 SF = 45%

ZONING LEGEND - LOT 3

City	City of South Miami	
Address: Proposed	6635 SW 77th Terrace, South Miami, Florida 33143	
Property Tax Folio	09-4036-000-0440 - shall be revised when subdivided	
Zoning - Existing	RS-3 (Low Density Single Family)	
Zoning - Applied for	RS-3 (Low Density Single Family)	
	Subdivide an existing oversized lot	
Net Lot Area	32,314 S.F. (0.74 ACRES)	
Gross Lot Area	44,007 S.F. (1.01 ACRES) including all dedications	
Density Proposed	3 Single Family Residences Proposed in 1.01 Acres	

Section 20-3.5H
Dimensional Requirements Table: RS-3 District

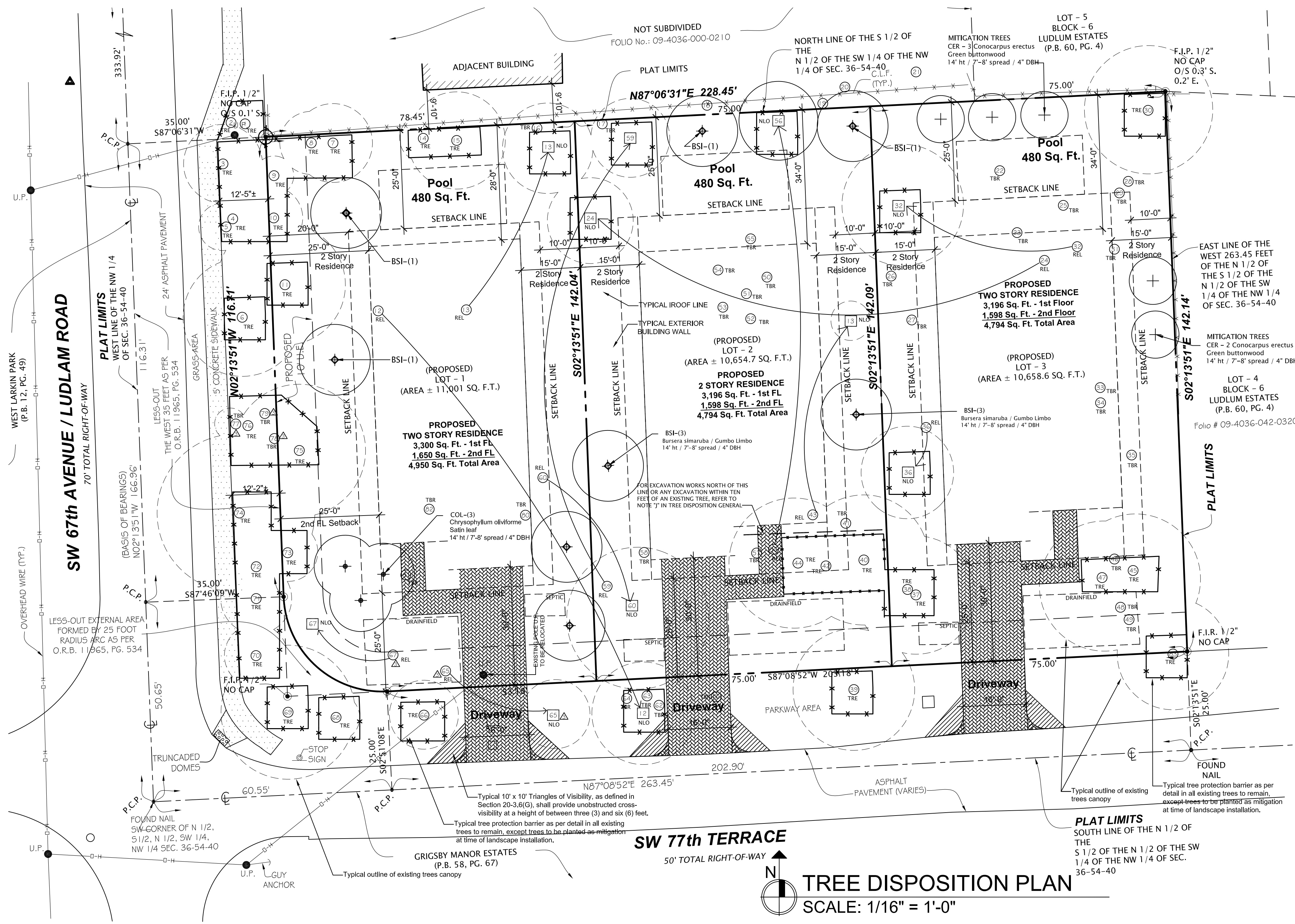
	Required	Provided
Minimum Land Area per Unit		
Net Area (Sq. Ft.)	10,000 Sq. Ft.	10,658.6 Sq. Ft.
Frontage (Ft.)	75 Ft.	75 Ft.
Minimum Yard Setbacks (Ft.)		
Front: South	25 Ft.	30 Ft.
Rear: North	25 Ft.	34 Ft.
Side (Interior - East): at 1st Floor	10 Ft.	15 Ft.
Side (Interior - East): at 2nd Floor	15 Ft.	15 Ft.
Side (Interior - West): at 1st Floor	10 Ft.	15 Ft.
Side (Interior - West): at 2nd Floor	15 Ft.	15 Ft.
Maximum Building Height		
Stories	2 Stories	2 Stories
Feet	25 Ft.	25 Ft.
Maximum Building Coverage %	30% = 3,197.58 SF	3,196 SF = 29.99%
Maximum Impervious Coverage %	47.5% = 5,062 SF	5,062 SF = 47.5%
Maximum Floor Area Ratio %	45% = 4,796.37 SF	4,794 SF = 44.99%



Acebal Huembes Fontana
Design Studio LLC.
ARI7697

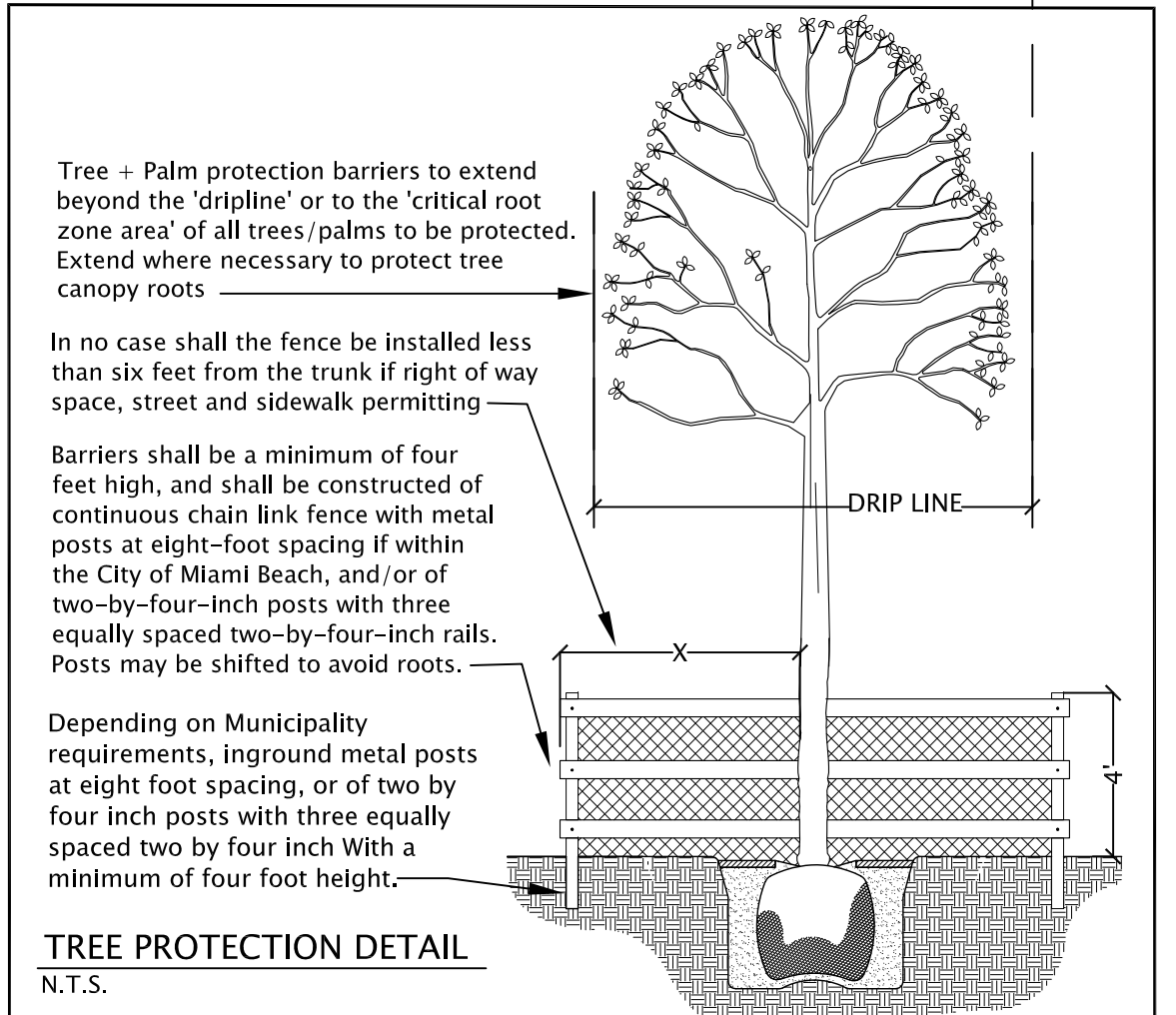
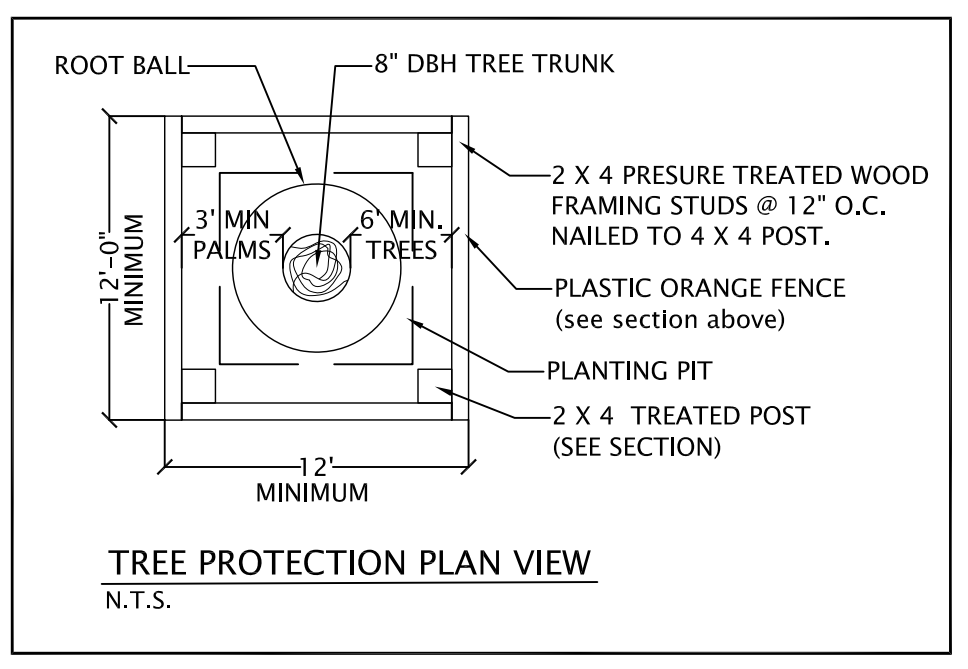
Javier F. Acebal ARI7697
Acebal Huembes Fontana Design Studio, LLC - AA28003983
7344 SW 48th Street, Suite 201, Miami, Florida, 33155

DATE:	05-22-23	SCALE:	1/16" = 1'
DRAWING NO.:	A-1.0		



TREE DISPOSITION CHART

No.	Botanical Name / Common name	DBH (inches)	Height (feet)	Spread (feet)	Disposition	Lot Location	HEALTH	CATEGORY	COMMENTS
1	Quercus virginiana / Live Oak	12"	40	20	REMAIN	Lot 1	GOOD		ON RIGHT-OF-WAY
2	Bauhinia purpurea / Purple orchid tree	6"	25	12	REMAIN		FAIR		ON RIGHT-OF-WAY
3	Quercus virginiana / Live Oak	16"	47	40	REMAIN		GOOD		ON RIGHT-OF-WAY
4	Sabal palmetto / Sabal palm	11"	17	12	REMAIN		GOOD		ON RIGHT-OF-WAY
5	Pinus Elliotii / Slash pine	6"	50	10	REMAIN		FAIR		ON RIGHT-OF-WAY
6	Quercus virginiana / Live Oak	15"	35	35	REMAIN		GOOD		ON RIGHT-OF-WAY
7	Quercus virginiana / Live Oak	16"	50	40	REMAIN		GOOD		ON RIGHT-OF-WAY
8	Syaqus romanzoffiana / Queen palm	6"	40	15	REMAIN		GOOD		
9	Veticha montanopiana / Montgomery palm	5"	20	8	REMAIN		FAIR		
10	Syaqus romanzoffiana / Queen palm	6"	40	15	REMAIN		FAIR		
11	Quercus virginiana / Live Oak	24"	50	45	REMAIN		GOOD		
12	Kaella pinnata / Sausage tree	18"	26	25	RELOCATE	0"	FAIR	SPECIMEN	
13	Quercus virginiana / Live Oak	17"	45	40	RELOCATE	0"	GOOD		
14	Sabal palmetto / Sabal palm	12"	14	10	REMAIN		GOOD		
15	Quercus virginiana / Live Oak	24"	35	25	REMAIN		GOOD		
16	Bauhinia purpurea / Purple orchid tree	6"	20	13	REMOVE	0"	FAIR		PROHIBITED MIAMI-DADE
17	Schefflera actinophylla / Umbrella tree	13"	35	13	REMOVE	0"	FAIR		PROHIBITED MIAMI-DADE
18	Bauhinia purpurea / Purple orchid tree	7"	20	13	REMOVE	0"	FAIR		ON NEIGHBOR
19	Bursera simaruba / Gumbo limbo	14"	45	18	REMAIN		FAIR		ON NEIGHBOR
20	Schefflera actinophylla / Umbrella tree	30"	35	16	REMAIN		FAIR		ON NEIGHBOR
21	Ficus aurea / strangler fig	36"	65	55	REMAIN		GOOD		ON NEIGHBOR
22	Syaqus romanzoffiana / Queen palm	7"	40	15	REMOVE	7"	FAIR		
23	Delonix regia / Royal Poinciana	17"	60	45	REMOVE	17"	FAIR		
24	Quercus virginiana / Live Oak	36"	65	40	RELOCATE	0"	GOOD		
25	Delonix regia / Royal Poinciana	17"	60	35	REMOVE	17"	FAIR		
26	Schinus terebinthifolia / Brazilian pepper	6"	25	15	REMOVE	0"	POOR		PROHIBITED MIAMI-DADE
27	Schinus terebinthifolia / Brazilian pepper	12"	37	28	REMOVE	0"	POOR		PROHIBITED MIAMI-DADE
28	Delonix regia / Royal Poinciana	9"	20	20	REMOVE	9"	FAIR		
29	Dalbergia sissool / Indian rosewood	20"	42	27	REMOVE	0"	FAIR		PROHIBITED MIAMI-DADE
30	Delonix regia / Royal Poinciana	24"	18	20	REMAIN	0"	FAIR		
31	Dalbergia sissool / Indian rosewood	13"	40	25	REMOVE	0"	FAIR		PROHIBITED MIAMI-DADE
32	Delonix regia / Royal Poinciana	18"	65	30	RELOCATE	0"	FAIR	SPECIMEN	
33	Schefflera actinophylla / Umbrella tree	22"	35	20	REMOVE	0"	FAIR		PROHIBITED MIAMI-DADE
34	Schefflera actinophylla / Umbrella tree	8"	27	18	REMOVE	0"	FAIR		PROHIBITED MIAMI-DADE
35	Dalbergia sissool / Indian rosewood	9"	25	12	REMOVE	0"	FAIR		PROHIBITED MIAMI-DADE
36	Quercus virginiana / Live Oak	12"	27	13	RELOCATE	0"	GOOD		
37	Quercus virginiana / Live Oak	16"	45	40	REMAIN		GOOD		
38	Quercus virginiana / Live Oak	15"	50	35	REMAIN		GOOD		
39	Quercus virginiana / Live Oak	24"	40	36	REMAIN		GOOD		ON RIGHT-OF-WAY
40	Quercus virginiana / Live Oak	15"	47	30	REMAIN		GOOD		
41	Bauhinia purpurea / Purple orchid tree	11"	38	16	REMOVE	0"	POOR		PROHIBITED MIAMI-DADE
42	Sabal palmetto x Ficus aurea	12"	12	10	REMAIN	0"	POOR		
43	Caryota mits / Fishtail palm	5 x 5"	35	12	RELOCATE	0"	GOOD		MULTITRUNK PALM
44	Quercus virginiana / Live Oak	17"	50	40	REMAIN		GOOD		
45	Quercus virginiana / Live Oak	16"	45	40	REMAIN		GOOD		
46	Schefflera actinophylla / Umbrella tree	12"	35	20	REMOVE	0"	POOR		PROHIBITED MIAMI-DADE
47	Jacaranda mimosifolia / Jacaranda	17"	47	20	REMAIN		GOOD		
48	Schefflera actinophylla / Umbrella tree	11"	27	12	REMOVE	0"	POOR		PROHIBITED MIAMI-DADE
49	Ptychosperma elegans / soitaire palm	6"	18	8	REMOVE	6"	FAIR		
50	Cocos nucifera / Coconut palm	10"	40	10	REMOVE	10"	GOOD		
51	Bauhinia purpurea / Purple orchid tree	5"	27	15	REMOVE	0"	POOR		PROHIBITED MIAMI-DADE
52	Bauhinia purpurea / Purple orchid tree	8"	37	18	REMOVE	0"	POOR		PROHIBITED MIAMI-DADE
53	Bauhinia purpurea / Purple orchid tree	5"	45	18	REMOVE	5"	POOR		PROHIBITED MIAMI-DADE
54	Cinnamomum camphora / Camphor tree	6 x 5"	30	30	REMOVE	0"	POOR		
55	Cinnamomum camphora / Camphor tree	4 x 5"	19	15	REMOVE	0"	POOR		
56	Quercus virginiana / Live Oak	20"	45	36	RELOCATE	0"	GOOD		
57	Bauhinia purpurea / Purple orchid tree	9"	30	15	REMOVE	0"	FAIR		
58	Syaqus romanzoffiana / Queen palm	8"	25	15	REMOVE	8"	FAIR		
59	Quercus virginiana / Live Oak	16"	25	25	RELOCATE	0"	GOOD		
60	Delonix regia / Royal Poinciana	30"	40	45	RELOCATE	0"	FAIR	SPECIMEN	
61	Bauhinia purpurea / Purple orchid tree	20"	37	30	REMOVE	0"	FAIR		PROHIBITED MIAMI-DADE
62	Syaqus romanzoffiana / Queen palm	7"	25	10	REMOVE	7"	GOOD		
63	Syaqus romanzoffiana / Queen palm	8"	37	18	REMOVE	8"	GOOD		
64	Sabal palmetto / Sabal palm	12"	10	15	REMOVE	12"	GOOD		
65	Quercus virginiana / Live Oak	24"	35	35	REMAIN		GOOD		
66	Quercus virginiana / Live Oak	14"	27	18	REMAIN		GOOD		ON RIGHT-OF-WAY
67	Bursera simaruba / Gumbo limbo	23"	40	18	REMAIN		GOOD		
68	Sabal palmetto / Sabal palm	12"	6	12	REMAIN		GOOD		ON RIGHT-OF-WAY
69	Quercus virginiana / Live Oak	24"	40	35	REMAIN		GOOD		ON RIGHT-OF-WAY
70	Quercus virginiana / Live Oak	14"	30	17	REMAIN		GOOD		ON RIGHT-OF-WAY
71	Quercus virginiana / Live Oak	15"	35	35	REMAIN		GOOD		ON RIGHT-OF-WAY
72	Quercus virginiana / Live Oak	24"	45	40	REMAIN		GOOD		ON RIGHT-OF-WAY
73	Cocos nucifera / Coconut palm	13"	18	15	REMAIN		GOOD		
74	Sabal palmetto x Ficus aurea	20"	45	38	REMAIN		GOOD		ON RIGHT-OF-WAY
75	Kaella pinnata / Sausage tree	28"	45	55	REMAIN		GOOD		
76	Quercus virginiana / Live Oak	12"	30	25	REMAIN		GOOD		ON RIGHT-OF-WAY
77	Ptychosperma elegans / soitaire palm	4"	17	6	REMOVE		FAIR		ON RIGHT-OF-WAY UNDER LIVE OAK
78	Ptychosperma elegans / soitaire palm	4"	17	6	REMOVE		FAIR		ON RIGHT-OF-WAY UNDER LIVE OAK
79	Ptychosperma elegans / soitaire palm	4"	17	6	REMOVE		FAIR		ON RIGHT-OF-WAY UNDER LIVE OAK
80	Syaqus romanzoffiana / Queen palm	4"	30	12	REMOVE	4"	POOR		
81	Lagerstroemia speciosa / crape myrtle	7"	20	15	REMOVE	7"	POOR		
82	Flacourtia indica / Madagascarp plum	17"	35	18	REMOVE	0"	FAIR		PROHIBITED MIAMI-DADE
83	Quercus virginiana / Live Oak	16"	28	25	REMOVE	16"	GOOD		ON RIGHT-OF-WAY



TREE DISPOSITION GENERAL NOTES:

NOTE A. ALL WORK SPECIFIED IN THIS PLAN SHALL BE PERFORMED IN COMPLIANCE WITH AND APPLICABLE TREE ORDINANCE OF THE MUNICIPALITY'S CODES.

NOTE B. GENERAL CONTRACTOR, LANDSCAPE CONTRACTOR OR ARBORIST RESPONSIBLE FOR TREE RELOCATION AND REMOVAL SHALL PLACE PROTECTIVE BARRIERS AS PER DETAIL, IN ALL TREES WHICH SHOW BARRIER IN PLAN.

NOTE C. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL TREE BARRIERS IN PLACE AND FOR WATERING THE TREES THROUGHOUT THE DURATION OF THE CONSTRUCTION WORKS. IF ANY OF THE RELOCATED OR PLANTED TREES SHOWN IN THIS PLAN DIES DURING CONSTRUCTION AS A RESULT OF NEGLIGENCE, GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ITS REPLACEMENT.

NOTE D. OWNER SHALL BE RESPONSIBLE FOR REPLACEMENT OF ANY TREE THAT DOES NOT SURVIVE REGARDLESS OF CAUSE.

NOTE E. STREET TREES AND PROTECTIVE BARRIERS WITHIN RIGHT OF WAY SHOWN IN THIS PLAN HAVE BEEN REQUIRED AS STREET TREES BY MUNICIPALITY AS CONDITION FOR PERMIT APPROVAL. BY APPROVING THIS PLAN, MUNICIPALITY HOLDS LANDSCAPE ARCHITECT HARMLESS OF ANY ACCIDENTS OR DAMAGES TO ANY PARTY'S PROPERTIES OR PERSONAL INJURY OR DEATH AS A RESULT OF THE PLANTING OF THESE TREES WITHIN THE PUBLIC RIGHT OF WAY.

NOTE F. OWNER MAY PLANT MITIGATION TREES IN A DIFFERENT SITE LOCATION AS SHOWN IN PLAN AS LONG AS THE TOTAL MITIGATION REQUIRED AS PER THIS PLAN IS NOT ALTERED.

NOTE G. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING ALL OF HIS EMPLOYEES AND SUB-CONTRACTORS FROM CAUSING ANY TYPE OF DAMAGE TO THE EXISTING TREES.

NOTE H. ALL TREES SHOWN TO BE RELOCATED ARE TO BE RELOCATED WITHIN THE SAME PROPERTY AND ITS NEW LOCATION SHOWN WITH ABBREVIATION "NLO".

NOTE I. PROTECTION BARRIERS AROUND TREES FOLLOWING ASH AND ANSI 300, PART 5 & 6 HAVE BEEN FOLLOWED WITHIN THE SPACE LIMITS ALLOWED WITHIN THE SITE, SUCH AS SIDEWALKS, ETC., ALLOWING SPACE FOR PROPOSED CONSTRUCTION INCLUDING FOOTING EXCAVATION, AND NOT ENCROACHING INTO ADJACENT PROPERTIES.

NOTE J. NO MACHINERY OR EXCAVATING/DIGGING EQUIPMENT SHALL BE ALLOWED TO PERFORM THE ROOT PRUNING TO PREVENT PULLING ON THE ROOTS. DIGGING OF ROOT ZONE TO PREPARE THE TRENCH WHILE PERFORMING ROOT PRUNING SHALL BE CARRIED OUT BY HAND AND CUTTING OF ROOTS BE DONE WITH CLEAN CUTTING HAND TOOLS OR SAWS. NO SEALANTS OF ANY KIND, TREE-COTE OR SIMILAR IS TO BE USED ON THE CUT ROOTS.

NOTE K. THIS PLAN HAS BEEN PREPARED FOR PURPOSE OF APPLYING TO DIVIDE A LARGER PIECE OF PROPERTY INTO THREE INDIVIDUAL PARCELS OF LAND, NOT FOR PURPOSES OF LANDSCAPE BIDDING, SUBMITTAL FOR LANDSCAPE OR TREE REMOVAL AND/OR RELOCATION PERMITTING OR INSTALLATION OF LANDSCAPE.

ABBREVIATIONS

NLO.	= NEW LOCATION
REL.	= RELOCATE WITHIN SITE
TBR.	= TO BE REMOVED
TRE.	= TO REMAIN IN CURRENT LOCATION
#	EXISTING TREE SYMBOL
#	NEW LOCATION OF EXISTING TREE SYMBOL WITHIN SITE

MITIGATION CHART

DBH REMOVED	DBH REQUIRED	DBH PROVIDED	DBH DEFICIT	TREE FUND
137"	137"	64"	73"	\$ 36,500.00

MITIGATION TREES LEGEND

BOTANICAL NAME	COMMON NAME	HEIGHT	CANOPY	DBH	CLEAR TRUNK	NATIVE	QUANTITY	DBH PROVIDED
Bursera simaruba	Gumbo limbo	14' ht	7'-8'	4"	5'	Yes	8	32"
Conocarpus erectus	Green buttonwood	14' ht	7'-8'	4"	5'	Yes	5	20"
Chrysophyllum oliviforme	Satin leaf	14' ht	7'-8'	4"	5'	Yes	3	12"

Land Development Code - Sec. 20-4.5.1
(1) Tree Quality:
Trees installed as mitigation in accordance with this section shall conform to, or exceed, the minimum standards for Florida Number One as provided in the most current edition of "Grades and Standards for Nursery Plants, Part 1 and II," prepared by the Florida Department of Agriculture and Consumer Services. Trees shall be planted according to sound nursery practices as illustrated in the Landscape Manual and Landscape code Chapter 18A of the MDC code.

(2) Mitigation Methods:
(1) Unless otherwise specified in the tree protection ordinance, where mitigation is required, it shall be allowed by two methods, mitigation trees (on an inch-for-inch basis or as otherwise specified) and mitigation payment. The amount of mitigation is as specified herein below.

(2) Mitigation trees shall be of high quality shade species as identified on the South Miami tree list, meeting the specifications of and sized in accordance with the requirements of the tree protection ordinance. The installation of new trees for a development as required by the chapter may count as mitigation for trees removed from the site, except where those removed trees are of a high-quality species. The preference is for mitigation trees to be planted on the site, but where it is demonstrated that no acceptable space is available, mitigation trees may be planted off-site within city limits. In these instances, the required mitigation trees may be established on a different site within the city limits approved by the city manager or designee, or the city manager or designee may allow a payment in an amount to be made to the city Tree Trust Fund in an amount as set forth in this ordinance.

(3) Payment shall be made prior to receipt of tree permit, or at such other time as specified in a development order. Mitigation payments received by the city shall be deposited in the city Tree Trust Fund.

COMAS

Orlando Comas, ASLA
LANDSCAPE ARCHITECT

4990 SW 72 Avenue, Suite 100, Miami, Florida, 33155
ocomas@bellsouth.net 305.283.9382 Lic. 0001565

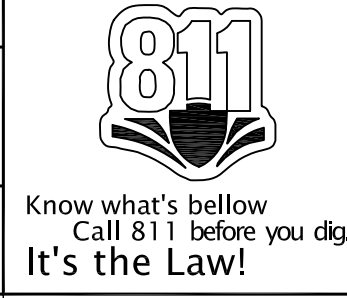
PROPOSED TWO STORY RESIDENCES

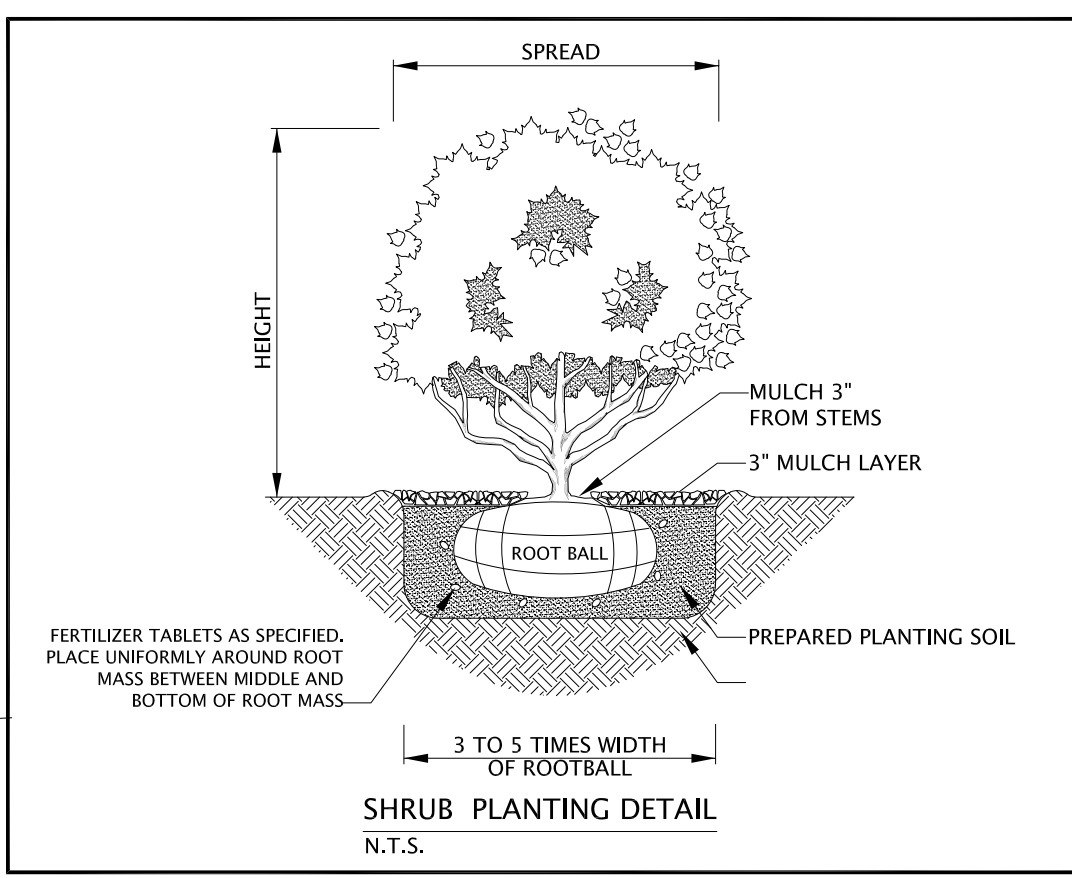
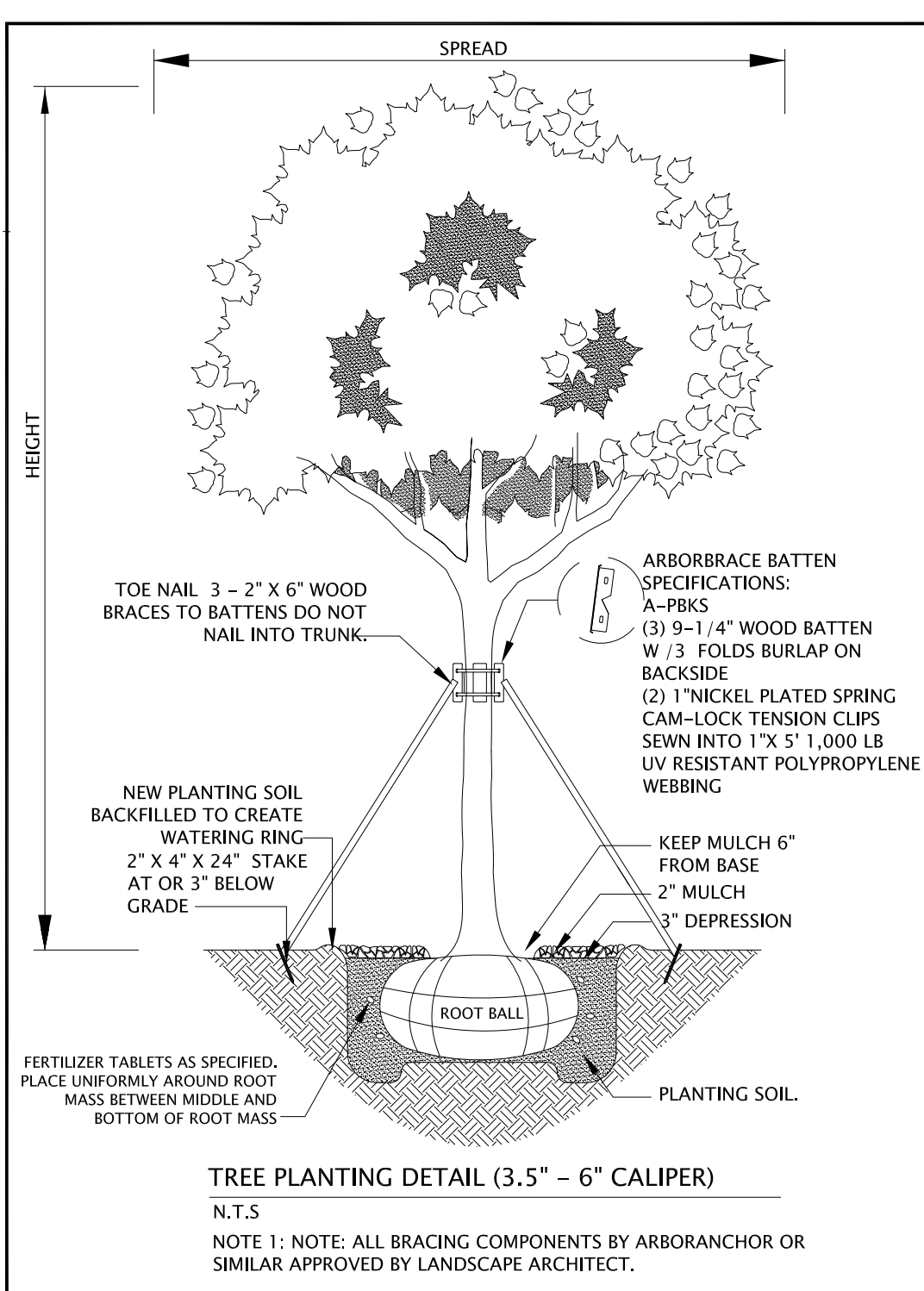
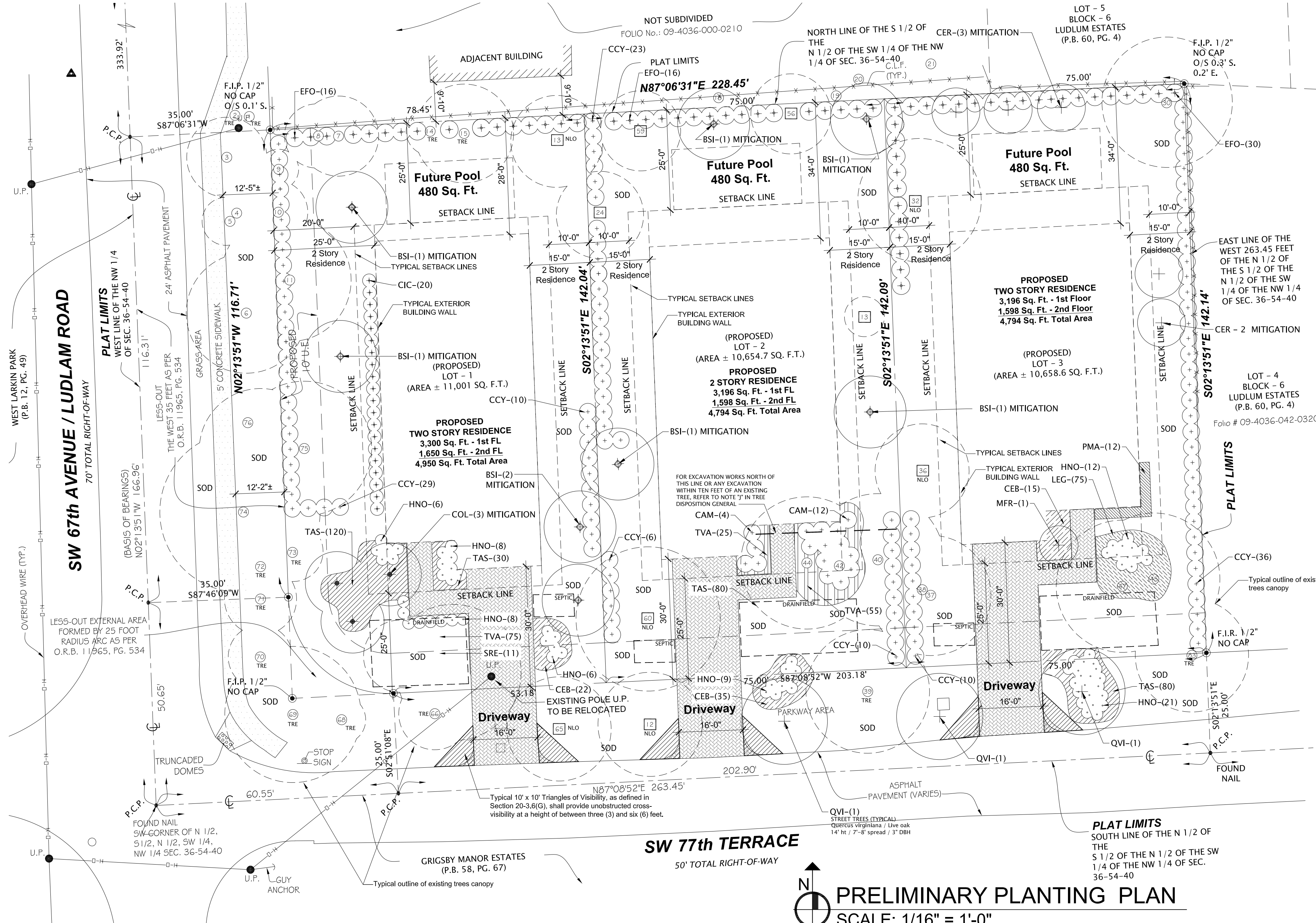
FOR

LEGACY 7709 LLC

VACANT LAND AT 7709 SW 67 AVENUE
SOUTH MIAMI, FLORIDA, 33143
FOLIO # 09-4036-000-0440

LA-1.0





LANDSCAPE NOTES:

01. Non Cypress variety mulch shall extend under all trees, shrubs and ground cover beds to the closest hard edge or sod border, in a minimum of 3" depth. Red or any other colored mulch will not be acceptable.
02. All plants shall meet the minimum standard of "Kandy" as specified in Grade and Standards for Nursery Plants as published by the Division of Plant Industry, Florida Department of Agriculture, latest edition. If in doubt, a private professional shall be appointed by Landscape Architect to provide a final and conclusive grading of the plant material.
03. All shrubs to be planted a minimum of 24", and ground covers a minimum of 12" from the edge of any hardscape (walks, building walls, pond's edge, etc.). Shrubs such as Ixora, Raphiolepis and other species which grow larger than 48" spread, shall be planted at 1/2 the estimated adult's spread diameter from the edges of any hardscape.
04. All trees and palms over 8' in height shall be braced to prevent lateral movement for a period of six months from the date of planting. Either wood braces as shown in the planting detail, or the wire and turnbuckle method shall be used. No nails, screws, metal straps or wires are to be used directly against the trees or palms trunks.
05. All work by the Landscape Contractor shall be performed in a professional and sound manner in accordance with established standards of landscape installation practices and workmanship.
06. Landscape Contractor is responsible for verifying & counting all plant quantities prior to bidding. Individual quantities by areas shall prevail over the quantities shown in Legend. Plant Legend is shown mainly to identify the different species and quantities are shown as an aid, not a certified count. 08. Landscape Contractor and his subcontractors shall be licensed and insured as required by the municipality, county, state or any other governmental agency requiring a license or insurance in order for the Landscape Contractor to perform his work.
07. All work shall conform to the City of South Miami landscape code and ordinances and any other landscape ordinance in effect at the project's location.
08. Landscape Contractor shall coordinate with the City of South Miami for all necessary permits applicable for the successful completion of this project, if applicable.
09. Landscape material shall not be allowed to grow in a manner as to impede street front triangle of visibility to property owner or neighbors, so as to materially impede vision between a height of 2.5 feet and 8 feet.
10. Landscape Contractor shall call Sunshine State One Call Center of Florida at 1-800-432-4770 (Toll Free) 48 hours before digging.
11. Landscape Contractor is responsible for inspecting the site and physically observing all the site conditions prior to entering into Agreement or Contract with Owner. Landscape Contractor shall coordinate his work with the General Contractor or Construction Manager in such a manner as to allow for a speedy and orderly completion of all work on the site, and special attention to location of all underground wires, pipes, footings, etc..
12. Any excess soil, landscape materials and debris from the Landscape Contractors' work shall be removed from the site immediately upon completion of his works.
13. Should Landscape Contractor find any discrepancies, unavailability of material or any question regarding the adherence to this plan, no decision shall be taken without specific consultation with the Landscape Architect, including substitutions when required. Landscape contractor shall not make any unauthorized substitutions of either specie, quality or size of any plant material without Landscape Architect's authorization.
14. All areas not planted with shrubs or ground covers or specified to be another landscape material such as mulch, bark, stones, etc., is to be covered with sod, inclusive of areas in the Right of way between edge of city or community pavement or curb and property line and/or sidewalks.
15. Landscape Contractor shall coordinate digging, planting and bracing of all plant material within the Project with the General Contractor and the Owner, particularly those in which a conflict with pedestrian or vehicular traffic may arise as a result of placement of equipments and specially temporary braces on trees. Landscape Contractor shall coordinate the planting and bracing of any of the large plant material ahead of time to allow for removal of braces at time of certificate of completion or opening of Project, as per "Owner's" instructions and deadlines.
16. Any existing plant material destroyed or damaged during construction shall be replaced with the same species, and Owner be informed of the reason, specie and quantity of the replacement for proper reimbursement, if any.
17. Landscape Architect has the right to refuse any plant material not considered Florida Fancy, if in doubt of grading quality, refer to Note 2 of this notes.
18. contract with owner and attach a copy to contract. Non compliance of this note does not relieve Landscape Contractor of all requirements included in the written specifications.
19. By accepting this plan, and submitting it to the municipal authorities or any other building and zoning authority, Owner releases and Holds Landscape Architect Harmless from any legal responsibility as a consequence of any legal actions arising from the selection, installation, maintenance, natural plant material growth habit, such as falling fronds, seeds, branches, etc., of the landscape and planting materials specified in this plan.
20. If Landscape Contractor finds availability difficulties with any specific plant material, he shall propose one (or several) as alternate to Landscape Architect, and obtain final decision from Landscape Architect as to specie to be used.
21. This plan and the written specifications together are the landscape construction documents to be used for bidding and construction purposes.
22. Landscape contractor shall verify, if due to architectural revisions or site conditions, if the dimensions of any hardscape has changed and how this affects the area for a specified plant material. One example is Medjool Date Palms need to be planted in no less than a clear 60 inch by 60 opening, preferably more. It shall be the Landscape contractor's responsibility to verify this before bringing the plant(s) to the site. Another example is the minimum five feet width dimensions in parking lot islands, exclusive of concrete curbs. Landscape contractor shall inform Owner and Landscape Architect if this is not the site condition.
23. In absence of landscape contractor or a designated supervisor of the landscape contractor at the work site, landscape architect shall have the right to provide instructions to landscape contractor's or his subcontractor's employees regarding the installation of the works specified in this plan if in his opinion work is not being performed as specified.
24. This plan has been prepared for purpose of applying to divide a larger piece of property into three individual parcels of land, not for purposes of landscape bidding, submital for landscape or tree removal and/or relocation permitting or installation of landscape.

PRELIMINARY PLANTING PLAN
 SCALE: 1/16" = 1'-0"
 REFER TO SHEET LA-1.0 - TREE DISPOSITION PLAN - FOR EXISTING TREES CHART.

LANDSCAPE LEGEND

MIAMI-DADE COUNTY / CITY OF SOUTH MIAMI			
Zone District : RS-3 CITY OF SOUTH MIAMI, FLORIDA.			
AREA CALCULATIONS PER PROPOSED LOT			
	LOT 1	LOT 2	LOT 3
Net Lot Area :	11,001 Sq. Ft. / .25 acre	10,654 Sq. Ft. / .24 acre	10,658 Sq. Ft. / .24 acre
Water Bodies :	0	0	0

LANDSCAPE CALCULATIONS PER PROPOSED LOT						
	LOT 1		LOT 2		LOT 3	
OPEN GREEN SPACE	Required	Provided	Required	Provided	Required	Provided
A. Open space required by Chapter 33, as indicated in site plan: Net Lot area X 40%	4,400 Sq. Ft.	6,263 Sq. Ft.	4,261 Sq. Ft.	6,006 Sq. Ft.	4,265 Sq. Ft.	6,042 Sq. Ft.
B. Not applicable.						
C. Total square feet of landscape open space as required	4,400 Sq. Ft.	6,263 Sq. Ft.	4,261 Sq. Ft.	6,006 Sq. Ft.	4,265 Sq. Ft.	6,042 Sq. Ft.
TREES						
A. Trees required 3 trees per lot	3	5	3	3	3	5
Existing trees that meet min. requirements. (minus)	-	9	-	7	-	9
B. 30% palm trees allowed (2 palms= 1 tree) Palms provided=	-	1	-	0	-	0
Total number of trees required	3	15	3	0	3	0
C. Percentage of native trees required	30%	80%	30%	80%	30%	100%
D. Street trees required / Lineal feet along street divided by 35' =	7	12	3	3	3	3
Palms as street trees / Lineal feet along street divided by 25' =	0	0	0	0	0	0
E. Street trees located directly beneath powerlines (maximum average spacing 25' o.c.) lineal feet along street divided by 25' =	0	0	0	0	0	0
F. Total number of trees required	10	6	6	6	6	6
SHRUBS						
A. Total number of trees required X 10 = required shrubs	100	114	60	80	60	121
B. Number of shrubs required X 30% = required native shrubs	30	103	18	64	18	109

PLANT LEGEND

Code	Botanical name	Common name	Height	Canopy	DBH	Nat.	Quantity LOT 1	Quantity LOT 2	Quantity LOT 3	Specific	Spacing
TREES											
BSI	Bursera simaruba	Gumbo limbo	14'	7'-8"	4"	Y	4	4	0	Mitigation	As shown
CER	Conocarpus erectus	Green buttonwood	14'	7'-8"	4"	Y	0	0	5	Mitigation	As shown
COL	Chrysophyllum oliviforme	Satin leaf	14'	7'-8"	4"	Y	3	0	0	Mitigation	As shown
QVI	Quercus virginiana	Live oak	14'	7'-8"	3"	Y	0	1	2	Street trees	As shown
MFR	Myrcianthes fragrans	Simpson's stopper	14'	7'-8"	3"	Y	0	1	1		
SHRUBS											
EFO	Eugenia foetida	Spanish stopper	3'-3.5'	-	-	Y	16	16	30	Full to bottom	48" o.c.
HNO	Hamelia nodosa	Dwarf Firebush	6'-7'	-	-	Y	28	9	33	Full to bottom	36" o.c.
SRE	Strelitzia Reginae	Bird of Paradise	4'	-	-	N	11	0	0		30" o.c.
CIC	Chrysobalanus Icaco	Cocoplum	24"	18"	-	Y	20	0	0		24" o.c.
CCY	Capparis cynophallophora	Jamaican Caper	6'	3'	-	Y	39	39	46	Full to bottom	36" o.c.
CAM	Crinum Amabile 'purple leaf'	Queen Emma Lily	36"	36"	-	N	0	16	0		36" o.c.
PMA	Podocarpus Macrophyllus	Yew Pine	4'-5'	-	-	N	0	0	12	Full to bottom	30" o.c.
GROUND COVERS											
CEB	Carissa macrocarpa	Emerald Blanket	12"	12"	-	N	22	35	15		16" o.c.
LEG	Liriope Evergreen Glant	Glant Lily Turf	12"	12"	-	N	0	0	75		12" o.c.
TAS	Trachelospermum Jasm. Minima	Dwarf Aslan Jasm.	12"	12"	-	N	150	80	80		12" o.c.
TVA	Trachelospermum Jasm. Variegata	Dwarf Aslan Variegated	12"	12"	-	N	75	80	0		12" o.c.
GRASSES											
SOD	Stenotaphrum secundatum - St. Augustine cultivars 'Provista' or 'Citrablue'						As required including ROW.				

ZONING LEGEND

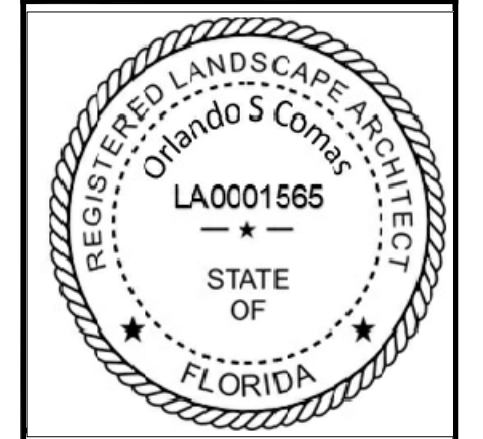
City	City of South Miami
Address	7709 SW 67th AVENUE, South Miami, Florida 33143
Property Tax Folio	09-4036-000-0440
Zoning - Existing	RS-3 (Low Density Single Family)
Zoning - Applied for	RS-3 (Low Density Single Family)
	Subdivide an existing oversized lot
Net Lot Area	32,314 S.F. (0.74 ACRES)
Gross Lot Area	44,007 S.F. (1.01 ACRES) including all dedications
Density Proposed	3 Single Family Residences Proposed

811
Know what's below. Call before you dig. It's the Law!

ABBREVIATIONS:
 g.l. - Gray Trunk, SPD - Spread,
 c.l. - Clear Trunk, NAT. - Native specie,
 o.c. - On Center, g.w. - Gray Wood
 B&B - Balled and Buraped, min. - minimum
 o.a. - Overall Height.

PROPOSED TWO STORY RESIDENCES FOR LEGACY 7709 LLC
 VACANT LAND AT 7709 SW 67 AVENUE
 SOUTH MIAMI, FLORIDA, 33143
 FOLIO # 09-4036-000-0440

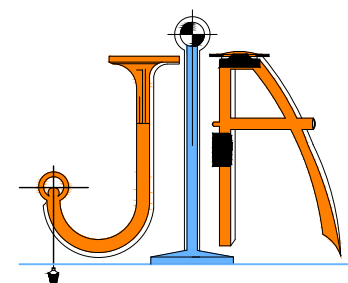
COMAS
 Orlando Comas, ASLA
 LANDSCAPE ARCHITECT
 4990 SW 72 Avenue, Suite 100, Miami, Florida, 33155
 ocomas@bellsouth.net 305.283.9382 Lic 0001565



PROJECT: LA-2.0

REVISION:	DATE
1 OVERALL SITE PLAN	5-31-2023
2 COMMENTS	8-10-2023
3 COMMENTS	1-10-2024

LA-2.0



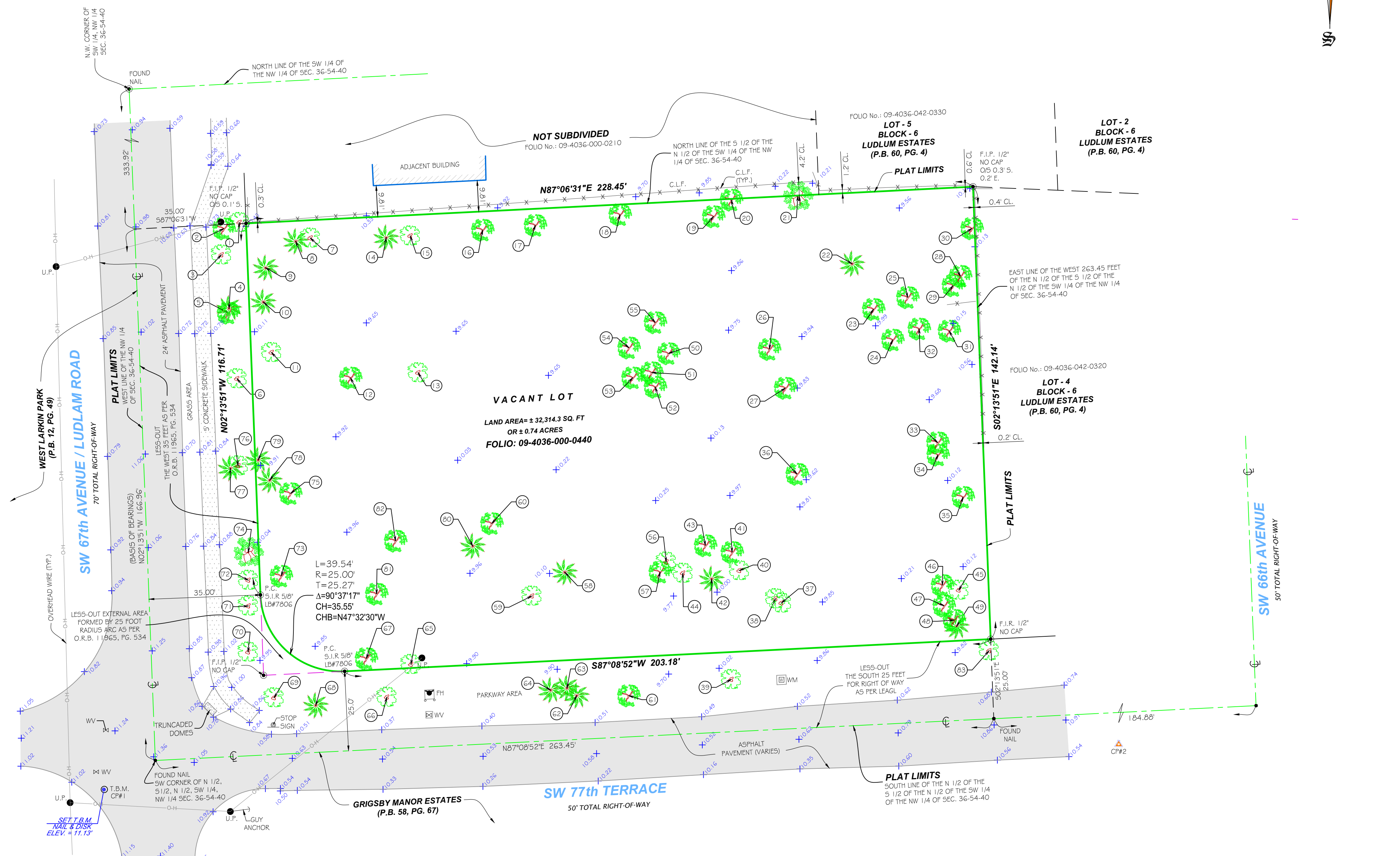
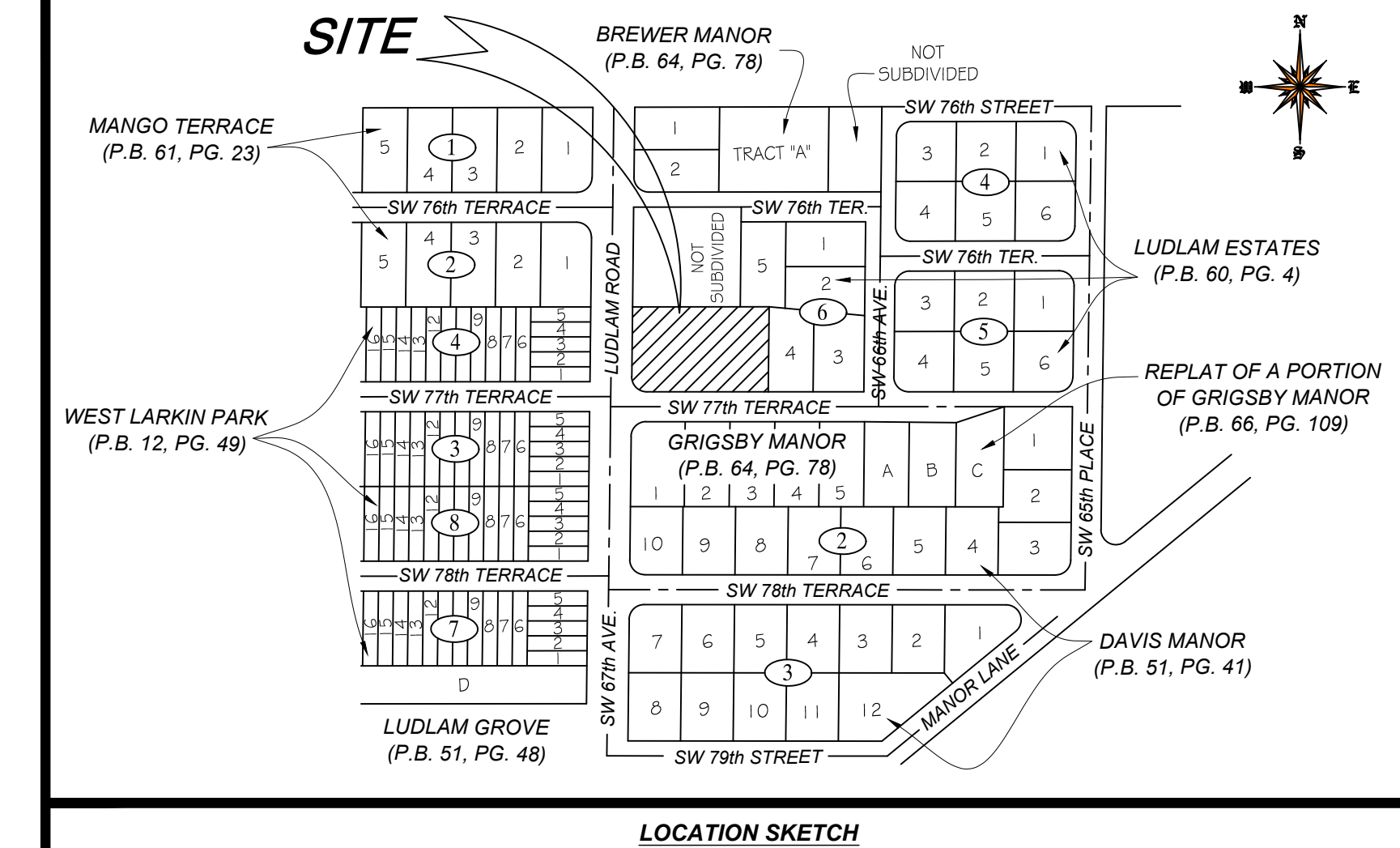
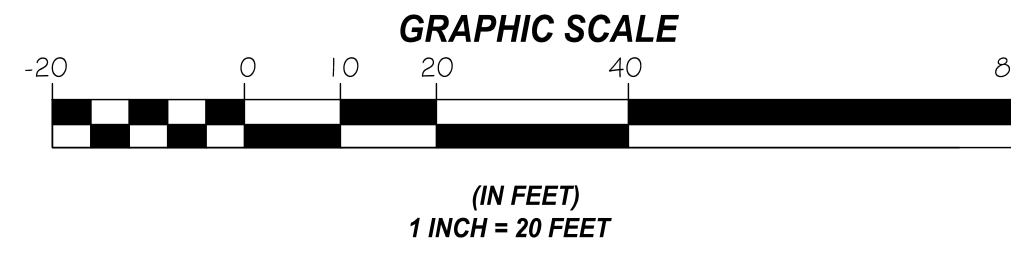
JOHN IBARRA & ASSOC., INC.

Professional Land Surveyors & Mappers

WWW.IBARRANDSURVEYORS.COM
3728 DEL PRADO BLVD. S. SUITE B CAPE CORAL, FL 33904
777 N.W. 72nd AVENUE SUITE 3025 MIAMI, FLORIDA 33126
PH: (305) 262-0400 FAX: (305) 262-0401
PH: (239) 540-2660 FAX: (239) 540-2664



MAP OF BOUNDARY AND TOPOGRAPHIC SURVEY



- ### ABBREVIATIONS
- A = ARC
 - ASPH = ASPHALT
 - B.C. = BLOCK CORNER
 - B.M. = BENCH MARK
 - B.O.B. = BASIS OF BEARING
 - CL. = CALCULATED
 - C.B. = CATCH BASIN
 - CH. = CHORD
 - CH.B. = CHORD BEARING
 - CH.L. = CHORD LENGTH
 - CL. = CLEAR
 - C.L.F. = CHAIN LINK FENCE
 - CONC. = CONCRETE
 - C.S. = CONCRETE SUB
 - C.W. = CONCRETE WALK
 - B. = BERRIES
 - E.T.P. = ELECTRIC TRANSFORMER PAD
 - ELEV. = ELEVATION
 - ENC. = ENCROACHMENT
 - F.H. = FIRE HYDRANT
 - F.I.F. = FOUND IRON PIPE
 - F.F.R. = FOUND IRON ROD
 - F.F.E. = FOUND FLOOR ELEVATION
 - F.N.D. = FOUND NAIL & DISK
 - FT. = FEET
 - F.N.P. = FEDERAL NATIONAL INSURANCE PROGRAM
 - F.M. = FOUND NAIL
 - L.B. = LICENSED BUSINESS
 - L.P. = LIGHT POLE
 - M. = MINUTES
 - IM. = MEASURED DISTANCE
 - M.C.R. = MIAMI DADE COUNTY RECORDS
 - M.H. = MANHOLE
 - M.A.P. = MOUNTAIN PARENT
 - N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
 - N.T.S. = NOT TO SCALE
 - O.S. = OFFSET
 - D.H. = OVERHEAD
 - O.H.L. = OVERHEAD UTILITY LINES
 - D.A.B. = OFFICIAL RECORDS BOOK
 - P.A.B. = PLAT BOOK
 - P.C. = POINT OF CURVATURE
 - P.M.V. = PERMANENT REFERENCE MONUMENT
 - P.L.S. = PROFESSIONAL LAND SURVEYOR
 - IRI = RECORD DISTANCE
 - R.W. = RIGHT-OF-WAY
 - RSE = RANGE
 - SEC. = SECTION
 - SWK = SIDEWALK
 - S.H.P. = SET NOW PIPE
 - S. = SEWAGE
 - S.V. = SEWER VALVE
 - T. = TANGENT
 - T. = TEMPORARY BENCHMARK
 - T.M.P. = TOWNSHIP
 - U.P. = UTILITY POLE
 - W.A. = WATER METER
 - W.F. = WOOD FENCE
 - W.V. = WATER VALVE
 - M. = MOUNTAIN
 - E. = CENTER LINE
 - Δ = DELTA

PROPERTY ADDRESS:
7700 SW 67th AVENUE, SOUTH MIAMI, FLORIDA, 33143

- ### LEGAL NOTES TO ACCOMPANY SKETCH OF SURVEY:
- THERE MAY BE EASEMENTS RECORDED IN THE PUBLIC RECORDS NOT SHOWN ON THIS SURVEY.
 - EXAMINATIONS OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY.
 - THIS SURVEY IS SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR EASEMENTS OF RECORD.
 - LEGAL DESCRIPTIONS PROVIDED BY CLIENT OR ATTESTING TITLE COMPANY.
 - BOUNDARY SURVEY MEANS A DRAWING AND/OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE; THE WALLS OR FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.
 - EASEMENTS AS SHOWN ARE PER PLAT BOOK, UNLESS DEPICTED OTHERWISE.
 - THE TERM "ENCROACHMENT" MEANS VISIBLE AND ABOVE GROUND ENCROACHMENTS.
 - ARCHITECTS SHALL VERIFY ZONING REGULATIONS, RESTRICTIONS, SETBACKS AND WILL BE RESPONSIBLE FOR SUBMITTING PLAT PLANS WITH CORRECT INFORMATION FOR "APPROVAL FOR AUTHORIZATION" TO THE PROPER AUTHORITIES IN NEW CONSTRUCTION.
 - UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTING AND/OR FOUNDATIONS.
 - FENCE OWNERSHIP NOT DETERMINED.
 - THIS PLAN OF SURVEY, HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON, THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.

FLOOD ZONE INFORMATION:

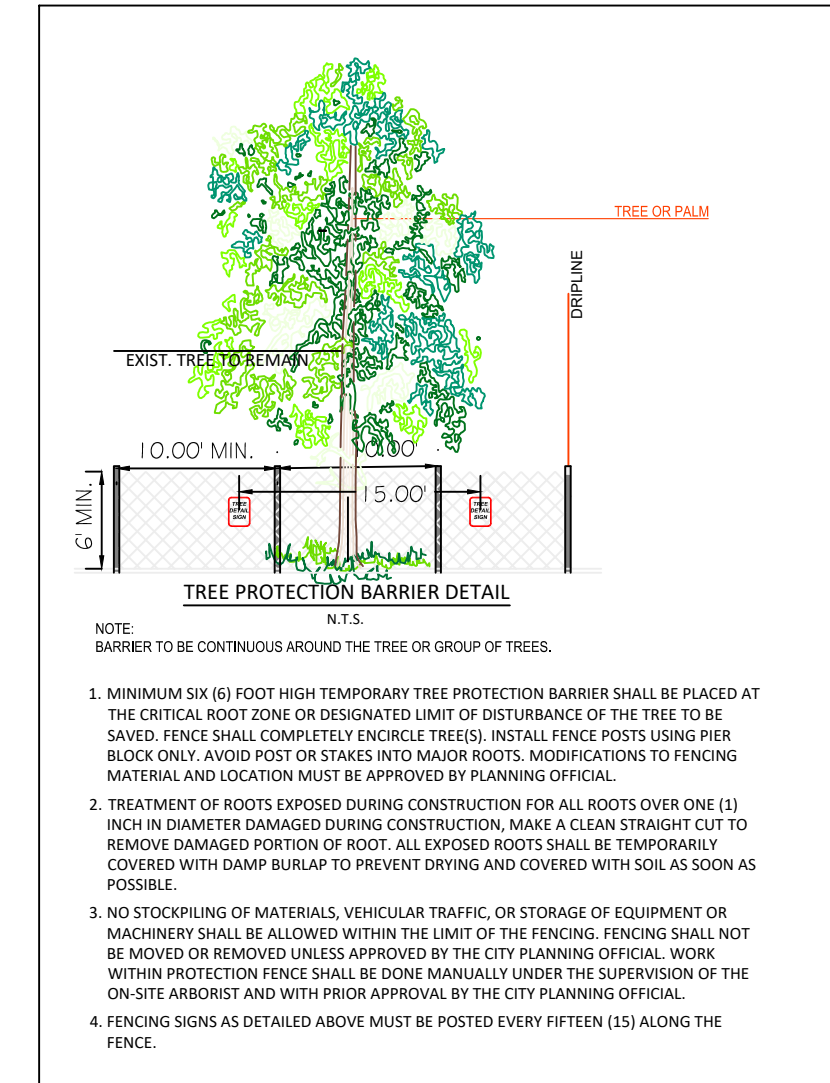
THE NFIP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE SITUATED IN:
FLOOD ZONE: "X"
BASE FLOOD ELEVATION: N/A
COMMUNITY: 120658
PANEL: 0458
SUFFIX: L
DATE OF FIRM: 09/11/2009
THE SUBJECT PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA.

SURVEYOR'S NOTES:

- IF SHOWN, BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN, BY SAID PLAT IN THE DESCRIPTION OF THE PROPERTY, IF NOT, BEARINGS ARE THEN REFERRED TO COUNTY, TOWNSHIP MAPS. BASIS OF BEARING FOR THIS SURVEY IS THE WEST LINE OF THE NW 1/4 OF SECTION 36, TOWNSHIP 54 SOUTH, RANGE 40 EAST, BEARING (N 02°13'51" W).
- THE CLOSURE IN THE BOUNDARY SURVEY IS ABOVE 1:7,500 FT.
- CERTIFICATE OF AUTHORIZATION LB # 7886.
- ALL ELEVATIONS SHOWN ARE REFERRED TO NATIONAL GEODETIC VERTICAL DATUM OF 1929; MIAMI DADE COUNTY BENCHMARK NAME: SC-34, LOCATOR NO. 4015, ELEVATION IS 9.62 FEET OF N.G.V.D. OF 1929.
- THE SUBJECT PROPERTY IS VACANT LAND, THE ADDRESS SHOULD BE VERIFIED BY MIAMI DADE COUNTY.

SURVEYOR'S NOTE:

AN ARBORIST MUST CONFIRM ALL THE TREE NAMES, CONDITION AND SPECIES, WHAT IS SHOWN ON THE SURVEY MAY NOT BE THE CORRECT NAME OF THE TREES. LAND SURVEYORS ARE NOT ARBORIST.



LEGAL DESCRIPTION:

The West 263.45 feet, thereof in the North 1/2 of the South 1/2 of the North 1/2 of the Southwest 1/4 of the Northwest 1/4, of Section 36, Township 54 South, Range 40 East, Dade County, Florida, less the South 25 feet and less that part decreed to Dade County by Special Warranty Deed recorded in Official Records Book 11965, Page 534, Public Records of Dade County, Florida.

CERTIFICATION:

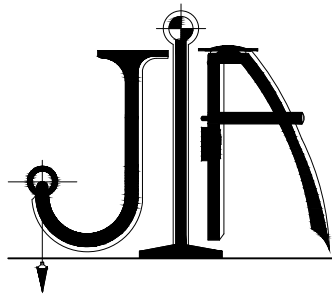
PARVINE AMINI REVOCABLE TRUST

No.	Name	DBH (Inches)	Height (FT.)	Spread (FT.)
1	Quercus virginiana / Live Oak	12"	40	20
2	Bauhinia purpurata / Purple orchid tree	6"	25	12
3	Quercus virginiana / Live Oak	16"	47	40
4	Sabal palmetto / Sabal palm	11"	17	12
5	Pinus Elliottii / Slash pine	6"	50	10
6	Quercus virginiana / Live Oak	15"	35	25
7	Quercus virginiana / Live Oak	16"	50	40
8	Syagus romanzoffiana / Queen palm	6"	40	15
9	Vectcha montanensis / Montgomery palm	5"	20	8
10	Syagus romanzoffiana / Queen palm	6"	40	15
11	Quercus virginiana / Live Oak	24"	50	45
12	Figalia pinnata / Sausage tree	26"	26	25
13	Quercus virginiana / Live Oak	17"	45	40
14	Sabal palmetto / Sabal palm	12"	14	10
15	Quercus virginiana / Live Oak	24"	35	25
16	Bauhinia purpurata / Purple orchid tree	6"	20	13
17	Schellera actinophylla / Umbrella tree	18"	35	13
18	Ravenala madagascariensis / Traveler's palm	7"	20	13
19	Bursera simaruba / Gumbo limbo	14"	45	18
20	Schellera actinophylla / Umbrella tree	30"	35	16
21	Ficus aurea / Strangler fig	30"	65	55
22	Syagus romanzoffiana / Queen palm	7"	40	15
23	Delmon regia / Royal Poinciana	17"	60	45
24	Quercus virginiana / Live Oak	36"	65	40
25	Delmon regia / Royal Poinciana	17"	60	35
26	Schinus molle / Brazilian pepper	6"	25	15
27	Schinus molle / Brazilian pepper	12"	35	28
28	Delmon regia / Royal Poinciana	9"	25	22
29	Dalbergia sissoo / Indian rosewood	20"	42	27
30	Delmon regia / Royal Poinciana	24"	16	20
31	Dalbergia sissoo / Indian rosewood	13"	40	25
32	Delmon regia / Royal Poinciana	17"	65	45
33	Schellera actinophylla / Umbrella tree	22"	35	20
34	Schellera actinophylla / Umbrella tree	8"	27	18
35	Dalbergia sissoo / Indian rosewood	9"	25	12
36	Quercus virginiana / Live Oak	12"	27	13
37	Quercus virginiana / Live Oak	16"	45	40
38	Quercus virginiana / Live Oak	15"	50	35
39	Quercus virginiana / Live Oak	24"	40	30
40	Quercus virginiana / Live Oak	15"	47	38
41	Bauhinia purpurata / Purple orchid tree	11"	38	16
42	Sabal palmetto / Ficus aurea	12"	12	10
43	Caryota mitis / Foxtail palm	5 x 5"	35	12
44	Quercus virginiana / Live Oak	17"	50	40

No.	Name	DBH (Inches)	Height (FT.)	Spread (FT.)
45	Quercus virginiana / Live Oak	16"	45	40
46	Schellera actinophylla / Umbrella tree	12"	35	20
47	Juglans microcarpa / Hickory	17"	47	20
48	Schellera actinophylla / Umbrella tree	11"	27	12
49	Psychospermum elegans / Solitaire palm	6"	18	8
50	Cocos nucifera / Coconut palm	10"	40	10
51	Bauhinia purpurata / Purple orchid tree	5"	27	15
52	Bauhinia purpurata / Purple orchid tree	8"	37	16
53	Bauhinia purpurata / Purple orchid tree	5"	45	18
54	Koeleria elegans / Flamboyant tree	6 x 5"	30	30
55	Koeleria elegans / Flamboyant tree	4 x 5"	19	15
56	Quercus virginiana / Live Oak	20"	45	36
57	Bauhinia purpurata / Purple orchid tree	9"	30	15
58	Syagus romanzoffiana / Queen palm	16"	25	15
59	Quercus virginiana / Live Oak	16"	25	25
60	Delmon regia / Royal Poinciana	30"	40	45
61	Bauhinia purpurata / Purple orchid tree	20"	37	30
62	Syagus romanzoffiana / Queen palm	7"	25	10
63	Syagus romanzoffiana / Queen palm	7"	25	10
64	Sabal palmetto / Sabal palm	12"	10	15
65	Quercus virginiana / Live Oak	24"	38	35
66	Quercus virginiana / Live Oak	14"	27	18
67	Bursera simaruba / Gumbo limbo	23"	40	18
68	Sabal palmetto / Sabal palm	36"	12	8
69	Quercus virginiana / Live Oak	24"	40	35
70	Quercus virginiana / Live Oak	14"	30	17
71	Quercus virginiana / Live Oak	15"	35	35
72	Quercus virginiana / Live Oak	24"	45	40
73	Cocos nucifera / Coconut palm	13"	18	15
74	Sabal palmetto / Ficus aurea	20"	45	38
75	Kapota pinna / Sawtooth tree	28"	45	55
76	Quercus virginiana / Live Oak	12"	30	25
77	Psychospermum elegans / Solitaire palm	6"	17	6
78	Psychospermum elegans / Solitaire palm	6"	17	6
79	Psychospermum elegans / Solitaire palm	6"	17	6
80	Syagus romanzoffiana / Queen palm	7"	30	12
81	Lagerstroemia speciosa / Crepe myrtle	7"	20	15
82	Rapanea indica / Madagascar palm	17"	35	18
83	Quercus virginiana / Live Oak	16"	28	25

- ### LEGEND
- D.H. = OVERHEAD UTILITY LINES
 - X-X-X-X-X = CONCRETE BLOCK WALL
 - = CHAIN LINK FENCE
 - = IRON FENCE
 - = WOOD FENCE
 - = BUILDING SETBACK LINE
 - = UTILITY EASEMENT
 - = LIMITED ACCESS RW
 - = NON-VEHICULAR ACCESS RW
 - = EXISTING ELEVATIONS

DRAWN BY:	JB
CHECK BY:	JEP
SURVEY NO.:	22-001542-1
SHEET:	1 OF 1
L.B.#	7806 SEAL



JOHN IBARRA & ASSOC., INC.
Professional Land Surveyors & Mappers

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MIAMI, FLORIDA 33126
PH: (305) 262-0400
FAX: (305) 262-0401

1725 DEL PRADO BLVD. S.
SUITE 13
CAPE CORAL, FL 33904
PH: (239) 540-2660
FAX: (239) 540-2664

SURVEYOR'S NOTES

THIS BOUNDARY AND TOPOGRAPHIC SURVEY HEREIN WAS SURVEYED BASED ON THE LEGAL DESCRIPTION AS SHOWN ON EXHIBIT "A", ON THE OPINION OF TITLE TO THE CITY OF SOUTH MIAMI, PROVIDED BY THE LAW OFFICES OF OSCAR J. RODRIGUEZ, PA, ISSUED BY OLD REPUBLIC NATIONAL TILE INSURANCE COMPANY, DATED AUGUST 11th, 2022, AT 11:00 P.M. COVERING THE PERIOD FROM THE BEGINNING THROUGH JULY, 28th, 2022 AT THE HOUR OF 11:00 PM, INCLUSIVE, OF THE FOLLOWING DESCRIBED PROPERTY, LOCATED IN MIAMI-DADE COUNTY, FLORIDA.

- 1. ALL ELEVATIONS SHOWN ARE REFERRED TO NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D.) OF 1929 MIAMI-DADE COUNTY.
BENCH MARK #1 SC-34; LOCATOR No. 4015, BRASS DISC IN CONC. MON. SW 72 ST --- 51' SOUTH OF C/L; SW 67 AVE --- 97' EAST OF C/L. ELEVATION IS 9.62 FEET OF N.G.V.D. OF 1929.
BENCH MARK #2 S-269-R 1979; LOCATOR No. 4015 SE, US C & G BRASS DISC IN CONC MONUMENT AT SW END OF GUARDRAIL. US HWY #1 --- 3' NW OF NW EDGE OF PAVING SW 62 AVE --- 500'+ SW OF THE INTERSECTION; LUDLAM GLADE CANAL --- 30' SW OF C/L OF CANAL ELEVATION IS 9.10 FEET OF N.G.V.D. OF 1929.
- 2. THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THE SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA.
- 3. NO UNDERGROUND UTILITIES OTHER THAN THOSE SHOWN ON THE SURVEY WERE FOUND.
- 4. UNLESS OTHERWISE SPECIFIED, THIS FIRM HAS NOT LOCATED ANY FOOTINGS AND/OR FOUNDATIONS UNDERGROUND.
- 5. THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY FOR TENTATIVE PLAT.
- 6. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED VALUE OF N 02° 13' 51" W, ALONG THE WEST LINE OF THE NW 1/4 OF SECTION 36, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.
- 7. ACCURACY: THE EXPECTED USE OF THE LAND, IS "SUBURBAN AREA", THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF BOUNDARY SURVEY IS 1 FOOT IN 7,500 FEET, THE ACCURACY OBTAINED BY MEASUREMENT AND CALCULATION OF A CLOSED GEOMETRIC FIGURE WAS FOUND TO EXCEED THIS REQUIREMENT, AN CONFORMS TO THE STANDARDS OF PRACTICES SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

GENERAL EXCEPTIONS:

- A. ALL TAXES FOR THE YEAR IN WHICH THIS OPINION IS RENDERED, UNLESS NOTED BELOW THAT SUCH TAXES HAVE BEEN PAID.
- B. RIGHTS OF PERSONS OTHER THAN THE ABOVE OWNERS WHO ARE IN POSSESSION.
- C. FACTS THAT WOULD BE DISCLOSED ON AN ACCURATE SURVEY.
- D. ANY UNRECORDED LABOR, MECHANIC'S OR MATERIALMEN'S LIENS; AND
- E. ZONING AND OTHER RESTRICTIONS IMPOSED BY GOVERNMENTAL AUTHORITY.

SPECIAL EXCEPTIONS:

- A. CHARTER OF THE CITY OF SOUTH MIAMI, RECORDED IN OFFICIAL RECORDS BOOK 10217, PAGE 994, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. (AFFECT THE SUBJECT PROPERTY AND IS NOT PLOTTABLE)

NOTE: THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, EXAMINATION OF TITLE COMMITMENT WAS PERFORMED TO DETERMINE RECORDED INSTRUMENTS, IF ANY AFFECTING THIS PROPERTY.

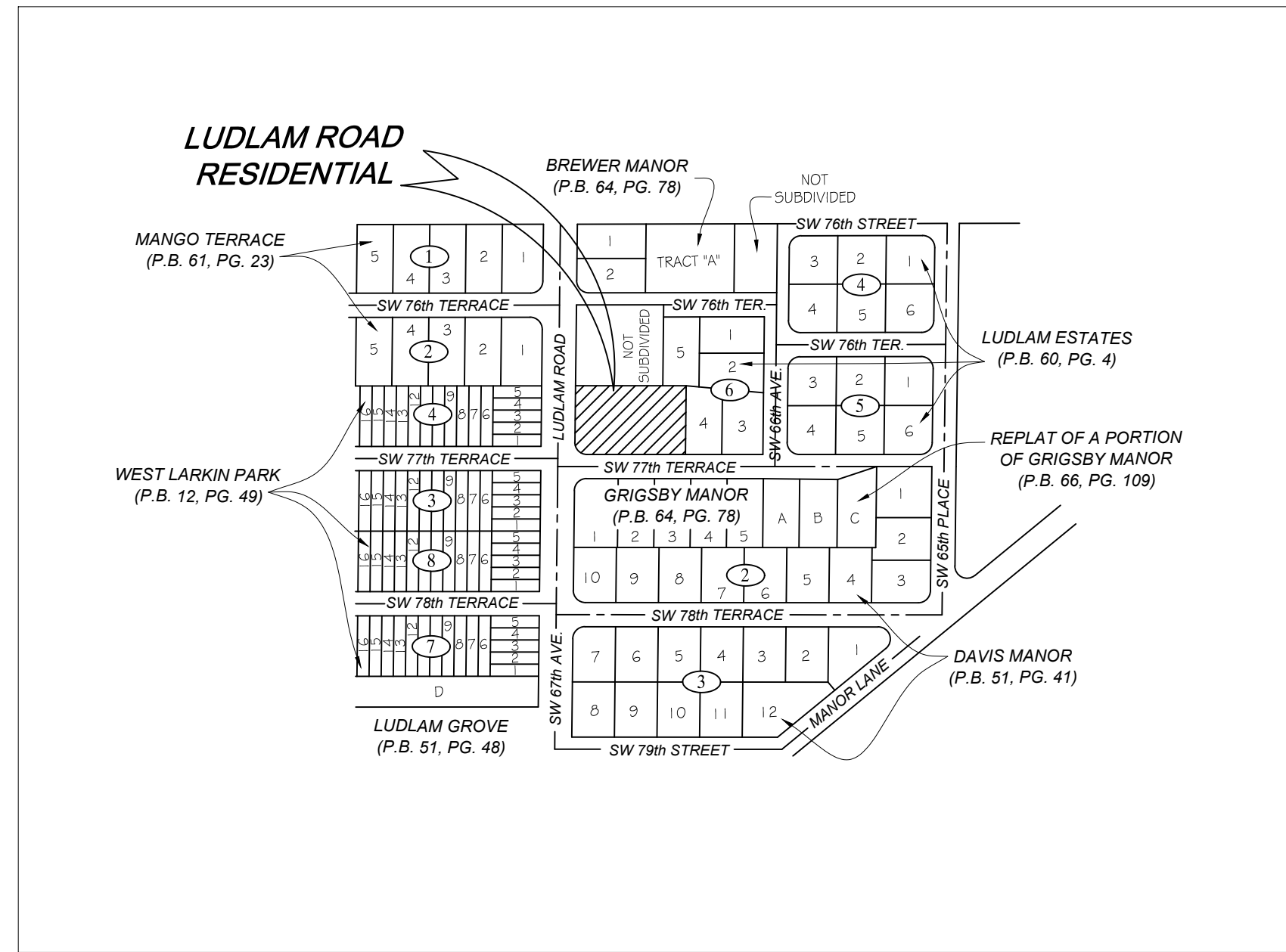
OTHER NOTES TO ACCOMPANY SKETCH OF SURVEY:

- BOUNDARY SURVEY MEANS A DRAWING AND/ OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE; THE WALLS OR FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.
- FOUNDATIONS AND/OR FOOTINGS THAT MAY CROSS BEYOND THE BOUNDARY LINES OF THE PARCEL HEREIN DESCRIBED ARE NOT SHOWN HEREON.

TENTATIVE PLAT OF LUDLAM ROAD RESIDENTIAL

BOUNDARY & TOPOGRAPHIC SURVEY

A PORTION OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SW 1/4 OF THE NW 1/4 OF SECTION 36, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF SOUTH MIAMI, MIAMI-DADE COUNTY, FLORIDA.



A PORTION OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SW 1/4 OF THE NW 1/4 OF SECTION 36, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF SOUTH MIAMI, MIAMI-DADE COUNTY, FLORIDA.

LOCATION SKETCH

PROPERTY ADDRESS:
7709 SW 67th AVENUE, MIAMI, FLORIDA, 33143

SCALE 1" = 300'

LEGAL DESCRIPTION:

The West 263.45 feet, thereof in the North 1/2 of the South 1/2 of the North 1/2 of the Southwest 1/4 of the Northwest 1/4, of Section 36, Township 54 South, Range 40 East, Dade County, Florida, less the South 25 feet and less that part deeded to Miami-Dade County by Special Warranty Deed recorded in O.R. Book 11965, Page 534, Public Records of Miami-Dade County, Florida. More particularly described as follows:
The West 35.00 feet of the West 263.45 feet of the North 1/2 of the South 1/2 of the North 1/2 of the SW 1/4 of the NW 1/4 of Section 36, Township 54 South, Range 40 East, Miami-Dade County, Florida, LESS the South 25.00 feet thereof,
AND
The external area formed by a 25.00 foot radius arc concave to the Northeast, tangent to the East line of the West 35.00 feet of the NW 1/4 of said Section 36, and tangent to the North line of the South 25.00 feet of the North 1/2 of the South 1/2 of the North 1/2 of the SW 1/4 of the NW 1/4 of said Section 36

Parcel ID Number: 09-4036-000-0440

TABLE OF MONUMENTS:

TYPE OF MONUMENT	TOTAL
P. R. M.	5
P. C. P.	5
TOTAL PARCEL CORNERS	4

IN ACCORDANCE WITH FLORIDA STATUTES, CHARTER 177.091

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THIS "BOUNDARY AND TOPOGRAPHIC SURVEY" AND A TENTATIVE OF PLAT OF THE PROPERTY DESCRIBED HEREON, HAS RECENTLY BEEN SURVEYED AND DRAWN UNDER MY SUPERVISION, AND COMPLIES WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES. OTHER.

BY: JULIO E. PEREZ, P.S.M. for the Firm

PROFESSIONAL SURVEYOR AND MAPPER No.: 6029 STATE OF FLORIDA (NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER).

REVISED ON: UPDATE SURVEY 12-01-2023
REVISED ON: ORIGINAL DATE SURVEY 05-25-2022
REVISED ON: _____
REVISED ON: _____
REVISED ON: _____
REVISED ON: _____
REVISED ON: _____

DRAWN BY:	JB
CHECK BY:	JEP
SURVEY NO:	22-001542
SHEET:	1 OF 2
L.B.# 7806	SEAL

FLOOD ZONE INFORMATION:
THE NFIP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE SITUATED IN:
FLOOD ZONE: "X"
BASE FLOOD ELEVATION: N/A
COMMUNITY: 120658 (CITY OF SOUTH MIAMI)
PANEL: 0458
SUFFIX: L
DATE OF FIRM: 09/11/2009

DEVELOPMENT INFORMATION
OWNER:
LEGACY 7709, LLC.
3850 BIRD ROAD, SUITE 800
CORAL GABLES, FL 33146
FOLIO NUMBERS:
09-4036-000-0440
EXISTING DEVELOPMENT
VACANT
PROPOSED DEVELOPMENT INFORMATION:
LOT 1 CONTAINING 11,001 SQ. FT. +/-
PROPOSED 4,200 SQ. FT. SINGLE FAMILY RESIDENCE
LOT 2 CONTAINING 10,654.7 SQ. FT. +/-
PROPOSED 4,200 SQ. FT. SINGLE FAMILY RESIDENCE
LOT 3 CONTAINING 10,658.6 SQ. FT. +/-
PROPOSED 4,200 SQ. FT. SINGLE FAMILY RESIDENCE
FLOOD CRITERIA:
MIAMI-DADE COUNTY FLOOD CRITERIA PER PLAT BOOK 120, PAGE 13: +10.55'
ZONING NOTE:
RS-3 - LOW DENSITY SINGLE FAMILY

WATER AND SEWER SERVICES:
MIAMI-DADE WATER AND SEWER DEPARTMENT

ZONING INFORMATION AS PER PROPERTY APPRAISER:
FOLIO No. 09-4036-000-0440
PA PRIMARY ZONE:
0800 SGL FAMILY - 1701-1900 SQ
PRIMARY LAND USE:
0081 VACANT RESIDENTIAL : VACANT LAND
LAND INFORMATION:
LAND USE: GENERAL
MUNI ZONE: RS-3
PA ZONE: 0800 - SGL FAMILY - 1701-1900 SQ

CONTACT INFORMATION:
JULIO E. PEREZ, PSM
JOHN IBARRA & ASSOCIATES, INC.
(305) 262-0400
777 NW 72nd AVE, SUITE 3025
MIAMI, FL 33126
EMAIL: juliop@ibarralandsurveyors.com
OWNERS INFORMATION:
LEGACY 7709 LLC
MAILING ADDRESS
3850 BIRD ROAD STE 801
MIAMI, FL 33146

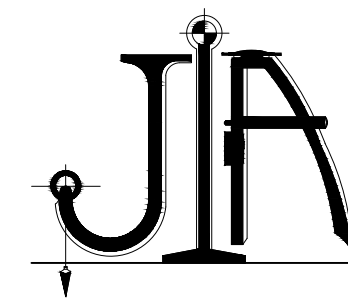
OTHER CONTACT:
DAMIAN THOMASON
PRESIDENT
D.E.T. STRATEGIC CONSULTANTS, LLC
12385 N. PARKLAND BAY TRAIL
PARKLAND, FL 33076
PH: 954-314-7927
MOBILE: 248-794-0264
EMAIL: Damian@det-sc.com
Lisomarie Garcia
All Go Construction Systems Inc.
7400 SW 57 Court Suite #203 | Miami, FL
33143
Office: (305) 596.9991
eMail: lisomarie@allgocs.com

**SETBACK INFORMATION CITY OF SOUTH MIAMI ZONING DISTRICTS:
RS-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS**

MIN. LOT SIZE NET AREA (10,000 SQ. FT.)
FRONTAGE (75 ft.)
MIN. YARD SETBACKS (ft.)
FRONT: 25 (ft.) Except that a lot of record with a depth of ninety (90) feet or less may have a front setback of twenty (20) feet.
REAR: 25 (ft.) Except that a lot of record with a depth of eighty (80) feet or less and a lot frontage of thirty-five (35) feet or less may have a rear setback of twenty (20) feet. A lot of record with a depth of sixty-five (65) feet or less may have a rear setback of fifteen (15) feet.
SIDE: (Interior) 7.5 (ft.) Cumulative width of both side yards may not be not less than twenty percent (20%) of total lot width.
Except that a lot of record with a frontage of forty (40) feet or less may have a side (interior) setback of five (5) feet.
SIDE (Street) 20 (ft.)
MAX. BUILDING HEIGHT (25 ft.)
MAX. BUILDING COVERAGE (30 %) FIRST FLOOR
MAX. IMPERVIOUS COVERAGE (40 %)
THIS INFORMATION NEEDS TO BE CHECK WITH THE CITY OF SOUTH MIAMI CONSTRUCTION DEPARTMENT.

NOTICE IS HEREBY GIVEN THAT SUNSHINE STATE ONE CALL OF FLORIDA, INC. MUST BE CONTACTED AT 1-800-432-4770 AT LEAST 2 BUSINESS DAYS IN ADVANCE OF ANY CONSTRUCTION, EXCAVATION OR DEMOLITION ACTIVITY WITHIN, UPON, ABUTTING OR ADJACENT TO THE SUBJECT PROPERTY. THIS NOTICE IS GIVEN IN COMPLIANCE WITH THE "UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY ACT" PURSUANT TO CHAPTER 556.101-111 OF FLORIDA STATUTES.

THIS DOCUMENT CONSISTS OF TWO SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID NOR COMPLETE UNLESS ATTACHED TO THE OTHER.

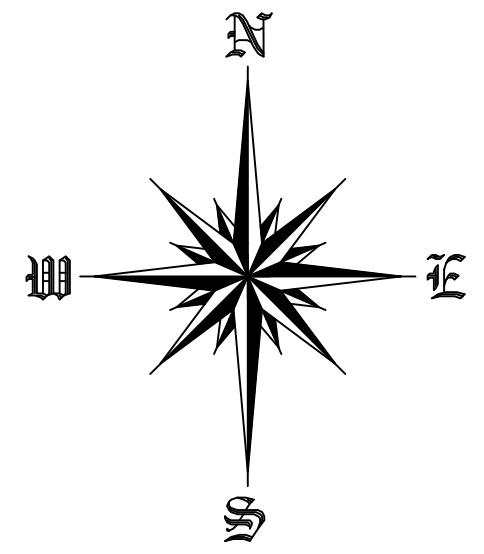
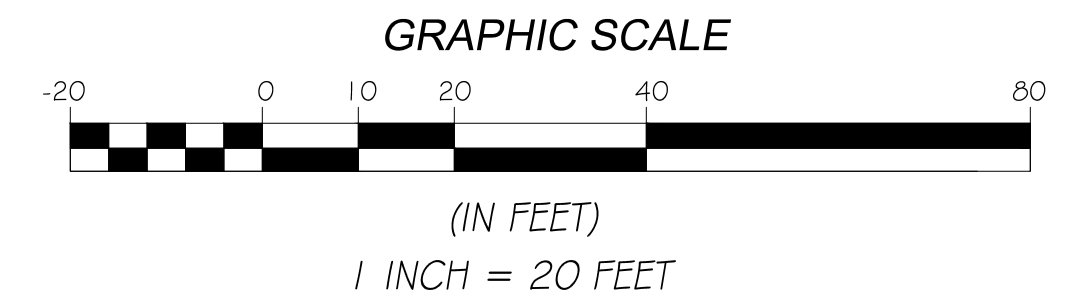


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TENTATIVE PLAT OF LUDLAM ROAD RESIDENTIAL

BOUNDARY & TOPOGRAPHIC SURVEY

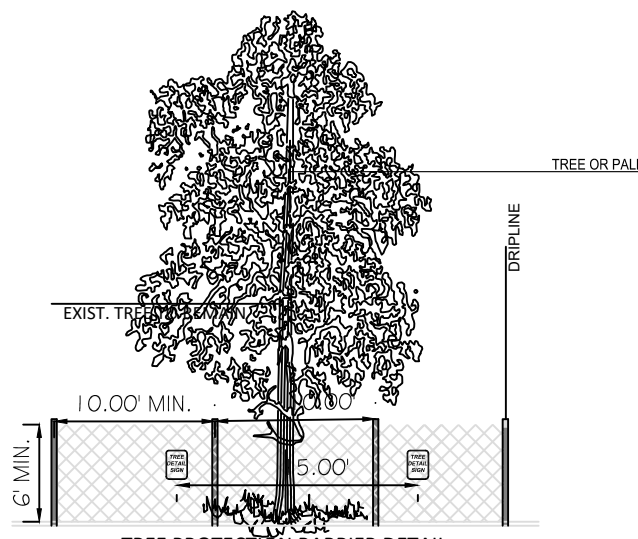
A PORTION OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SW 1/4 OF THE NW 1/4 OF SECTION 36, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF SOUTH MIAMI, MIAMI-DADE COUNTY, FLORIDA.



TREE TABLE				
No.	Name	Diameter (Fl.)	Height (Fl.)	Spread (Fl.)
1	OAK	1.05	40	20
2	UNKNOWN	0.50	25	12
3	OAK	1.80	47	40
4	PALM	1.00	17	12
5	PINE	0.50	50	10
6	OAK	1.60	35	35
7	OAK	1.60	50	40
8	PALM	0.50	40	15
9	PALM	0.40	20	8
10	PALM	0.50	40	15
11	OAK	2.00	50	45
12	UNKNOWN	2.70	26	25
13	OAK	2.00	45	40
14	PALM	1.20	14	10
15	OAK	2.00	35	25
16	UNKNOWN	0.50	20	13
17	JUMBO LIMBO	1.20	35	13
18	UNKNOWN	0.60	20	13
19	JUMBO LIMBO	1.40	45	18
20	UMBRELLA	3.00	35	16
21	FICUS	5.00	65	55
22	PALM	0.60	40	15
23	ROYAL PONCIANA	1.80	60	45
24	UNKNOWN	4.00	65	40
25	ROYAL PONCIANA	2.00	60	35
26	UNKNOWN	0.50	25	15
27	UNKNOWN	1.60	37	28
28	UNKNOWN	0.80	20	20
29	UNKNOWN	2.00	42	27
30	UNKNOWN	2.00	18	20
31	UNKNOWN	1.20	40	25
32	UNKNOWN	3.50	65	45
33	UNKNOWN	2.00	35	20
34	UNKNOWN	0.70	27	18
35	UNKNOWN	0.75	25	12
36	UNKNOWN	1.00	27	13
37	OAK	1.80	45	40
38	OAK	1.25	50	35
39	OAK	2.00	40	36
40	OAK	1.35	47	38
41	UNKNOWN	0.90	38	16
42	PALM	1.00	12	10
43	FISH TAIL PALMS	3.00	35	12
44	OAK	2.00	50	40

TREE TABLE				
No.	Name	Diameter (Fl.)	Height (Fl.)	Spread (Fl.)
45	OAK	1.60	45	40
46	UMBRELLA	1.00	35	20
47	ROYAL PONCIANA	1.80	47	20
48	UMBRELLA	0.90	27	12
49	PALM	1.00	18	8
50	COCONUT	0.85	40	10
51	UNKNOWN	0.40	27	15
52	UNKNOWN	0.80	37	16
53	UNKNOWN	0.40	45	18
54	UNKNOWN	3.00	30	30
55	UNKNOWN	1.20	19	15
56	OAK	2.50	45	36
57	UNKNOWN	0.70	30	15
58	PALM	0.70	25	15
59	OAK	1.40	25	25
60	ROYAL PONCIANA	3.50	40	45
61	UNKNOWN	4.00	37	30
62	PALM	0.65	25	10
63	PALM	0.65	25	10
64	PALM	2.00	10	15
65	OAK	2.20	35	35
66	OAK	0.90	27	18
67	JUMBO LIMBO	2.50	40	18
68	PALM	1.30	8	12
69	OAK	2.00	40	35
70	OAK	1.20	30	17
71	OAK	1.30	35	35
72	OAK	2.00	45	40
73	COCONUT	1.30	18	15
74	FICUS	2.00	45	38
75	UNKNOWN	2.50	45	55
76	OAK	1.00	30	25
77	PALM	0.40	17	6
78	PALM	0.40	17	6
79	PALM	0.40	17	6
80	PALM	0.40	30	12
81	UNKNOWN	0.60	20	15
82	FLUM	2.00	35	18
83	OAK	1.40	28	25

SURVEYOR'S NOTE:
 AN ARBORIST MUST CONFIRM ALL THE TREE NAMES, CONDITION AND SPECIES, WHAT IS SHOWN ON THE SURVEY MAY NOT BE THE CORRECT NAME OF THE TREE. LAND SURVEYORS ARE NOT ARBORIST.



- NOTE: BARRIER TO BE CONTRASTIVE AROUND THE TREE OR GROUP OF TREES.
- MINIMUM SIX (6) FOOT HIGH TEMPORARY TREE PROTECTION BARRIER SHALL BE PLACED AT THE ORIGINAL ROOT ZONE OR DESIGNATED LIMIT OF DISTURBANCE OF THE TREE TO BE SAVED. FENCE SHALL COMPLETELY ENCLOSE TREES. INSTALL FENCE POSTS USING PER BLOCK ONLY. AVOID NESTS OR FRAGILE MAJOR ROOTS. MODIFICATIONS TO FENCING MATERIAL AND LOCATION MUST BE APPROVED BY PLANNING OFFICIAL.
 - TREATMENT OF ROOTS EXPOSED DURING CONSTRUCTION FOR ALL ROOTS OVER ONE (1) INCH IN DIAMETER DAMAGED DURING CONSTRUCTION, MAKE A CLEAN STRAIGHT CUT TO REMOVE DAMAGED PORTION OF ROOT. ALL EXPOSED ROOTS SHALL BE TEMPORARILY COVERED WITH DAMP BURLAP TO PREVENT DRYING AND COVERED WITH SOIL AS SOON AS POSSIBLE.
 - NO STOCKPILING OF MATERIALS, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT OR MACHINERY SHALL BE ALLOWED WITHIN THE LIMITS OF THE FENCING. FENCING SHALL NOT BE MOVED OR REMOVED UNLESS APPROVED BY THE CITY PLANNING OFFICIAL. WORK WITHIN PROTECTION FENCE SHALL BE DONE MANUALLY UNDER THE SUPERVISION OF THE ON-SITE ARBORIST AND WITH PRIOR APPROVAL BY THE CITY PLANNING OFFICIAL.
 - FENCING SIGNS AS DETAILED ABOVE MUST BE POSTED EVERY FIFTEEN (15) ALONG THE FENCE.

ABBREVIATIONS

- ASPH = ASPHALT
- AC = ACRES
- B.M. = BENCH MARK
- B.O.B. = BASIS OF BEARING
- C.B. = CATCH BASIN
- CL. = CLEAR
- C.L.F. = CHAIN LINK FENCE
- D. = DEGREES
- ELEV. = ELEVATION
- F.I.R. = FOUND IRON ROD
- F.F.E. = FINISHED FLOOR ELEVATION
- F.N.D. = FOUND NAIL & DISK
- FT. = FEET
- F.N.P. = FEDERAL NATIONAL INSURANCE PROGRAM
- L.B. = LICENSED BUSINESS
- L.F.E. = LOWEST FLOOR ELEVATION
- M. = MINUTES
- M.H. = MANHOLE
- N.A.P. = NOT A PART OF
- NGVD = NATIONAL GEODETIC VERTICAL DATUM
- OS = OFFSET
- O.R.B. = OFFICIAL RECORDS BOOK
- P.M.T. = PAVEMENT
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- P.W. = PARKWAY
- P.L.S. = PROFESSIONAL LAND SURVEYOR
- SQ. FT. = SQUARE FEET
- R.W. = RIGHT-OF-WAY
- RGE = RANGE
- SEC. = SECTION
- SWK = SECTION WALK
- S.I.R. = SET IRON REBAR
- S. = SOUTH
- S. = SECONDS
- TWP. = TOWNSHIP
- U.E. = UTILITY EASEMENT
- U.P. = UTILITY POLE
- CL. = CENTER LINE

LEGEND

- - - - - OVERHEAD UTILITY LINES
- - - - - CHAIN LINK FENCE
- - - - - UTILITY EASEMENT
- - - - - LIMITED ACCESS RW
- - - - - EXISTING ELEVATIONS
- - - - - SECTION CORNER
- - - - - FIRE HYDRANT
- - - - - CATCH BASIN
- - - - - LIGHT POLE
- - - - - WATER METER
- - - - - SANITARY MANHOLE



THIS DOCUMENT CONSISTS OF TWO (3) SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID NOR COMPLETE UNLESS ATTACHED TO THE OTHER.

DRAWN BY:	JB
CHECK BY:	JEP
SURVEY NO:	22-001542
SHEET:	2 OF 2



PHOTOS BY PEDRO PORTAL pportal@miamiherald.com

Alexander Camps and Maria Camps-Lacayo, the parents of Andrea Camps-Lacayo, listen to the verdict against George Oshane Walton on Wednesday in Miami.

FROM PAGE 1A TRIAL

"I can't give you justice," he said.

Walton showed very little emotion during the sentencing, stroking his chin and briefly covering his eyes with his left hand. Given the chance to speak, he chose not to. He was handcuffed and fingerprinted and taken away by Miami-Dade corrections officers through a back door in Courtroom 4-3 of Miami-Dade's criminal courthouse.

His attorney, Alan Greenstein, said there would be an appeal, likely over insufficient evidence to convict. It's an argument that rarely sways appellate judges.

A GIRL'S DEATH OVER SNEAKERS

Prosecutors from the Miami-Dade State Attorney's Office say Camps-Lacayo lost her life during the botched theft of three pairs of name brand sneakers that she and her boyfriend, both Miami-Dade high-school seniors, were trying to sell to make some money during the early days of the COVID-19 pandemic.

The prosecutors successfully argued that Walton and friend Adrian Cosby were trying to steal

three new pairs of Adidas Yeezy sneakers, a pricey joint venture between the shoe giant and music superstar Kanye West. The shoes sell for \$235 in retail stores and much more on the re-sale market.

According to police and prosecutors, Camps-Lacayo's boyfriend, Sergio Berben, — a prolific Instagram user in high school and who said he used the social-media site to dabble in stock trades — advertised the resale of the Yeezys on an Instagram page that he created and called kickzone305. Prosecutors said he was contacted by direct message on the app on the morning of April 7, 2020, by Eric Readon, who was Facetimeing with Walton at the same time he was negotiating a sale price with Berben.

They agreed on a sale price of \$935. With no meeting time or place yet set, Berben picked up his girlfriend to go out to breakfast before heading over to the gated community in the 27000 block of Southwest 121st Court, where he expected to meet Readon.

When Berben and Camps-Lacayo arrived at the community at 1:15 p.m., Berben contacted Readon, who directed him to the front of an abandoned home. While Ber-



Relatives of Andrea Camps-Lacayo embrace after the verdict in Miami on Wednesday.

ben's white Jeep Wrangler was parked at the curb and still in drive with its engine on, Walton showed up. Berben lowered his window, and the two chatted.

Prosecutors said Walton asked to try on the shoes. Berben refused, wanting the money first. Walton claims to have been looking at the Cash App on his phone when Cosby showed up behind him, walking along the edge of the road.

Suddenly, prosecutors say, Cosby lurched toward the vehicle after pulling a pistol from his jacket. Berben began to speed off, but Cosby got off several rounds, one striking Camps-Lacayo in the stomach, another hitting Berben's arm. Berben drove the Jeep out of the complex and pulled over on Southwest 112th Avenue near a Florida Turnpike exit and called 911.

Jurors heard the 911 call in which Berben begged for help and a dispatcher did all she could to keep him calm and help Camps-Lacayo until help arrived. They were trans-



Miami-Dade Circuit Court Judge Miguel M. de la O was emotional on Wednesday. 'I can't give you justice,' he told Andrea Camps-Lacayo's family.

ported to a hospital. Berben survived. His girlfriend did not.

Though prosecutors admit Walton didn't fire the weapon, that doesn't matter under state law. A person taking part in any crime when a death occurs — whether they physically committed it or not — can be charged with homicide in Florida. The gun was never found.

Cosby was also arrested and charged with the

same crimes as Walton. His trial date is set for April.

'ROBBERY THAT WENT BAD'

During Wednesday's closing arguments, Miami-Dade Assistant State Attorney Sara Imm called the attempted robbery a "set up. This was a robbery that went bad," she told jurors.

And though the state couldn't provide actual

“HE'S DONE SOME STUPID THINGS IN HIS LIFE. RUNNING FROM THIS WAS ONE OF THEM.

Attorney Alan Greenstein, about his client, George Oshane Walton

audio or text exchanges in which a potential robbery was discussed — Imm provided a convincing timeline that showed continual interactions among Readon, Cosby and Walton leading up to the death of Camps-Lacayo. She also explained to jurors how Walton deleted 541 pictures and texts when police showed up at Cosby's home the day after the murder.

"The robbery did not go as planned. And as a result there was loss of life," Imm told jurors. "They did not plan to kill anyone, but it was reasonably foreseeable."

Walton's attorney, Greenstein, countered that the state's case was full of "assumptions, suppositions and inferences, but no proof." And he said his client didn't use any force to try to take the shoes.

"They proved what? That they were friends, that they knew each other?" he asked the jury.

Responding to the state's timeline that showed Walton and Cosby running off after the shooting, Greenstein called it instinctive.

"He's done some stupid things in his life. Running from this was one of them," the lawyer said of his client. "But running is natural under these circumstances. He was scared."



CITY OF SOUTH MIAMI, FLORIDA CITY COMMISSION MEETING NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission will hold a public hearing on **Tuesday, March 5, 2024, at 7:00 p.m.** at **South Miami City Hall Commission Chambers, 6130 Sunset Drive, South Miami, FL 33143**, to consider the following public hearing item(s):

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA [GRANTING APPROVAL OF/DENYING] AN APPLICATION FOR FINAL FLAT APPROVAL PURSUANT TO SECTION 20-4.2 OF THE LAND DEVELOPMENT CODE SEEKING TO SUBDIVIDE A PROPERTY WITHIN THE LOW DENSITY SINGLE-FAMILY RESIDENTIAL (RS-3) ZONING DISTRICT LOCATED AT 7709 SW 67 AVENUE; PROVIDING FOR CONDITIONS; CORRECTIONS; IMPLEMENTATION; SEVERABILITY; AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING CHAPTER 4 "ALCOHOLIC BEVERAGES," ARTICLE I "IN GENERAL," SECTION 4-2 "CONDITIONAL USE APPROVAL OF REQUIREMENTS; NONCONFORMING USE; CERTIFICATE OF OCCUPANCY", AND CHAPTER 15 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE I "IN GENERAL," SECTION 15-63 "MOBILE VENDORS," OF THE CITY CODE OF ORDINANCES, TO MODIFY CONDITIONS RELATING TO FOOD SERVICE IN CONNECTION WITH THE SERVICE OF ALCOHOLIC BEVERAGES INCLUDING ALLOWING MOBILE FOOD VENDORS FOR DRINKING PLACE/BAR/LOUNGE WITHIN THE HOMETOWN DISTRICT UNDER CERTAIN CONDITIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SOUTH MIAMI PENSION PLAN TO ALLOW THE PURCHASE OF UP TO FIVE YEARS OF PRIOR MILITARY SERVICE BY ALL PARTICIPANTS; BY AMENDING CHAPTER 16 "PENSIONS", ARTICLE II "CITY PENSION PLAN", SECTION 16-21 "PURCHASE OF CREDITED SERVICE"; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 7-16. - "PRE-CONSTRUCTION AND CONSTRUCTION STANDARDS FOR SITES", OF CHAPTER 7 "BUILDINGS," OF THE CITY'S CODE OF ORDINANCES, TO REQUIRE A RESTORATION BOND FOR CONSTRUCTION WORK IMPACTING CITY PROPERTY AND/OR RIGHTS-OF-WAY, TO PROHIBIT CONSTRUCTION WORK ON LEGAL HOLIDAYS IN RESIDENTIAL DISTRICTS, AND TO REQUIRE A STAGING AND PARKING PLAN FOR CONSTRUCTION SITES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

Commission members will participate in Chambers or by video conferencing through the Zoom platform and members of the public may join the meeting via Zoom at (<https://zoom.us/j/3056636338>), by phone by calling +1-786-635-1003 and entering Meeting ID: 3056636338 when prompted, or in person in the Commission Chambers, and where their appearance will be broadcast on the Zoom platform, and where they can participate.

All interested parties are invited to attend and will be heard.

For further information, please contact the City Clerk's Office at: 305-663-6340.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the Commission with respect to this matter, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

ADA: To request a modification to a policy, practice or procedure or to request an auxiliary aide or service in order to participate in a City program, activity or event, you must on or before 4:00 p.m. 3 business days before the meeting (not counting the day of the meeting) deliver your request to the City Clerk by telephone: 305-663-6340, by mail at 6130 Sunset Drive, South Miami, Florida or email at npayne@southmiamifl.gov.

Nkenga A. Payne, CMC, FCRM
City Clerk

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City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Daniela Cimo

Submitting Department: City Attorney

Item Type: Ordinance

Agenda Section:

Subject:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING CHAPTER 4 "ALCOHOLIC BEVERAGES," ARTICLE I "IN GENERAL," SECTION 4-2 "CONDITIONAL USE APPROVAL OF REQUIREMENTS; NONCONFORMING USE; CERTIFICATE OF OCCUPANCY", AND CHAPTER 15 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE I "IN GENERAL," SECTION 15-63 "MOBILE VENDORS," OF THE CITY CODE OF ORDINANCES, TO MODIFY CONDITIONS RELATING TO FOOD SERVICE IN CONNECTION WITH THE SERVICE OF ALCOHOLIC BEVERAGES INCLUDING ALLOWING MOBILE FOOD VENDORS FOR DRINKING PLACE/BAR/LOUNGE WITHIN THE HOMETOWN DISTRICT UNDER CERTAIN CONDITIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

Suggested Action:

Attachments:

[4872336-Memo_-_Ordinance_Re_Food_Service_with_Alcoholic_Beverages___Mobile_Food_Vendors_-_SR \(1\).docx](#)

[4872326-Ordinance Allowing Mobile Vendors for Alcoholic Beverage Establishment - SR v2.docx](#)

[AD.pdf](#)

[MH Ad.pdf](#)



CITY OF SOUTH MIAMI
OFFICE OF THE CITY ATTORNEY
INTER-OFFICE MEMORANDUM

To: The Honorable Mayor, Vice Mayor, and Members of the City Commission

FROM: Lillian Arango and Tony Recio, City Attorneys

CC: Genaro "Chip" Iglesias

DATE: March 5, 2024 City Commission Meeting

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING CHAPTER 4 "ALCOHOLIC BEVERAGES," ARTICLE I "IN GENERAL," SECTION 4-2 "CONDITIONAL USE APPROVAL OF REQUIREMENTS; NONCONFORMING USE; CERTIFICATE OF OCCUPANCY", AND CHAPTER 15 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE I "IN GENERAL," SECTION 15-63 "MOBILE VENDORS," OF THE CITY CODE OF ORDINANCES, TO MODIFY CONDITIONS RELATING TO FOOD SERVICE IN CONNECTION WITH THE SERVICE OF ALCOHOLIC BEVERAGES INCLUDING ALLOWING MOBILE FOOD VENDORS FOR DRINKING PLACE/BAR/LOUNGE WITHIN THE HOMETOWN DISTRICT UNDER CERTAIN CONDITIONS (MAYOR FERNÁNDEZ)

The accompanying Ordinance was prepared and placed on the agenda at the request of Mayor Fernández.

ORDINANCE NO. 2024-_____

1
2
3 AN ORDINANCE OF THE MAYOR AND CITY
4 COMMISSION OF THE CITY OF SOUTH MIAMI,
5 FLORIDA, AMENDING CHAPTER 4 “ALCOHOLIC
6 BEVERAGES,” ARTICLE I “IN GENERAL,” SECTION 4-2
7 “CONDITIONAL USE APPROVAL OF REQUIREMENTS;
8 NONCONFORMING USE; CERTIFICATE OF
9 OCCUPANCY”, AND CHAPTER 15 “OFFENSES AND
10 MISCELLANEOUS PROVISIONS”, ARTICLE I “IN
11 GENERAL,” SECTION 15-63 “MOBILE VENDORS,” OF
12 THE CITY CODE OF ORDINANCES, TO MODIFY
13 CONDITIONS RELATING TO FOOD SERVICE IN
14 CONNECTION WITH THE SERVICE OF ALCOHOLIC
15 BEVERAGES INCLUDING ALLOWING MOBILE FOOD
16 VENDORS FOR DRINKING PLACE/BAR/LOUNGE
17 WITHIN THE HOMETOWN DISTRICT UNDER CERTAIN
18 CONDITIONS; PROVIDING FOR CORRECTIONS;
19 SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND
20 AN EFFECTIVE DATE.

21
22 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida
23 Statutes, provides municipalities with the authority to exercise any power for municipal purposes,
24 except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

25
26 **WHEREAS**, the City Commission of the City of South Miami (“City”) finds it
27 periodically necessary to amend its Code of Ordinances (“Code”) to update regulations and
28 procedures to maintain consistency with state law, implement municipal goals and objectives,
29 clarify regulations, and address specific issues and needs that may arise; and

30
31 **WHEREAS**, Section 4-2(a)(4) of the Code regulates restaurants that serve alcoholic
32 beverages to prohibit service counters, or non-traditional seating arrangements; and

33
34 **WHEREAS**, modern restaurants that serve alcoholic beverages have a variety of designs
35 that include service counters and/or a variety of seating options; and

36
37 **WHEREAS**, the City Commission finds that the current limitations in Section 4-2(a)(4)
38 of the Code are unduly restrictive and limiting for the variety of restaurants the City is seeking to
39 attract for the benefit of its residents and businesses; and

40
41 **WHEREAS**, Section 15-63, “Mobile vendors” of the City Code provides that mobile
42 vendors are prohibited from operating or doing business in the City, except in "I" zoned districts,
43 upon construction sites where work is actively in progress, and in any zoning district where a
44 permitted special event, exhibition, exposition, art show and/or festival is taking place certain
45 terms and conditions; and

47 **WHEREAS**, the City Commission finds that mobile food service vendor operations can
 48 be beneficial to residents, visitors, and patrons to alcoholic beverage establishments, which are
 49 regulated by Florida Statutes and Chapter 4, “Alcoholic Beverages,” of the City Code; and
 50

51 **WHEREAS**, the City Commission desires to amend Section 4-2 and Section 15-63,
 52 “Mobile vendors” of the City Code, to allow restaurants to provide service counters and a variety
 53 of seating options, and to allow a drinking place/bar/lounge within the Hometown District the
 54 opportunity to serve food on its premises through mobile food vendors under certain conditions;
 55 and
 56

57 **WHEREAS**, on February 6, 2024, the City Commission approved the ordinance on first
 58 reading; and
 59

60 **WHEREAS**, on _____, 2024, the Mayor and City Commission conducted a duly
 61 noticed public hearing as required by law and approved the ordinance on second reading; and
 62

63 **WHEREAS**, the City Commission finds that this Ordinance is in the best interest and
 64 welfare of the City.
 65

66 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY
 67 COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:**¹
 68

69 **Section 1. Recitals.** The above-stated recitals are true and correct and are incorporated
 70 herein by this reference.
 71

72 **Section 1. Amending Chapter 4, Article I, Section 4-2 and Chapter 15, Article I,
 73 Section 15-63 of the Code.** Chapter 4 – “Alcoholic Beverages,” Article I. – “In General”, Section
 74 4-2. “Conditional use approval of requirements; nonconforming use; certificate of occupancy” and
 75 Chapter 15 – “Offense and Miscellaneous Provisions,” Article I. – “In General”, Section 15-63.
 76 “Mobile vendors” of the City Code of Ordinances, is hereby amended to read as follows:

77 * * *

78 **CHAPTER 4 – ALCOHOLIC BEVERAGES**
 79

80 **ARTICLE I. – IN GENERAL**
 81

82 * * *

83 * * *

84 **Sec. 4-2. Conditional use approval of distance requirements; nonconforming use; certificate**
 85 **of occupancy.**

86 * * *

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. Modifications made at second reading are shaded in dark grey.

87
88 (a) *Distance requirements.*
89

90 * * *

91
92 (4) No beer, wine or beverage containing distilled spirits (alcoholic beverage) may
93 be sold or consumed as part of an approved restaurant use unless:

94 a. ~~No alcoholic service bar is provided;~~

95
96 ~~b. Food is served in conjunction with alcoholic beverage within or upon the~~
97 ~~premises and the alcoholic beverage is only served at approved seating;~~

98
99 ~~be. The sale of alcoholic beverage is less than one-half (1/2) the total monthly~~
100 ~~sales;~~

101
102 ~~cd. Alcoholic beverages are not removed from the premises;~~

103
104 ~~de. A permanent, opaque buffer is provided between the premises and any and~~
105 ~~all adjoining properties which are zoned residential; and~~

106
107 ~~ef. Alcoholic beverages shall only be served between the hours of 9:00 a.m. and~~
108 ~~midnight.~~

109
110 The restaurant shall provide the city with the restaurant's records of its sales of
111 food, non-alcoholic beverages and alcoholic beverages upon demand of the city
112 manager, or manager's designee, or of a city code enforcement employee.
113

114 * * *

115
116
117 (7) Mobile food vendors for Drinking Place/Bar/Lounge within Hometown District.
118 ~~In connection with a~~ A licensed stand-alone Drinking Place, bar, or lounge, that is not
119 located on the same premises as a restaurant, shall be permitted one mobile food
120 vendor to offer mobile food service on the premises ~~shall be allowed per property~~ on
121 a nightly basis, subject to the following conditions:

122
123 a. Operating hours shall be limited from ~~10~~ 11 p.m. to 4 a.m.;

124 b. All supporting equipment for the mobile food vendor operation, including but
125 not limited to tables, condiment set-ups, generators, fans, etc., shall be located on
126 private property at all times; ~~and~~

127
128 c. The mobile food truck or mobile food dispensing vehicle shall be removed from
129 the premises from 7 a.m. to 8 p.m. each day; and

130
131 d. Prior to commencing operations, a Drinking Place/Bar/Lounge must obtain a
132 certificate of use or amend a current certificate to allow for the mobile food

133 service operation on the premises. The application shall require the Drinking
134 Place/Bar/Lounge to provide the following information:

135
136 1. Narrative describing the mobile food vendor operation and its hours of
137 operation, including the intended location, placement of supporting
138 equipment on the premises, a daily removal schedule, and description of
139 mitigation for noise impacts to abutting property owners; and

140
141 2. Copy of the applicable state and local licenses for the mobile food
142 vendor, including a local business tax receipt issued to the mobile food
143 vendor by the city, proof of liability insurance coverage with the city
144 named as additional insured, and clearly state the requested duration
145 aligning with the intended operating schedule.

146
147 This paragraph (7) shall sunset on October 1, 2025, unless extended by Resolution of
148 the City Commission. In the event the provisions of this paragraph are not extended
149 by the City Commission, all licenses issued hereunder shall terminate.

150
151 * * *

152
153 **Chapter 15 - OFFENSES AND MISCELLANEOUS PROVISIONS**
154 **ARTICLE I. - IN GENERAL**

155
156 * * *

157
158 **Sec. 15-63. Mobile vendors.**

159 (a) It shall be unlawful to sell, offer to sell, or exhibit for sale any goods or merchandise,
160 including, but not limited to, fruits, nuts, popcorn, ice cream or sandwiches from any
161 parked vehicle or stand set upon any street or sidewalk in the city, or from the exteriors
162 of buildings licensed for sales, unless otherwise provided herein, in the land
163 development code, or in Section 4-2 of the City's Code of Ordinances.

164 * * *

165
166 **Section 2. Corrections.** Conforming language or technical scrivener-type corrections
167 may be made by the City Attorney for any conforming amendments to be incorporated into the
168 final Ordinance for signature.

169
170 **Section 3. Severability.** If any section, clause, sentence, or phrase of this Ordinance
171 is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding
172 shall not affect the validity of the remaining portions of this Ordinance.

173
174 **Section 4. Conflicts.** That all ordinances or parts of ordinances, resolutions or parts
175 of resolutions, in conflict herewith, are repealed to the extent of such conflict.

177 **Section 5. Implementation.** That the City Manager and City Attorney are authorized
178 to take any and all actions necessary to implement the Ground Lease and the purposes of this
179 Ordinance, including acting as the City’s authorized representative for all matters related to the
180 Ground Lease and Facility.

181
182 **Section 6. Effective Date.** This Ordinance shall become effective immediately upon
183 adoption.

184
185 **PASSED** on first reading on the 6th day of February, 2024.

186
187 **PASSED AND ADOPTED** on second reading on the ____ day of _____, 2024.

188
189 ATTEST:

APPROVED:

190
191
192 _____
193 CITY CLERK

MAYOR

194
195 READ AND APPROVED AS TO FORM,
196 LANGUAGE, LEGALITY AND
197 EXECUTION THEREOF

COMMISSION VOTE:
Mayor Javier Fernández:
Vice Mayor Lisa Bonich:
Commissioner Steve Calle:
Commissioner Joshua Liebman:
Commissioner Brian Corey:

198
199
200 _____
201 WEISS SEROTA HELFMAN COLE
202 & BIERMAN, P.L.
203 CITY ATTORNEY

Recovery efforts ongoing for five Marines killed in helicopter crash

BY JULIE WATSON
Associated Press

SAN DIEGO

Efforts were underway Thursday to recover the remains of five U.S. Marines who were killed when their helicopter went down during stormy weather in the mountains outside of San Diego, the military said.

Authorities say the CH-53E Super Stallion vanished late Tuesday night while conducting a flight training on their way back to Marine Corps Air Station Miramar in San Diego from Creech Air Force Base, northwest of Las Vegas.

"It is with a heavy heart and profound sadness that I share the loss of five outstanding Marines from 3d Marine Aircraft Wing and the "Flying Tigers," Maj. Gen. Michael J. Borgschulte, commander of 3rd Marine Aircraft Wing, said in a statement.

Per military policy, the names of the Marines are not released until 24 hours after all next-of-kin have been notified. The five Marines were assigned to Miramar's Marine Heavy Helicopter Squadron 361, Marine Aircraft Group 16, 3rd Marine Aircraft Wing at Miramar.

The military is investigating the crash and Capt. Stephanie Leguizamon, spokeswoman for the wing, said she had little information beyond the statement, but noted that recovery efforts were being hampered by snowfall from an historic storm that was moving out of California on Thursday.

"I do know that it's cold ... I know that's been a contentious issue" for searchers in reaching the crash site.

Defense Secretary Lloyd Austin expressed his con-

dolences and said his prayers are with the loved ones of these "brave Marines" and said the entire defense department mourns their loss.

"As the Marine Corps investigates this deadly crash, it is yet another reminder that across our nation and the world our selfless service members put their lives on the line every day to keep our country safe," he said in a statement.

President Joe Biden said in a statement that he and first lady Jill Biden are "heartbroken" to learn of the Marines' deaths.

"Our service members represent the very best of our nation — and these five Marines were no exception," Biden said.

The last known contact with the Super Stallion — the largest helicopter in the military, and designed to fly in bad weather — was at about 11:30 p.m. Tuesday when waves of downpours and snow were hitting the region, Mike Cornette of the California Department

of Forestry and Fire Protection told CBS 8 news. That location was based on a "ping" reported to a Cal Fire dispatch center.

The craft was discovered Wednesday morning near Pine Valley, an hour's drive from San Diego.

The mountain community is at about 3,700 feet in elevation in the Cuyamaca Mountains, an area which saw as much 8 inches of accumulating snow within hours Tuesday night and early Wednesday and saw more falling Wednesday night, according to forecasters.

The area includes San Diego County's second highest mountain, Cuyamaca Peak, at 6,512 feet, and is also near the Cleveland National Forest, which covers 720 square miles with much of it steep, rocky and with limited trails.

A mechanical issue in bad weather would also make flying even harder. And while designed for bad weather, ice accumulation on rotor blades could disrupt the ability to create lift.

Senate votes to advance Ukraine-Israel package after border deal fails

SHINGTON

Overcoming a week of setbacks, the Senate on Thursday voted to begin work on a package of war-time funding for Ukraine, Israel and other U.S. allies. But doubts remained about support from Republicans who earlier rejected a carefully negotiated compromise that also included border enforcement policies.

Senate Majority Leader Chuck Schumer called the latest vote a "good first step" and pledged that the Senate would "keep working on this bill — until the job is done."

The 67-32 vote was the first meaningful step Congress has taken in months to approve Ukraine aid, but it still faces a difficult path

through Congress. Support from GOP senators for final passage is not guaranteed, and even if the legislation passes the Senate, it is expected to be more difficult to win approval in the Republican-controlled House, where Speaker Mike Johnson, R-La., has been noncommittal on the aid.

The Senate prepared for a days-long slog to reach a final vote, and leaders had not agreed to a process to limit the debate time for the bill as Republicans remained divided on how to approach the legislation.

The \$95 billion package is intended to show American strength at a time when U.S. military troops have been attacked and killed in Jordan, allies like

Ukraine and Israel are deep in war and unrest threatens to shake the global order. It is also the best chance for Congress to replenish completely depleted military aid for Ukraine — a goal shared by President Joe Biden, Schumer and Senate Republican leader Mitch McConnell.

After the collapse this week of a bipartisan agreement to include border policy changes in the package, Schumer salvaged \$60 billion in aid for Ukraine, as well as roughly \$35 billion for Israel, other allies and national security priorities in the current legislation.

The \$95 billion package proposed by Democrats this week would send \$14 billion in military aid to Israel, provide further funding for allies in Asia, and allot \$10 billion for humanitarian efforts in Ukraine, Israel, Gaza and other places.

— ASSOCIATED PRESS



CITY OF SOUTH MIAMI, FLORIDA CITY COMMISSION MEETING NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission will hold a public hearing on **Tuesday, February 20, 2024, at 7:00 p.m.** at **South Miami City Hall Commission Chambers, 6130 Sunset Drive, South Miami, FL 33143**, to consider the following public hearing item(s):

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING TRAFFIC CALMING AND MODIFICATION DEVICES TO BE INSTALLED ON CITY STREETS; PROVIDING FOR IMPLEMENTATION, SEVERABILITY, CORRECTIONS, AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING CHAPTER 4 "ALCOHOLIC BEVERAGES," ARTICLE 1 "IN GENERAL," SECTION 4-2 "CONDITIONAL USE APPROVAL OF REQUIREMENTS; NONCONFORMING USE; CERTIFICATE OF OCCUPANCY," AND CHAPTER 15 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE 1 "IN GENERAL," SECTION 15-63 "MOBILE VENDORS," OF THE CITY CODE OF ORDINANCES, TO MODIFY CONDITIONS RELATING TO FOOD SERVICE IN CONNECTION WITH THE SERVICE OF ALCOHOLIC BEVERAGES INCLUDING ALLOWING MOBILE FOOD VENDORS FOR DRINKING PLACE/BAR/LOUNGE WITHIN THE HOMETOWN DISTRICT UNDER CERTAIN CONDITIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

Commission members will participate in Chambers or by video conferencing through the Zoom platform and members of the public may join the meeting via Zoom at (<https://zoom.us/j/3056636338>), by phone by calling +1-786-635-1003 and entering Meeting ID: 3056636338 when prompted, or in person in the Commission Chambers, and where their appearance will be broadcast on the Zoom platform, and where they can participate.

All interested parties are invited to attend and will be heard.

For further information, please contact the City Clerk's Office at: 305-663-6340.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the Commission with respect to this matter, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

ADA: To request a modification to a policy, practice or procedure or to request an auxiliary aide or service in order to participate in a City program, activity or event, you must do so before 4:00 p.m. 3 business days before the meeting (not counting the day of the meeting) deliver your request to the City Clerk by telephone: 305-663-6340, by mail at 6130 Sunset Drive, South Miami, Florida or email at npayne@southmiamifl.gov.

Nkenga A. Payne, CMC, FCRM
City Clerk

Closed Monday, February 19th in observance of Presidents' Day

CLASSIFIED AND OBIT DEADLINES

CLASSIFIED ADS

PUBLICATION	DEADLINE
Monday, Feb. 19th	Friday, Feb. 16 at 2:30 PM
Tuesday, Feb. 20th	Friday, Feb. 16 at 2:30 PM

OBIT

PUBLICATION	DEADLINE
Monday, Feb. 19th	Saturday, Feb. 17 at 2:30 PM
Tuesday, Feb. 20th	Saturday, Feb. 17 at 2:30 PM

MIA



VILLAGE OF PALMETTO BAY

NOTICE OF HYBRID SPECIAL COUNCIL MEETING FOR THE APPROVAL OF A FINAL PLAT FOR THE VETERANS PARK

NOTICE IS HEREBY GIVEN that the Village of Palmetto Bay shall conduct a hybrid Special Council Meeting on **Monday, March 11, 2024, at 6:30 p.m.** The Special Council Meeting shall be held at the American Legion Post in Palmetto Bay located at: 16401 SW 90th Ave, Palmetto Bay, FL 33157.

The following item is being heard and will be considered during the Special Council Meeting pursuant to the Village's Land Development Code:

Item 1: The following Resolution requiring a Public Hearing is being considered pursuant to the Village's Land Development Code:

Applicant: South Motor Company of Dade County
Location: North of SW 160th Street and SW 164th Street and East of South Dixie Highway and West of SW 92nd Avenue
Folio No.: 33-5028-002-0030
Application: PL-24-002
Zoning District: B-2 Business Zoning District
Request: Approval of final plat to be known as "Jakarel Subdivision Plat" also known as the Veterans Park.

All persons are invited to appear and be heard. The documents pertaining to this Hearing may be inspected at the Department of Planning & Zoning at Village Hall, 9705 East Hibiscus Street, Palmetto Bay, Florida, during regular working hours. Any meeting may be opened and continued, and, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall for more information.

This meeting will be conducted using a teleconferencing platform and broadcast live. **Members of the public may attend the meeting at the physical meeting location and/or watch the virtual meeting via the Village's official Facebook page and/or our Granicus web stream on www.palmettobay-fl.gov.**

For persons wishing to participate virtually and provide public comment, please refer to the options described below:

Public comments forum (Option 1): Prior to the meeting, the public can submit a web form available at this address: <https://www.palmettobay-fl.gov/formcenter/public-comments-form-10/public-comments-form-52>. Form submissions received before 5:00 PM, the day of the meeting, shall be distributed to the members of the Village Council. Form submissions will remain part of the record.

Public comments forum (Option 2): Residents can review agenda item details and indicate their position on an agenda item using the e-comment feature under the agenda tab of the Village website. The e-comment feature may be used from any device. Residents will need to create an account and log into the system and from there, residents can leave comments on agenda items and read other comments.

Public comments forum (Option 3): Public attendees wishing to provide real-time, audible public comments during the meeting may do so using GoToWebinar's desktop, laptop, tablet, or smartphone app. Once registered, attendees will receive GTW session information and call-in telephone numbers for those wishing to use a telephone. Telephone attendees may not participate in public comment as the system has no way to mute or unmute. Attendees wishing to speak during public comment time must use the GoToWebinar application on their desktop, laptop, or smart device. Attendees may not use a webcam whatsoever. In lieu if no availability to participate through the webinar, please submit your public comment using the web form as described above.

Please register to attend the session as follows:

<https://attendee.gotowebinar.com/register/2521468671570361693>

After registering, you will receive a confirmation email containing information about joining the webinar.

Pursuant to Section 286.0105, F.S., if any person decides to appeal any decision by the Village Council with regard to this or any matter, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than seven (7) days prior to the proceedings.

www.palmettobay-fl.gov

BAL HARBOUR

- VILLAGE -

NOTICE OF PUBLIC HEARING – SECOND READING ORDINANCE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Bal Harbour Village Council on **TUESDAY, February 20, 2023, at 6:30 p.m.** or soon thereafter. The meeting will be conducted in-person at the **Sea View Hotel, 9909 Collins Avenue, Bal Harbour, FL 33154 in the Crystal Ballroom.** Public Comments may also be submitted by telephone at 305-865-6449, or emailed to meetings@balharbourfl.gov before and during the meeting. The following ordinance will be considered for second and final reading.

AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING SECTION 2-384 "NOTICE BY PUBLICATION AND NOTICE BY MAIL; SECTION 6-61 "ESTABLISHMENT; DURATION; TERMINATION"; SECTION 18-116 "PUBLICATION OF RESOLUTION"; SECTION 18-117 "ASSESSMENT ROLL"; SECTION 21-52 "SAME-PUBLIC HEARING; NOTICE OF VILLAGE COUNCIL AND LOCAL PLANNING AGENCY HEARINGS" OF THE VILLAGE'S CODE TO REMOVE THE REQUIREMENT OF NEWSPAPER OF GENERAL CIRCULATION AND AUTHORIZE PUBLICATION IN ACCORDANCE WITH CHAPTER 50, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Village Clerk's Office, 655 - 96th Street, Bal Harbour, Florida 33154, or online at www.balharbourfl.gov under the heading "Council Meeting Information".

All persons who are disabled and who need special accommodations to participate in this proceeding should contact the Village Clerk's Office (305.866.4633) not later than two business days before such proceeding (Americans with Disabilities Act of 1990).

If a person decides to appeal any decision made by the Village Council, to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).



Dwight S. Danie, Village Clerk



PHOTOS BY PEDRO PORTAL pportal@miamiherald.com

Alexander Camps and Maria Camps-Lacayo, the parents of Andrea Camps-Lacayo, listen to the verdict against George Oshane Walton on Wednesday in Miami.

FROM PAGE 1A TRIAL

"I can't give you justice," he said.

Walton showed very little emotion during the sentencing, stroking his chin and briefly covering his eyes with his left hand. Given the chance to speak, he chose not to. He was handcuffed and fingerprinted and taken away by Miami-Dade corrections officers through a back door in Courtroom 4-3 of Miami-Dade's criminal courthouse.

His attorney, Alan Greenstein, said there would be an appeal, likely over insufficient evidence to convict. It's an argument that rarely sways appellate judges.

A GIRL'S DEATH OVER SNEAKERS

Prosecutors from the Miami-Dade State Attorney's Office say Camps-Lacayo lost her life during the botched theft of three pairs of name brand sneakers that she and her boyfriend, both Miami-Dade high-school seniors, were trying to sell to make some money during the early days of the COVID-19 pandemic.

The prosecutors successfully argued that Walton and friend Adrian Cosby were trying to steal

three new pairs of Adidas Yeezy sneakers, a pricey joint venture between the shoe giant and music superstar Kanye West. The shoes sell for \$235 in retail stores and much more on the re-sale market.

According to police and prosecutors, Camps-Lacayo's boyfriend, Sergio Berben, — a prolific Instagram user in high school and who said he used the social-media site to dabble in stock trades — advertised the resale of the Yeezys on an Instagram page that he created and called kickzone305.

Prosecutors said he was contacted by direct message on the app on the morning of April 7, 2020, by Eric Readon, who was Facetimeing with Walton at the same time he was negotiating a sale price with Berben.

They agreed on a sale price of \$935. With no meeting time or place yet set, Berben picked up his girlfriend to go out to breakfast before heading over to the gated community in the 27000 block of Southwest 121st Court, where he expected to meet Readon.

When Berben and Camps-Lacayo arrived at the community at 1:15 p.m., Berben contacted Readon, who directed him to the front of an abandoned home. While Ber-



Relatives of Andrea Camps-Lacayo embrace after the verdict in Miami on Wednesday.

ben's white Jeep Wrangler was parked at the curb and still in drive with its engine on, Walton showed up. Berben lowered his window, and the two chatted.

Prosecutors said Walton asked to try on the shoes. Berben refused, wanting the money first. Walton claims to have been looking at the Cash App on his phone when Cosby showed up behind him, walking along the edge of the road.

Suddenly, prosecutors say, Cosby lurched toward the vehicle after pulling a pistol from his jacket. Berben began to speed off, but Cosby got off several rounds, one striking Camps-Lacayo in the stomach, another hitting Berben's arm. Berben drove the Jeep out of the complex and pulled over on Southwest 112th Avenue near a Florida Turnpike exit and called 911.

Jurors heard the 911 call in which Berben begged for help and a dispatcher did all she could to keep him calm and help Camps-Lacayo until help arrived. They were trans-



Miami-Dade Circuit Court Judge Miguel M. de la O was emotional on Wednesday. 'I can't give you justice,' he told Andrea Camps-Lacayo's family.

ported to a hospital. Berben survived. His girlfriend did not.

Though prosecutors admit Walton didn't fire the weapon, that doesn't matter under state law. A person taking part in any crime when a death occurs — whether they physically committed it or not — can be charged with homicide in Florida. The gun was never found.

Cosby was also arrested and charged with the

same crimes as Walton. His trial date is set for April.

'ROBBERY THAT WENT BAD'

During Wednesday's closing arguments, Miami-Dade Assistant State Attorney Sara Imm called the attempted robbery a "set up. This was a robbery that went bad," she told jurors.

And though the state couldn't provide actual

“HE'S DONE SOME STUPID THINGS IN HIS LIFE. RUNNING FROM THIS WAS ONE OF THEM.

Attorney Alan Greenstein, about his client, George Oshane Walton

audio or text exchanges in which a potential robbery was discussed — Imm provided a convincing timeline that showed continual interactions among Readon, Cosby and Walton leading up to the death of Camps-Lacayo. She also explained to jurors how Walton deleted 541 pictures and texts when police showed up at Cosby's home the day after the murder.

"The robbery did not go as planned. And as a result there was loss of life," Imm told jurors. "They did not plan to kill anyone, but it was reasonably foreseeable."

Walton's attorney, Greenstein, countered that the state's case was full of "assumptions, suppositions and inferences, but no proof." And he said his client didn't use any force to try to take the shoes.

"They proved what? That they were friends, that they knew each other?" he asked the jury.

Responding to the state's timeline that showed Walton and Cosby running off after the shooting, Greenstein called it instinctive.

"He's done some stupid things in his life. Running from this was one of them," the lawyer said of his client. "But running is natural under these circumstances. He was scared."



CITY OF SOUTH MIAMI, FLORIDA CITY COMMISSION MEETING NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission will hold a public hearing on **Tuesday, March 5, 2024, at 7:00 p.m.** at **South Miami City Hall Commission Chambers, 6130 Sunset Drive, South Miami, FL 33143**, to consider the following public hearing item(s):

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA [GRANTING APPROVAL OF/DENYING] AN APPLICATION FOR FINAL FLAT APPROVAL PURSUANT TO SECTION 20-4.2 OF THE LAND DEVELOPMENT CODE SEEKING TO SUBDIVIDE A PROPERTY WITHIN THE LOW DENSITY SINGLE-FAMILY RESIDENTIAL (RS-3) ZONING DISTRICT LOCATED AT 7709 SW 67 AVENUE; PROVIDING FOR CONDITIONS; CORRECTIONS; IMPLEMENTATION; SEVERABILITY; AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING CHAPTER 4 "ALCOHOLIC BEVERAGES," ARTICLE I "IN GENERAL," SECTION 4-2 "CONDITIONAL USE APPROVAL OF REQUIREMENTS; NONCONFORMING USE; CERTIFICATE OF OCCUPANCY", AND CHAPTER 15 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE I "IN GENERAL," SECTION 15-63 "MOBILE VENDORS," OF THE CITY CODE OF ORDINANCES, TO MODIFY CONDITIONS RELATING TO FOOD SERVICE IN CONNECTION WITH THE SERVICE OF ALCOHOLIC BEVERAGES INCLUDING ALLOWING MOBILE FOOD VENDORS FOR DRINKING PLACE/BAR/LOUNGE WITHIN THE HOMETOWN DISTRICT UNDER CERTAIN CONDITIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SOUTH MIAMI PENSION PLAN TO ALLOW THE PURCHASE OF UP TO FIVE YEARS OF PRIOR MILITARY SERVICE BY ALL PARTICIPANTS; BY AMENDING CHAPTER 16 "PENSIONS", ARTICLE II "CITY PENSION PLAN", SECTION 16-21 "PURCHASE OF CREDITED SERVICE"; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 7-16. - "PRE-CONSTRUCTION AND CONSTRUCTION STANDARDS FOR SITES", OF CHAPTER 7 "BUILDINGS," OF THE CITY'S CODE OF ORDINANCES, TO REQUIRE A RESTORATION BOND FOR CONSTRUCTION WORK IMPACTING CITY PROPERTY AND/OR RIGHTS-OF-WAY, TO PROHIBIT CONSTRUCTION WORK ON LEGAL HOLIDAYS IN RESIDENTIAL DISTRICTS, AND TO REQUIRE A STAGING AND PARKING PLAN FOR CONSTRUCTION SITES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

Commission members will participate in Chambers or by video conferencing through the Zoom platform and members of the public may join the meeting via Zoom at (<https://zoom.us/j/3056636338>), by phone by calling +1-786-635-1003 and entering Meeting ID: 3056636338 when prompted, or in person in the Commission Chambers, and where their appearance will be broadcast on the Zoom platform, and where they can participate.

All interested parties are invited to attend and will be heard.

For further information, please contact the City Clerk's Office at: 305-663-6340.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the Commission with respect to this matter, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

ADA: To request a modification to a policy, practice or procedure or to request an auxiliary aide or service in order to participate in a City program, activity or event, you must on or before 4:00 p.m. 3 business days before the meeting (not counting the day of the meeting) deliver your request to the City Clerk by telephone: 305-663-6340, by mail at 6130 Sunset Drive, South Miami, Florida or email at npayne@southmiamifl.gov.

Nkenga A. Payne, CMC, FCRM
City Clerk

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City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Alfredo Riverol

Submitting Department: City Manager

Item Type: Ordinance

Agenda Section:

Subject:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SOUTH MIAMI PENSION PLAN TO ALLOW THE PURCHASE OF UP TO FIVE YEARS OF PRIOR MILITARY SERVICE BY ALL PARTICIPANTS; BY AMENDING CHAPTER 16 "PENSIONS", ARTICLE II "CITY PENSION PLAN", SECTION 16-21 "PURCHASE OF CREDITED SERVICE"; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

Suggested Action:

Attachments:

[Memo_-_Ordinance_on_Purchase_of_Prior_Military_Service__2__1__1_\(1\).docx](#)

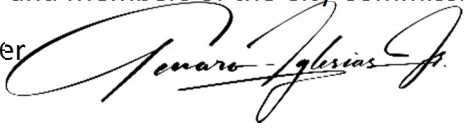
[4805198-Ordinance_Amending_Pension_Plan_v2_rev_2.23.24 - SR.docx](#)

[No Cost AIS - Service Purchase 2-2024.pdf](#)

[MH Ad.pdf](#)



CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM

TO: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Genaro "Chip" Iglesias, City Manager 
DATE: March 5, 2024
SUBJECT: An Ordinance Amending the City's Pension Plan to allow All Participants to Purchase up-to 5-Years of Prior Active U.S. Military Service prior to City Employment

RECOMMENDATION:

Amend the City's existing pension Ordinance to allow all pension participants to purchase up-to 5-years of active prior Active U.S. Military Service at their sole discretion and cost prior to City employment.

BACKGROUND:

The City's existing Pension Plan allows participants of the Police Pension Plan the ability to purchase up-to 5-years of prior active U.S. Military Service.

The City Administration recommends amending the service purchase provisions of the City Pension Plan to allow all Plan participants of all classes to purchase credited service under the Plan for up to five years of active-duty service in the U.S. military prior to city employment by paying the full actuarial cost of such service as determined by the Plan actuary, with such service applying to pension benefit calculations but not toward vesting under the Plan.

The below details the changes to the City's Pension Plan as proposed in the Ordinance:

- All city employees, not just police officer participants, can purchase up to 5 years of military service.
- The military service eligible for purchase includes active-duty US military service, and not service in the National Guard, Florida State Guard or military reserves.
- Employees purchasing service must pay the full actuarial cost of the service and the cost for the actuarial calculations.
- Full payment for service must be made within 60 days of the calculation.
- Employees cannot buy military service that already counts toward benefits in another pension plan.



CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM

FUNDING:

Finance's expected cost to the City created by the proposed amendment to the City's pension plan, allowing for this option is estimated to be \$0.

ATTACHMENTS:

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SOUTH MIAMI PENSION PLAN TO ALLOW THE PURCHASE OF UP TO FIVE YEARS OF PRIOR MILITARY SERVICE BY ALL PARTICIPANTS; BY AMENDING CHAPTER 16 “PENSIONS”, ARTICLE II “CITY PENSION PLAN”, SECTION 16-21 “PURCHASE OF CREDITED SERVICE”; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to amend the service purchase provisions of the City Pension Plan to allow all Plan participants to purchase credited service under the Plan for up to five years of active duty service in the U.S. military prior to city employment by paying the full actuarial cost of such service as determined by the Plan actuary, with such service applying to pension benefit calculations but not toward vesting under the Plan; and

WHEREAS, the unions representing City general employees and police officers have agreed to the amendment; and

WHEREAS, the City Commission has determined that amending the City’s pension plan is in the best interests of the City, its employees and residents.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, THAT:

Section 1. Recitals Adopted. The foregoing recitals are hereby ratified and incorporated by reference as if fully set forth herein and as the legislative intent of this Ordinance.

Section 2. City Code Amended. Chapter 16, Article II, of the City of South Miami Code of Ordinances is hereby amended by amending Section 16-21, “Purchase of Credited Service” as follows:

Sec. 16-21. - Purchase of credited service.

29 (a) Police officer participants, including bargaining unit employees All participants in the city
30 pension plan shall be allowed to purchase up to a maximum of five (5) years of credited
31 service for active duty in the U.S. military service, prior to employment as a police officer
32 with the city in accordance with ~~USERRA and~~ applicable federal and state law. Credited
33 service purchased pursuant to this subsection (a) shall apply for the purpose of pension benefit
34 calculations but not toward vesting under the plan. This provision shall not ~~cover~~ apply to
35 service in the National Guard or Florida State Guard, or service in the military reserves,
36 unless such service is active duty U.S. military service reserve active duty or weekend drill.
37 Participants purchasing such credited service must pay the full actuarial cost of such credited
38 service as determined by the plan actuary, as well as the cost of any actuarial calculations
39 required. Such purchase will be at the Participant's sole expense, with no cost assumed by
40 the city. The full amount of the cost of service purchased pursuant to this section and any
41 applicable actuarial cost must be received by the city Finance Department within 60 days
42 following the date of the actuarial cost calculation. If the full amount of the cost of service
43 purchased pursuant to this section and any applicable actuarial costs is not received within
44 60 days following the date of the actuarial cost calculation, no additional credited service
45 shall be credited. No additional credited service may be purchased based on prior military
46 service for which the participant is receiving or will receive a retirement benefit from a
47 different employer's retirement system or plan. ~~Police officers electing to purchase prior~~
48 ~~military time will do so at total cost to the participant with no cost assumed by the city.~~

49 * * *

50 **Section 3. Severability.** If any section, clause, sentence, or phrase of this ordinance is for any
51 reason held invalid or unconstitutional by a court of competent jurisdiction, this holding shall not affect
52 the validity of the remaining portions of this ordinance.

53 **Section 4. Ordinances in Conflict.** All ordinances or parts of ordinances and all section and
54 parts of sections of ordinances in direct conflict herewith are hereby repealed. However, it is not the
55 intent of this section to repeal entire ordinances, or parts of ordinances, that give the appearance of being
56 in conflict when the two ordinances can be harmonized or when only a portion of the ordinance in
57 conflict needs to be repealed to harmonize the ordinances. If the ordinance in conflict can be harmonized
58 by amending its terms, it is hereby amended to harmonize the two ordinances. Therefore, only that
59 portion that needs to be repealed to harmonize the two ordinances shall be repealed.

60 **Section 5. Effective Date.** This ordinance shall become effective upon enactment.

61 PASSED AND ADOPTED this ____ day of _____, 2024.

62	ATTEST:	APPROVED:
63		
64		
65	_____	_____
66	CITY CLERK	MAYOR
67		
68	READ AND APPROVED AS TO FORM,	COMMISSION VOTE:
69	LANGUAGE, LEGALITY, AND	Mayor Javier Fernández:
70	EXECUTION THEREOF	Vice Mayor Lisa Bonich:
71		Commissioner Steve Calle:
72		Commissioner Josh Liebman:
73		Commissioner Brian Corey:
74	_____	
75	WEISS SEROTA HELFMAN COLE	
76	& BIERMAN, P.L.	
	CITY ATTORNEY	



February 29, 2024

Ms. Siera Feketa, MBA
Pension Administrator
Foster & Foster
2503 Del Prado Blvd. S
Suite 502
Cape Coral, Florida 33904

Re: South Miami Pension Plan - Actuarial Impact Statement

Dear Siera:

As requested by Mr. Alfredo Riverol, we have performed an actuarial review of the attached proposed Ordinance.

Based upon our review, we understand the proposed Ordinance:

1. Allows for the purchase of up to five years of prior military service by all participants provided the participant pays the full actuarial cost of the purchase within 60 days of the calculation. Such service shall count towards pension benefit calculations but not towards vesting.
2. Provides for severability.
3. Repeals all Ordinances or parts of Ordinances in conflict herewith.
4. Provides for an effective date.

In our opinion, based upon the actuarial assumptions and methods employed in the October 1, 2022 Actuarial Valuation, the Ordinance is a *no cost* Ordinance under State funding requirements.

If you should have any question concerning the above or if we may be of further assistance with this matter, please do not hesitate to contact us.

Sincerest regards,
Gabriel, Roeder, Smith & Company

A handwritten signature in black ink that reads 'Jennifer Borregard'.

Jennifer M. Borregard, E.A.
Consultant and Actuary

Enclosure

cc: Mr. Alfredo Riverol
Ronald Cohen, Esq.

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SOUTH MIAMI PENSION PLAN TO ALLOW THE PURCHASE OF UP TO FIVE YEARS OF PRIOR MILITARY SERVICE BY ALL PARTICIPANTS; BY AMENDING CHAPTER 16 “PENSIONS”, ARTICLE II “CITY PENSION PLAN”, SECTION 16-21 “PURCHASE OF CREDITED SERVICE”; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to amend the service purchase provisions of the City Pension Plan to allow all Plan participants to purchase credited service under the Plan for up to five years of active duty service in the U.S. military prior to city employment by paying the full actuarial cost of such service as determined by the Plan actuary, with such service applying to pension benefit calculations but not toward vesting under the Plan; and

WHEREAS, the unions representing City general employees and police officers have agreed to the amendment; and

WHEREAS, the City Commission has determined that amending the City’s pension plan is in the best interests of the City, its employees and residents.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, THAT:

Section 1. Recitals Adopted. The foregoing recitals are hereby ratified and incorporated by reference as if fully set forth herein and as the legislative intent of this Ordinance.

Section 2. City Code Amended. Chapter 16, Article II, of the City of South Miami Code of Ordinances is hereby amended by amending Section 16-21, “Purchase of Credited Service” as follows:

Sec. 16-21. - Purchase of credited service.

29 (a) ~~Police officer participants, including bargaining unit employees~~ All participants in the city
30 pension plan shall be allowed to purchase up to a maximum of five (5) years of credited
31 service for active duty in the U.S. military service, prior to employment as a police officer
32 with the city in accordance with ~~USERRA and~~ applicable federal and state law. **Credited**
33 **service purchased pursuant to this subsection (a) shall apply for the purpose of pension benefit**
34 **calculations but not toward vesting under the plan.** This provision shall not ~~cover~~ apply to
35 service in the National Guard or Florida State Guard, or service in the military reserves,
36 unless such service is active duty U.S. military service reserve active duty or weekend drill.
37 Participants purchasing such credited service must pay the full actuarial cost of such credited
38 service as determined by the plan actuary, as well as the cost of any actuarial calculations
39 required. Such purchase will be at the Participant's sole expense, with no cost assumed by
40 the city. The full amount of the cost of service purchased pursuant to this section and any
41 applicable actuarial cost must be received by the city Finance Department within 60 days
42 following the date of the actuarial cost calculation. If the full amount of the cost of service
43 purchased pursuant to this section and any applicable actuarial costs is not received within
44 60 days following the date of the actuarial cost calculation, no additional credited service
45 shall be credited. No additional credited service may be purchased based on prior military
46 service for which the participant is receiving or will receive a retirement benefit from a
47 different employer's retirement system or plan. ~~Police officers electing to purchase prior~~
48 ~~military time will do so at total cost to the participant with no cost assumed by the city.~~

49 * * *

50 **Section 3. Severability.** If any section, clause, sentence, or phrase of this ordinance is for any
51 reason held invalid or unconstitutional by a court of competent jurisdiction, this holding shall not affect
52 the validity of the remaining portions of this ordinance.

53 **Section 4. Ordinances in Conflict.** All ordinances or parts of ordinances and all section and
54 parts of sections of ordinances in direct conflict herewith are hereby repealed. However, it is not the
55 intent of this section to repeal entire ordinances, or parts of ordinances, that give the appearance of being
56 in conflict when the two ordinances can be harmonized or when only a portion of the ordinance in
57 conflict needs to be repealed to harmonize the ordinances. If the ordinance in conflict can be harmonized
58 by amending its terms, it is hereby amended to harmonize the two ordinances. Therefore, only that
59 portion that needs to be repealed to harmonize the two ordinances shall be repealed.

60 **Section 5. Effective Date.** This ordinance shall become effective upon enactment.

61 PASSED AND ADOPTED this ____ day of _____, 2024.

62		
63	ATTEST:	APPROVED:
64		
65	_____	_____
66	CITY CLERK	MAYOR
67		
68	READ AND APPROVED AS TO FORM,	COMMISSION VOTE:
69	LANGUAGE, LEGALITY, AND	Mayor Javier Fernández:
70	EXECUTION THEREOF	Vice Mayor Lisa Bonich:
71		Commissioner Steve Calle:
72		Commissioner Josh Liebman:
73		Commissioner Brian Corey:
74	_____	
75	WEISS SEROTA HELFMAN COLE	
76	& BIERMAN, P.L.	
	CITY ATTORNEY	



PHOTOS BY PEDRO PORTAL pportal@miamiherald.com

Alexander Camps and Maria Camps-Lacayo, the parents of Andrea Camps-Lacayo, listen to the verdict against George Oshane Walton on Wednesday in Miami.

FROM PAGE 1A TRIAL

"I can't give you justice," he said.

Walton showed very little emotion during the sentencing, stroking his chin and briefly covering his eyes with his left hand. Given the chance to speak, he chose not to. He was handcuffed and fingerprinted and taken away by Miami-Dade corrections officers through a back door in Courtroom 4-3 of Miami-Dade's criminal courthouse.

His attorney, Alan Greenstein, said there would be an appeal, likely over insufficient evidence to convict. It's an argument that rarely sways appellate judges.

A GIRL'S DEATH OVER SNEAKERS

Prosecutors from the Miami-Dade State Attorney's Office say Camps-Lacayo lost her life during the botched theft of three pairs of name brand sneakers that she and her boyfriend, both Miami-Dade high-school seniors, were trying to sell to make some money during the early days of the COVID-19 pandemic.

The prosecutors successfully argued that Walton and friend Adrian Cosby were trying to steal

three new pairs of Adidas Yeezy sneakers, a pricey joint venture between the shoe giant and music superstar Kanye West. The shoes sell for \$235 in retail stores and much more on the re-sale market.

According to police and prosecutors, Camps-Lacayo's boyfriend, Sergio Berben, — a prolific Instagram user in high school and who said he used the social-media site to dabble in stock trades — advertised the resale of the Yeezys on an Instagram page that he created and called kickzone305. Prosecutors said he was contacted by direct message on the app on the morning of April 7, 2020, by Eric Readon, who was Facetimeing with Walton at the same time he was negotiating a sale price with Berben.

They agreed on a sale price of \$935. With no meeting time or place yet set, Berben picked up his girlfriend to go out to breakfast before heading over to the gated community in the 27000 block of Southwest 121st Court, where he expected to meet Readon.

When Berben and Camps-Lacayo arrived at the community at 1:15 p.m., Berben contacted Readon, who directed him to the front of an abandoned home. While Ber-



Relatives of Andrea Camps-Lacayo embrace after the verdict in Miami on Wednesday.

ben's white Jeep Wrangler was parked at the curb and still in drive with its engine on, Walton showed up. Berben lowered his window, and the two chatted.

Prosecutors said Walton asked to try on the shoes. Berben refused, wanting the money first. Walton claims to have been looking at the Cash App on his phone when Cosby showed up behind him, walking along the edge of the road.

Suddenly, prosecutors say, Cosby lurched toward the vehicle after pulling a pistol from his jacket. Berben began to speed off, but Cosby got off several rounds, one striking Camps-Lacayo in the stomach, another hitting Berben's arm. Berben drove the Jeep out of the complex and pulled over on Southwest 112th Avenue near a Florida Turnpike exit and called 911.

Jurors heard the 911 call in which Berben begged for help and a dispatcher did all she could to keep him calm and help Camps-Lacayo until help arrived. They were trans-



Miami-Dade Circuit Court Judge Miguel M. de la O was emotional on Wednesday. 'I can't give you justice,' he told Andrea Camps-Lacayo's family.

ported to a hospital. Berben survived. His girlfriend did not.

Though prosecutors admit Walton didn't fire the weapon, that doesn't matter under state law. A person taking part in any crime when a death occurs — whether they physically committed it or not — can be charged with homicide in Florida. The gun was never found.

Cosby was also arrested and charged with the

same crimes as Walton. His trial date is set for April.

'ROBBERY THAT WENT BAD'

During Wednesday's closing arguments, Miami-Dade Assistant State Attorney Sara Imm called the attempted robbery a "set up. This was a robbery that went bad," she told jurors.

And though the state couldn't provide actual

“HE'S DONE SOME STUPID THINGS IN HIS LIFE. RUNNING FROM THIS WAS ONE OF THEM.

Attorney Alan Greenstein, about his client, George Oshane Walton

audio or text exchanges in which a potential robbery was discussed — Imm provided a convincing timeline that showed continual interactions among Readon, Cosby and Walton leading up to the death of Camps-Lacayo. She also explained to jurors how Walton deleted 541 pictures and texts when police showed up at Cosby's home the day after the murder.

"The robbery did not go as planned. And as a result there was loss of life," Imm told jurors. "They did not plan to kill anyone, but it was reasonably foreseeable."

Walton's attorney, Greenstein, countered that the state's case was full of "assumptions, suppositions and inferences, but no proof." And he said his client didn't use any force to try to take the shoes.

"They proved what? That they were friends, that they knew each other?" he asked the jury.

Responding to the state's timeline that showed Walton and Cosby running off after the shooting, Greenstein called it instinctive.

"He's done some stupid things in his life. Running from this was one of them," the lawyer said of his client. "But running is natural under these circumstances. He was scared."



CITY OF SOUTH MIAMI, FLORIDA CITY COMMISSION MEETING NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission will hold a public hearing on **Tuesday, March 5, 2024, at 7:00 p.m.** at **South Miami City Hall Commission Chambers, 6130 Sunset Drive, South Miami, FL 33143**, to consider the following public hearing item(s):

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA [GRANTING APPROVAL OF/DENYING] AN APPLICATION FOR FINAL FLAT APPROVAL PURSUANT TO SECTION 20-4.2 OF THE LAND DEVELOPMENT CODE SEEKING TO SUBDIVIDE A PROPERTY WITHIN THE LOW DENSITY SINGLE-FAMILY RESIDENTIAL (RS-3) ZONING DISTRICT LOCATED AT 7709 SW 67 AVENUE; PROVIDING FOR CONDITIONS; CORRECTIONS; IMPLEMENTATION; SEVERABILITY; AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING CHAPTER 4 "ALCOHOLIC BEVERAGES," ARTICLE I "IN GENERAL," SECTION 4-2 "CONDITIONAL USE APPROVAL OF REQUIREMENTS; NONCONFORMING USE; CERTIFICATE OF OCCUPANCY", AND CHAPTER 15 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE I "IN GENERAL," SECTION 15-63 "MOBILE VENDORS," OF THE CITY CODE OF ORDINANCES, TO MODIFY CONDITIONS RELATING TO FOOD SERVICE IN CONNECTION WITH THE SERVICE OF ALCOHOLIC BEVERAGES INCLUDING ALLOWING MOBILE FOOD VENDORS FOR DRINKING PLACE/BAR/LOUNGE WITHIN THE HOMETOWN DISTRICT UNDER CERTAIN CONDITIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SOUTH MIAMI PENSION PLAN TO ALLOW THE PURCHASE OF UP TO FIVE YEARS OF PRIOR MILITARY SERVICE BY ALL PARTICIPANTS; BY AMENDING CHAPTER 16 "PENSIONS", ARTICLE II "CITY PENSION PLAN", SECTION 16-21 "PURCHASE OF CREDITED SERVICE"; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 7-16. - "PRE-CONSTRUCTION AND CONSTRUCTION STANDARDS FOR SITES", OF CHAPTER 7 "BUILDINGS," OF THE CITY'S CODE OF ORDINANCES, TO REQUIRE A RESTORATION BOND FOR CONSTRUCTION WORK IMPACTING CITY PROPERTY AND/OR RIGHTS-OF-WAY, TO PROHIBIT CONSTRUCTION WORK ON LEGAL HOLIDAYS IN RESIDENTIAL DISTRICTS, AND TO REQUIRE A STAGING AND PARKING PLAN FOR CONSTRUCTION SITES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

Commission members will participate in Chambers or by video conferencing through the Zoom platform and members of the public may join the meeting via Zoom at (<https://zoom.us/j/3056636338>), by phone by calling +1-786-635-1003 and entering Meeting ID: 3056636338 when prompted, or in person in the Commission Chambers, and where their appearance will be broadcast on the Zoom platform, and where they can participate.

All interested parties are invited to attend and will be heard.

For further information, please contact the City Clerk's Office at: 305-663-6340.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the Commission with respect to this matter, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

ADA: To request a modification to a policy, practice or procedure or to request an auxiliary aide or service in order to participate in a City program, activity or event, you must on or before 4:00 p.m. 3 business days before the meeting (not counting the day of the meeting) deliver your request to the City Clerk by telephone: 305-663-6340, by mail at 6130 Sunset Drive, South Miami, Florida or email at npayne@southmiamifl.gov.

Nkenga A. Payne, CMC, FCRM
City Clerk

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City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Marcus Lightfoot

Submitting Department: Building Department

Item Type: Ordinance

Agenda Section:

Subject:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 7-16. – “PRE-CONSTRUCTION AND CONSTRUCTION STANDARDS FOR SITES”, OF CHAPTER 7 “BUILDINGS,” OF THE CITY’S CODE OF ORDINANCES, TO REQUIRE A RESTORATION BOND FOR CONSTRUCTION WORK IMPACTING CITY PROPERTY AND/OR RIGHTS-OF-WAY, TO PROHIBIT CONSTRUCTION WORK ON LEGAL HOLIDAYS IN RESIDENTIAL DISTRICTS, AND TO REQUIRE A STAGING AND PARKING PLAN FOR CONSTRUCTION SITES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

Suggested Action:

Attachments:


[CM_Memo_Construction_Staging_Plans \(1\).docx](#)

[48A7138-Ordinance Re Bond Staging Construction Hours Etc SR.docx](#)

[MH Ad.pdf](#)



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM**

To: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Genaro "Chip" Iglesias, City Manager 
DATE: March 5, 2024
SUBJECT: Pre-construction and construction standards for sites

RECOMMENDATION: Adoption of the proposed ordinance amending Section 7-16 of the City Code, titled "Pre-construction and construction standards for sites."

BACKGROUND: The proposed ordinance seeks to address several key issues related to construction activities within the City of South Miami. These issues include the need for restoration bonds to ensure the proper restoration of city property and public rights-of-way impacted by construction, the prohibition of construction in residential districts on legal holidays, and the requirement for construction staging and parking plans to minimize disruptions and parking issues in adjacent areas.

The ordinance introduces amendments to Section 7-16 of the City Code, outlining specific requirements for construction sites, including the installation of temporary fences, maintenance of cleanliness and dust control measures, and adherence to noise regulations. Additionally, the ordinance mandates the provision of restoration bonds, prohibits construction in residential districts on legal holidays, and requires the submission and approval of construction staging and parking plans.

The adoption of this ordinance will lead to several benefits for the City of South Miami. By requiring restoration bonds, the city can ensure that construction activities do not result in long-term damage to public property and rights-of-way. Prohibiting construction on legal holidays will help minimize disruptions to residents in residential areas. Furthermore, the implementation of construction staging and parking plans will contribute to improved traffic management and reduced inconvenience for neighboring properties.

In conclusion, the proposed ordinance represents a significant step forward in enhancing construction regulations within the City of South Miami. Its adoption will contribute to the protection of public property, the reduction of disturbances to residents, and the improvement of construction site management practices.



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM**

FUNDING: No effect.

ATTACHMENTS: Ordinance

46 (ii) to prohibit construction in residential districts on legal holidays; and (iii) to require a
47 construction staging and parking plan for construction sites; and
48

49 **WHEREAS**, on February 20, 2024, the City Commission approved the ordinance on first
50 reading; and
51

52 **WHEREAS**, on _____, the Mayor and City Commission conducted a duly noticed
53 public hearing as required by law and approved the ordinance on second reading; and
54

55 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY**
56 **COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:**¹
57

58 **Section 1.** **Recitals.** The above-stated recitals are true and correct and are incorporated
59 herein by this reference.
60

61 **Section 2.** **Amending Section 7-16, “Pre-construction and construction standards**
62 **for sites”, of Chapter 7, “Buildings”, of the City Code.** Section 7-16, “Pre-construction and
63 construction standards for sites”, of Chapter 7, “Buildings”, of the City Code of Ordinances, is
64 hereby amended to read as follows:
65

66 **CHAPTER 7. – BUILDINGS**
67

68 * * *

69 **Sec. 7-16. Pre-construction and construction standards for sites.**

70 (a) No construction may occur within the City of South Miami, without obtaining all
71 applicable permits.
72

73 (b) All construction sites shall be maintained free of debris and scrap materials.
74

75 (c) During hurricane season (June thru November), the construction site shall be
76 maintained cleaned of loose debris and/or secured in accordance with the City of South Miami
77 Code and the Florida Building Code.
78

79 (d) All construction sites shall be enclosed with a temporary six-foot fence which shall be
80 installed prior to starting the construction activity, unless exempt by the City of South Miami
81 Building Official. Construction shall be defined to include new construction of structures,
82 additions to existing structures, renovation of existing structures, and any construction that shall
83 include excavation or exposure of the interior of an existing structure. Construction shall not
84 include paving or repaving of a driveway, or other re-surfacing and/or minor interior renovations
85 or construction which is not exposed to the elements. The fence permit is to be issued, and the
86 fence installed, inspected, and permit closed-out by the building department prior to initiating
87 construction. Each site, must additionally comply with section 7-15.2, relating to demolition

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.

88 permit requirements if demolition permit is needed. The required perimeter fence shall be chain
89 link, covered with green or black nylon material screening the construction from view, and
90 installed on the front, side and rear lot lines. The fence shall be installed so as not to create a public
91 hazard and the fence gate shall be locked during nonworking hours. The fence shall remain in
92 place through completion of construction, unless exempt by the City of South Miami Building
93 Official. Additional protective safeguards may be required where the city identifies an attractive
94 nuisance.

95
96 (e) All construction sites shall be monitored for dust control by hosing of debris with water.

97
98 (f) All city property, public rights-of way and easement areas, sidewalks, pavement,
99 surfacing, driveways curbs, walks, buildings, utility poles, fences, and other surface structures
100 affected by the construction operations, together with all sod and shrubs in such areas, yards,
101 parkways, and medians shall be restored to their original conditions, whether within or outside the
102 city property, public easement-rights-of-way or easement areas. All replacements shall be made
103 with new materials. Prior to the issuance of any permit for construction work, a cash or surety
104 bond shall be required of the owner or contractor, in a form acceptable to the city attorney and in
105 an amount sufficient to cover the costs of such repair and restoration work as determined by the
106 city manager or designee, as a guarantee that all city property, public rights-of-way and easement
107 areas, impacted or damaged by or in connection with construction activity (including but not
108 limited to damage caused by the owner or any contractor, materials suppliers or subcontractors)
109 will be repaired and restored to its original condition. The city manager or designee, at his/her sole
110 discretion, may require additional security or waive the requirement of such bond. On application,
111 any cash bond shall be refunded, or surety bond returned or cancelled, when final inspection by
112 the building inspector certifies that the conditions of the bond have been complied with; otherwise,
113 as much of the principal amount of the bond as may be necessary shall be retained by the city and
114 used to defray the expenses of repairing or restoring city property, which shall be done by the city.
115 In any event, if application for refund of a cash bond is not made within six months of the date of
116 the final building inspection, the bond will be forfeited to the city.

117
118 (g) All construction sites shall comply with the city's noise code. Within the Hometown
119 District and all other non-residential property located at least five hundred (500) feet from a
120 residential district, construction activity is permitted only between 7:00 a.m. through 6:00 p.m. on
121 weekdays, and between 9:00 a.m. through 5:00 p.m. on Saturday. Within all residential districts
122 and non-residential property located within five hundred (500) feet from a residential district,
123 construction activity shall be permitted only between 7:00 a.m. and 6:00 p.m. on weekdays, and
124 between 9:00 a.m. and 5:00 p.m. on Saturdays. The allowance for construction activity on
125 Saturdays within residential districts shall sunset automatically on October 1, 2024, unless
126 extended by City Commission Resolution. No construction activity is permitted on Sunday in any
127 district or on legal holidays (as recognized by the city) within all residential districts.
128 Notwithstanding the above, permitted construction hours may be extended for a construction
129 project by resolution of the city commission upon a finding of extraordinary circumstances.

130
131 (h) Construction Staging and Parking Plan. Owner or contractor shall stage construction
132 on the construction site to minimize traffic interruption and lane closures, except for temporary
133 instances where it is demonstrated to the satisfaction of the city manager or designee that

134 temporary off-site staging is necessary to effectuate the construction. Owner and contractor shall
135 ensure that no loads are suspended over rights-of-way without a city right-of-way use permit
136 and/or Maintenance of Traffic (MOT) or a neighbor's property. Owner or contractor shall present
137 evidence of a Staging and Parking plan that addresses materials and equipment staging for the
138 construction, and provides for the provision of off-street parking (i) on the site where construction
139 is occurring, (ii) off-site on non-residential property within the city, or (iii) outside of city limits',
140 for construction workers during the period of construction of the approved project prior to the
141 issuance of a building permit. Construction worker parking in residential neighborhoods is
142 prohibited other than on the site where construction is occurring, and the owner and contractor
143 shall direct all workers not to park their vehicles in residential neighborhoods (except that parking
144 on the site where construction is occurring is permitted) or lease parking spaces from city residents.
145 The owner and contractor may contract with the city for construction worker parking in city
146 parking lots and/or city parking metered spaces. To the extent necessary, the owner or contractor
147 shall arrange for transportation for construction workers between parking areas and the
148 construction site. The Staging and Parking plan shall be reviewed, and if found satisfactory,
149 approved by the city manager or designee prior to the issuance of a building permit. The owner or
150 contractor and the owner or contractor's sub-contractors are responsible to enforce the construction
151 parking plan with all employees, contractors and subcontractors. The owner shall be fined \$500.00
152 for the first improperly parked construction worker vehicle and \$1,000.00 for each subsequent
153 improperly parked construction worker vehicle in violation of this subsection while working on
154 the construction site (limit of one fine per vehicle per day). The Staging and Parking plan shall
155 provide that the owner and contractor agree that all contractor and subcontractor agreements
156 applicable to construction site shall include a separate clause prohibiting construction workers
157 from parking on residential streets and that owner or contractor shall submit the proposed clause
158 for the approval of the city manager or designee together with submittal of the first building permit
159 for the construction site.

160 * * *

161
162 **Section 3. Corrections.** Conforming language or technical scrivener-type corrections
163 may be made by the City Attorney for any conforming amendments to be incorporated into the
164 final Ordinance for signature.

165
166 **Section 4. Severability.** If any section, clause, sentence, or phrase of this Ordinance
167 is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding
168 shall not affect the validity of the remaining portions of this Ordinance.

169
170 **Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions or parts
171 of resolutions, in conflict herewith, are repealed to the extent of such conflict.

172
173 **Section 6. Implementation.** That the City Manager and City Attorney are authorized
174 to take any and all actions necessary to implement the Ground Lease and the purposes of this
175 Ordinance, including acting as the City's authorized representative for all matters related to the
176 Ground Lease and Facility.

177
178 **Section 7. Effective Date.** This Ordinance shall become effective immediately upon
179 adoption.

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PASSED on first reading on the ____ day of _____, 2024.

PASSED AND ADOPTED on second reading on the ____ day of _____, 2024.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

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

COMMISSION VOTE:
Mayor Javier Fernández:
Vice Mayor Lisa Bonich:
Commissioner Steve Calle:
Commissioner Joshua Liebman:
Commissioner Brian Corey:

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



PHOTOS BY PEDRO PORTAL pportal@miamiherald.com

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three new pairs of Adidas Yeezy sneakers, a pricey joint venture between the shoe giant and music superstar Kanye West. The shoes sell for \$235 in retail stores and much more on the re-sale market.

According to police and prosecutors, Camps-Lacayo’s boyfriend, Sergio Berben, — a prolific Instagram user in high school and who said he used the social-media site to dabble in stock trades — advertised the resale of the Yeezys on an Instagram page that he created and called kickzone305.

Prosecutors said he was contacted by direct message on the app on the morning of April 7, 2020, by Eric Readon, who was Facetimeing with Walton at the same time he was negotiating a sale price with Berben.

They agreed on a sale price of \$935. With no meeting time or place yet set, Berben picked up his girlfriend to go out to breakfast before heading over to the gated community in the 27000 block of Southwest 121st Court, where he expected to meet Readon.

When Berben and Camps-Lacayo arrived at the community at 1:15 p.m., Berben contacted Readon, who directed him to the front of an abandoned home. While Ber-



Relatives of Andrea Camps-Lacayo embrace after the verdict in Miami on Wednesday.

ben’s white Jeep Wrangler was parked at the curb and still in drive with its engine on, Walton showed up. Berben lowered his window, and the two chatted.

Prosecutors said Walton asked to try on the shoes. Berben refused, wanting the money first. Walton claims to have been looking at the Cash App on his phone when Cosby showed up behind him, walking along the edge of the road.

Suddenly, prosecutors say, Cosby lurched toward the vehicle after pulling a pistol from his jacket. Berben began to speed off, but Cosby got off several rounds, one striking Camps-Lacayo in the stomach, another hitting Berben’s arm. Berben drove the Jeep out of the complex and pulled over on Southwest 112th Avenue near a Florida Turnpike exit and called 911.

Jurors heard the 911 call in which Berben begged for help and a dispatcher did all she could to keep him calm and help Camps-Lacayo until help arrived. They were trans-



Miami-Dade Circuit Court Judge Miguel M. de la O was emotional on Wednesday. ‘I can’t give you justice,’ he told Andrea Camps-Lacayo’s family.

ported to a hospital. Berben survived. His girlfriend did not.

Though prosecutors admit Walton didn’t fire the weapon, that doesn’t matter under state law. A person taking part in any crime when a death occurs — whether they physically committed it or not — can be charged with homicide in Florida. The gun was never found.

Cosby was also arrested and charged with the

same crimes as Walton. His trial date is set for April.

‘ROBBERY THAT WENT BAD’

During Wednesday’s closing arguments, Miami-Dade Assistant State Attorney Sara Imm called the attempted robbery a “set up. This was a robbery that went bad,” she told jurors.

And though the state couldn’t provide actual

“HE’S DONE SOME STUPID THINGS IN HIS LIFE. RUNNING FROM THIS WAS ONE OF THEM.

Attorney Alan Greenstein, about his client, George Oshane Walton

audio or text exchanges in which a potential robbery was discussed — Imm provided a convincing timeline that showed continual interactions among Readon, Cosby and Walton leading up to the death of Camps-Lacayo. She also explained to jurors how Walton deleted 541 pictures and texts when police showed up at Cosby’s home the day after the murder.

“The robbery did not go as planned. And as a result there was loss of life,” Imm told jurors. “They did not plan to kill anyone, but it was reasonably foreseeable.”

Walton’s attorney, Greenstein, countered that the state’s case was full of “assumptions, suppositions and inferences, but no proof.” And he said his client didn’t use any force to try to take the shoes.

“They proved what? That they were friends, that they knew each other?” he asked the jury.

Responding to the state’s timeline that showed Walton and Cosby running off after the shooting, Greenstein called it instinctive.

“He’s done some stupid things in his life. Running from this was one of them,” the lawyer said of his client. “But running is natural under these circumstances. He was scared.”



CITY OF SOUTH MIAMI, FLORIDA CITY COMMISSION MEETING NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission will hold a public hearing on **Tuesday, March 5, 2024, at 7:00 p.m.** at **South Miami City Hall Commission Chambers, 6130 Sunset Drive, South Miami, FL 33143**, to consider the following public hearing item(s):

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA [GRANTING APPROVAL OF/DENYING] AN APPLICATION FOR FINAL FLAT APPROVAL PURSUANT TO SECTION 20-4.2 OF THE LAND DEVELOPMENT CODE SEEKING TO SUBDIVIDE A PROPERTY WITHIN THE LOW DENSITY SINGLE-FAMILY RESIDENTIAL (RS-3) ZONING DISTRICT LOCATED AT 7709 SW 67 AVENUE; PROVIDING FOR CONDITIONS; CORRECTIONS; IMPLEMENTATION; SEVERABILITY; AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING CHAPTER 4 “ALCOHOLIC BEVERAGES,” ARTICLE I “IN GENERAL,” SECTION 4-2 “CONDITIONAL USE APPROVAL OF REQUIREMENTS; NONCONFORMING USE; CERTIFICATE OF OCCUPANCY”, AND CHAPTER 15 “OFFENSES AND MISCELLANEOUS PROVISIONS”, ARTICLE I “IN GENERAL,” SECTION 15-63 “MOBILE VENDORS,” OF THE CITY CODE OF ORDINANCES, TO MODIFY CONDITIONS RELATING TO FOOD SERVICE IN CONNECTION WITH THE SERVICE OF ALCOHOLIC BEVERAGES INCLUDING ALLOWING MOBILE FOOD VENDORS FOR DRINKING PLACE/BAR/LOUNGE WITHIN THE HOMETOWN DISTRICT UNDER CERTAIN CONDITIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SOUTH MIAMI PENSION PLAN TO ALLOW THE PURCHASE OF UP TO FIVE YEARS OF PRIOR MILITARY SERVICE BY ALL PARTICIPANTS; BY AMENDING CHAPTER 16 “PENSIONS”, ARTICLE II “CITY PENSION PLAN”, SECTION 16-21 “PURCHASE OF CREDITED SERVICE”; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 7-16. – “PRE-CONSTRUCTION AND CONSTRUCTION STANDARDS FOR SITES”, OF CHAPTER 7 “BUILDINGS,” OF THE CITY’S CODE OF ORDINANCES, TO REQUIRE A RESTORATION BOND FOR CONSTRUCTION WORK IMPACTING CITY PROPERTY AND/OR RIGHTS-OF-WAY, TO PROHIBIT CONSTRUCTION WORK ON LEGAL HOLIDAYS IN RESIDENTIAL DISTRICTS, AND TO REQUIRE A STAGING AND PARKING PLAN FOR CONSTRUCTION SITES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

Commission members will participate in Chambers or by video conferencing through the Zoom platform and members of the public may join the meeting via Zoom at (<https://zoom.us/j/3056636338>), by phone by calling +1-786-635-1003 and entering Meeting ID: 3056636338 when prompted, or in person in the Commission Chambers, and where their appearance will be broadcast on the Zoom platform, and where they can participate.

All interested parties are invited to attend and will be heard.

For further information, please contact the City Clerk’s Office at: 305-663-6340.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the Commission with respect to this matter, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

ADA: To request a modification to a policy, practice or procedure or to request an auxiliary aide or service in order to participate in a City program, activity or event, you must on or before 4:00 p.m. 3 business days before the meeting (not counting the day of the meeting) deliver your request to the City Clerk by telephone: 305-663-6340, by mail at 6130 Sunset Drive, South Miami, Florida or email at npayne@southmiamifl.gov.

Nkenga A. Payne, CMC, FCRM
City Clerk

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City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Roger Pou

Submitting Department: City Manager

Item Type: Ordinance

Agenda Section:

Subject:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE IV "DANGEROUS INTERSECTION SAFETY" OF CHAPTER 17 "STREETS AND SIDEWALKS" TO CREATE SECTION 17-80 OF THE CITY CODE OF ORDINANCES TO AUTHORIZE THE PLACEMENT, INSTALLATION, AND OPERATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES, ESTABLISH TRAFFIC ENFORCEMENT PROCEDURES WHEN SPEED DETECTION SYSTEMS ARE UTILIZED FOR SCHOOL ZONE SPEED LIMIT VIOLATIONS, AND CREATE HEARING PROCEDURES RELATING TO SUCH SCHOOL ZONE SPEED LIMIT VIOLATIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; CODIFICATION; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

Suggested Action:

Attachments:

[Memorandum Ordinance Creating Section 17-80 Relating to Speed Detection Systems.DOCX](#)

[First Reading - Ordinance School Speed Detection System.DOCX](#)



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY ATTORNEY
INTER-OFFICE MEMORANDUM**

TO: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Lillian Arango and Tony Recio, City Attorneys
CC: Genaro “Chip” Iglesias
DATE: March 5, 2024 City Commission Meeting
SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE IV “DANGEROUS INTERSECTION SAFETY” OF CHAPTER 17 “STREETS AND SIDEWALKS” TO CREATE SECTION 17-80 OF THE CITY CODE OF ORDINANCES TO AUTHORIZE THE PLACEMENT, INSTALLATION, AND OPERATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES, ESTABLISH TRAFFIC ENFORCEMENT PROCEDURES WHEN SPEED DETECTION SYSTEMS ARE UTILIZED FOR SCHOOL ZONE SPEED LIMIT VIOLATIONS, AND CREATE HEARING PROCEDURES RELATING TO SUCH SCHOOL ZONE SPEED LIMIT VIOLATIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; CODIFICATION; AND AN EFFECTIVE DATE (MAYOR JAVIER FERNÁNDEZ)

The accompanying Ordinance was prepared and placed on the agenda at the request of Mayor Javier Fernández.

On July 1, 2023, House Act 657, as codified under Chapter 2023-174 of the Laws of Florida (the “Act”), went into effect, authorizing municipalities to use speed detection systems (“SDS”) to enforce certain school zone speeding violations, subject to compliance with various requirements. The proposed ordinance (the “Ordinance”) accompanying this memorandum was prepared to ensure that the City of South Miami (the “City”) can legally enforce school zone speed limit violations through the use of SDSs in accordance with the requirements of the Act.

Pursuant to the requirements of the Act, the City must adopt the Ordinance to authorize the placement, installation, and operation of SDSs, establish a traffic enforcement procedure when SDSs are utilized to enforce school zone speed limit violations, and create hearing procedures relating to such school zone speed limit violations. Furthermore, the Act requires the City to make a determination as to which school zones constitute a heightened safety risk that warrant additional traffic enforcement measures based on traffic data collected (“Traffic Report Services”) and other relevant evidence presented at a public hearing prior to approving the Ordinance.



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY ATTORNEY
INTER-OFFICE MEMORANDUM**

On December 5, 2023, the City Commission adopted Resolution No. 165-23-16098, approving an agreement with RedSpeed Florida, LLC (“Redspeed”) for the provision of Traffic Report Services and the installation, placement, and operation of SDSs in eligible school zones within the City, contingent on full compliance with the Act’s requirements by the City. The results of Redspeed’s Traffic Report Services are provided in the “Traffic Studies for the City of South Miami” attached hereto as Exhibit “A” (the “Report”). Prior to adoption of the Ordinance at second reading, the City Commission should consider the results of the Report and other relevant evidence in making a determination as to which school zones in the City constitute a heightened safety risk that warrant additional traffic enforcement measures.

Second Reading: If the Ordinance is adopted by Commission on first reading it will be advertised for second reading and placed on the agenda for the March 19, 2024, Commission Meeting.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE IV “DANGEROUS INTERSECTION SAFETY” OF CHAPTER 17 “STREETS AND SIDEWALKS” TO CREATE SECTION 17-80 OF THE CITY CODE OF ORDINANCES TO AUTHORIZE THE PLACEMENT, INSTALLATION, AND OPERATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES, ESTABLISH TRAFFIC ENFORCEMENT PROCEDURES WHEN SPEED DETECTION SYSTEMS ARE UTILIZED FOR SCHOOL ZONE SPEED LIMIT VIOLATIONS, AND CREATE HEARING PROCEDURES RELATING TO SUCH SCHOOL ZONE SPEED LIMIT VIOLATIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, on July 1, 2023, House Bill 657, as codified under Chapter 2023-174 of the Laws of Florida (the “Act”) went into effect, authorizing municipalities to use speed detection systems to enforce school zone speeding violations in excess of 10 miles over the posted speed limit (among other things) during certain times and days (the “SDS”); and

WHEREAS, under the Act, prior to utilizing SDS to enforce eligible school zone speeding violations, municipalities are required to adopt an ordinance authorizing the placement and installation of SDS and creating traffic enforcement procedures relating to the enforcement of school zone speed limits through the use of SDS; and

WHEREAS, the Act also requires the governing body of the municipality to first determine whether a school zone constitutes a heightened safety risk that warrants additional traffic enforcement measures based on traffic data collected (“Traffic Report Services”) prior to utilization of the SDS in any particular school zone; and

WHEREAS, on December 5, 2023, the City of South Miami (the “City”) Commission adopted Resolution No. 165-23-16098, approving an agreement with RedSpeed Florida, LLC (“Redspeed”) to provide the Traffic Report Services for the City’s school zones, and, contingent upon full compliance with the requirements of the Bill by the City and Redspeed, install and operate the SDS on behalf of the City to enforce school zone speeding violations as authorized under the Bill; and

WHEREAS, Redspeed has completed its Traffic Report Services and provided the “*Traffic Studies for the City of South Miami*” (the “Report”) for consideration by the City Commission, which Report is attached hereto as Exhibit “A” and

47 **WHEREAS**, after consideration of the traffic data provided in the Report and other
48 relevant evidence presented at the public hearing held on _____, 2024, the
49 City Commission has determined that the following school zones constitute a heightened safety risk
50 that warrant additional enforcement measures pursuant to Section 316.008(9), Florida Statutes:
51 (1) Ludlam Elementary School, SW 67th Avenue and SW 74th Street, (2) Somerset Academy South
52 Miami Charter School, SW 58th Place, (3) South Miami K-8 Center, SW 60th Street, (4) South
53 Miami Middle School, SW 67th Avenue, and (5) Mandelstam School and Epiphany Catholic
54 School, SW 57th Avenue (collectively, the “School Zones□); and
55

56 **WHEREAS**, in order to mitigate the heightened safety risks at the School Zones, the City
57 Commission desires to adopt this Ordinance to, among other things, make findings that the School
58 Zones constitute heightened safety risks that warrant additional enforcement measures pursuant to
59 Section 316.008(9), Florida Statutes, based on the Report and other relevant evidence presented at
60 the _____, 2024, public hearing; authorize the placement, installation, and
61 operation of SDS at the School Zones; create procedures for the issuance of notice of violations
62 for school zone speeding violations by duly qualified traffic infraction officers pursuant to Section
63 316.1896, Florida Statutes; and establish a hearing framework whereby a local hearing officer will
64 determine whether school zone speeding violations have occurred; and
65

66 **WHEREAS**, this Ordinance was duly noticed and presented to the City Commission in
67 two readings, with second reading conducted as the required public hearing on
68 _____, 2024; and
69

70 **WHEREAS**, the City Commission finds that this Ordinance is in the best interest and
71 welfare of the City.
72

73 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY**
74 **COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:¹**
75

76 Section 1. Recitals. The above-stated recitals are true and correct and are incorporated
77 herein by this reference.
78

79 Section 2. Amending Chapter 17 of the City Code. The City Commission hereby
80 creates Section 17-80, “Speed Detection Systems in School Zones,” of Article IV of Chapter 17,
81 “Streets and Sidewalks,” of the City Code of Ordinances as follows:
82

83 **CHAPTER 17 – STREETS AND SIDEWALKS**
84

85 * * *

86 **ARTICLE IV. – ~~DANGEROUS INTERSECTION~~ TRAFFIC SAFETY SYSTEMS AND**
87 **ENFORCEMENT**
88

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

* * *

Section 17-80. Speed Detection Systems in School Zones.

(a) Purpose and Intent. The City desires to protect the public health, safety, and welfare of individuals traveling to and from school in the City, especially students and their parents and/or legal guardians and school employees. Accordingly, the City seeks to enforce School Zone speed limits by authorizing the placement and installation of speed detection systems on those School Zone roadways that constitute a heightened safety risk warranting additional enforcement measures pursuant to Section 316.008(9), Florida Statutes.

(b) Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (1) Local Hearing Officer means the City's Special Master or such other qualified person designated by resolution of the City Commission to conduct hearings relating to notice of violations issued pursuant to Sections 316.1896 and 316.0083, Florida Statutes.
- (2) Person means a natural person, the registered owner or co-owner of a motor vehicle, or the person identified in an affidavit as having actual care, custody, or control of the motor vehicle at the time of a Violation.
- (3) Petitioner means a person who elects to request a hearing before the Local Hearing Officer for the purpose of determining whether a Violation under Section 316.1896, Florida Statutes, has occurred.
- (4) School Zone means a roadway located within the City and established and maintained as a School Zone pursuant to Section 316.1895, Florida Statutes, that constitutes a heightened safety risk that warrants additional enforcement measures, as determined by the City Commission after consideration of traffic data and other relevant evidence.
- (5) Speed Detection System means a portable or fixed automated system used to detect a motor vehicle's speed using radar or LiDAR, and to capture a photograph or video of the rear of a motor vehicle that exceeds the speed limit in force at the time of the Violation.
- (6) Traffic Infraction Enforcement Officer means the police department employee or employees designated by the City Manager who meets the qualifications set forth under Section 316.640(5), and/or any other relevant statute, and is vested with the authority to enforce Violations.

134 (7) Violation means a person that drives a motor vehicle on a roadway designated as a
135 School Zone at a speed as follows:

136
137 (A) In excess of 10 miles per hour over the School Zone speed limit which occurs
138 within 30 minutes before through 30 minutes after the start of a regularly scheduled
139 breakfast program in violation of Section 316.1895, Florida Statutes.

140
141 (B) In excess of 10 miles per hour over the School Zone speed limit which occurs
142 within 30 minutes before through 30 minutes after the start of a regularly scheduled
143 school session in violation of Section 316.1895, Florida Statutes.

144
145 (C) In excess of 10 miles per hour over the posted speed limit during the entirety
146 of a regularly scheduled school session in violation of Section 316.183, Florida
147 Statutes.

148
149 (D) In excess of 10 miles per hour over the School Zone speed limit which occurs
150 within 30 minutes before through 30 minutes after the end of a regularly scheduled
151 school session in violation of Section 316.1895, Florida Statutes.

152
153 (c) Findings. After consideration of the traffic data provided in the “Traffic Studies for the City of
154 South Miami” prepared by RedSpeed Florida, LLC and other relevant evidence presented at the
155 public hearing held on _____, 2024, the City Commission hereby finds
156 that the following School Zones where Speed Detection Systems are to be placed and installed
157 constitute a heightened safety risk that warrant additional enforcement measures pursuant to Section
158 316.008(9), Florida Statutes:

159
160 (1) Ludlam Elementary School
161 6639 SW 74th Street
162 South Miami, Florida 33143

163
164 (2) Somerset Academy South Miami Charter School
165 5876 SW 68th Street
166 South Miami, Florida 33143

167
168 (3) South Miami K-8 Center
169 6800 SW 60th Street
170 South Miami, Florida 33143

171
172 (4) South Miami Middle School
173 6750 SW 60th Street
174 South Miami, Florida 33143

175
176 (5) Mandelstam School and Epiphany Catholic School
177 8530 SW 57th Avenue and 5557 SW 84th Street
178 South Miami, Florida 33143
179

180 (d) Placement and Installation of Speed Detection Systems. Consistent with and pursuant to
181 Chapter 316, Florida Statutes, the City Commission authorizes the placement, installation, and
182 operation of automated Speed Detection Systems on School Zone roadways, as identified herein
183 under subsection 17-80(c), to enforce Violations.

184
185 (e) Notice of Violation, Designation of Local Hearing Officer, and Hearing Procedures.

186
187 (1) Within thirty (30) days after a Violation, a notice of violation shall be sent by first
188 class mail to the registered owner of the motor vehicle involved in the Violation. The notice of
189 violation must include:

- 190
191 a. The name and address of the vehicle owner;
- 192
193 b. a photograph, video, or other recorded image showing the license plate of
194 the motor vehicle;
- 195
196 c. The make, model, and year of the vehicle;
- 197
198 d. The date, time, and location of the Violation;
- 199
200 e. Notice that the infraction charged is pursuant to this section;
- 201
202 f. The maximum speed at which the motor vehicle was traveling within the
203 School Zone;
- 204
205 g. The speed limit within the School Zone at the time of the Violation;
- 206
207 h. A statement that the owner has a right to review, in person or remotely, the
208 photograph or video captured by the Speed Detection System(s) and the
209 evidence of the speed of the motor vehicle detected by the Speed Detection
210 System(s) that constitutes a rebuttable presumption that the motor vehicle
211 was used in a Violation;
- 212
213 i. Instructions as to the time and the place or website at which the photograph
214 or video and evidence of speed detected captured by the Speed Detection
215 System(s) may be examined and observed;
- 216
217 j. Information that advises the Violator on the person's right to request a
218 hearing and on all costs related thereto and a form used to request a hearing,
219 or alternatively, a web address to a website that provides such information;
- 220
221 k. Instructions on all methods of payment of the penalty;
- 222
223 l. A statement specifying the remedies available under Section 318.14, Florida
224 Statutes;

226 m. A statement that the owner must pay a penalty in the amount provided under
227 Section 318.18(3)(d), Florida Statutes, or furnish an affidavit that compiles
228 with Section 316.1896(8), Florida Statutes, within thirty (30) days in order
229 to avoid court fees, costs, and the issuance of a uniform traffic citation
230 against the owner; and

231
232 n. A signed statement by the Traffic Infraction Enforcement Officer that, based
233 on inspection of recorded photographs or video captured by the Speed
234 Detection System(s), the vehicle was involved in and was utilized to commit
235 a Violation.

236
237 (2) Except as may be otherwise provided by resolution of the City Commission, the City
238 shall utilize its Special Master, as provided in Section 2-24 of the City Code, to serve as the Local
239 Hearing Officer(s) who shall preside over notice of violation hearings set forth under Section
240 316.1896, Florida Statutes, as amended.

241
242 (3) The City Manager or the City Manager's designee shall designate a Traffic Infraction
243 Enforcement Officer(s) to implement the authorizations contained under Section 316.1896(6),
244 Florida Statutes, and the City Commission shall designate a City staff member to serve as the clerk
245 to the Local Hearing Officer by resolution.

246
247 (4) Any Petitioner that elects to request a hearing shall be scheduled for a hearing by the
248 clerk of the Local Hearing Officer, with notice of the hearing to be sent to the Petitioner by first-
249 class mail. Upon receipt of the notice, the Petitioner may reschedule the hearing once by submitting
250 a written request to reschedule to the clerk of the Local Hearing Officer, at least five calendar days
251 before the day of the originally scheduled hearing. The Petitioner may cancel his or her appearance
252 before the Local Hearing Officer by paying the penalty assessed by Section 316.1896(2), Florida
253 Statutes, as amended, plus the administrative costs established under Section 316.0083(5)(c),
254 Florida Statutes, before the start of the hearing.

255
256 (5) All testimony at the hearing shall be under oath and shall be recorded. The Local
257 Hearing Officer shall take testimony from a Traffic Infraction Enforcement Officer and the
258 Petitioner and may take testimony from others. The Local Hearing Officer must review the
259 photograph or video captured by the Speed Detection System and the evidence of the speed of the
260 motor vehicle detected by the Speed Detection System. Formal rules of evidence do not apply, but
261 due process shall be observed and govern the proceedings.

262
263 (6) At the conclusion of the hearing, the Local Hearing Officer must determine whether a
264 Violation has occurred, in which case the Local Hearing Officer shall uphold or dismiss the
265 Violation. The Local Hearing Officer shall issue a final administrative order including the
266 determination and, if the notice of the violation is upheld, must require the Petitioner to pay the
267 penalty assessed under Section 316.18(3)(d), Florida Statutes, as amended, and may also require
268 the Petitioner to pay the City's costs, not to exceed the amount established under Section
269 316.0083(5)(e), Florida Statutes. The final administrative order shall be mailed to the Petitioner
270 by first-class mail.

271

272 (7) An aggrieved party may appeal a final administrative order consistent with the process
273 provided under Chapter 162, Florida Statutes.

274
275 (f) Supplemental Authority. The provisions of this Section supplement the enforcement of Sections
276 316.1895 and 316.183, Florida Statutes, by law enforcement officers and does not prohibit law
277 enforcement officers from issuing uniform traffic citations for violations of Sections 316.1895 or
278 316.183.

279
280 * * *

281
282 **Section 3. Corrections.** Conforming language or technical scrivener-type corrections
283 may be made by the City Attorney for any conforming amendments to be incorporated into the
284 final Ordinance for signature.

285
286 **Section 4. Severability.** If any section, clause, sentence, or phrase of this Ordinance
287 is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding
288 shall not affect the validity of the remaining portions of this Ordinance.

289
290 **Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions or parts
291 of resolutions, in conflict herewith, are repealed to the extent of such conflict.

292
293 **Section 6. Codification.** It is the intention of the City Commission, and it is hereby
294 ordained that the provisions of this Ordinance shall become and made a part of the Code of the
295 City of South Miami; that the sections of this Ordinance may be renumbered or re-lettered to
296 accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other
297 appropriate word.

298
299 **Section 7. Implementation.** The City Manager is hereby authorized to take any and
300 all necessary action to implement the purposes of this Ordinance.

301
302 **Section 8. Effective Date.** This Ordinance shall be effective immediately upon
303 adoption on second reading. Following the adoption of this Ordinance, the City Manager shall
304 publicly announce its intent to utilize Speed Detection Systems as provided herein and conduct a
305 thirty (30) day public awareness campaign to inform the public of the provisions of this Ordinance.
306 During the thirty (30) day public awareness campaign, the City shall only issue warnings to a
307 Person for Violations.

308
309 **PASSED** on first reading on the ____ day of _____, 2024.

310
311 **PASSED AND ADOPTED** on second reading on the ____ day of _____, 2024.

312
313 ATTEST:

APPROVED:

314
315
316 _____
317 CITY CLERK

MAYOR

318
319 READ AND APPROVED AS TO FORM,
320 LANGUAGE, LEGALITY AND
321 EXECUTION THEREOF
322
323
324
325 _____
326 WEISS SEROTA HELFMAN COLE
327 & BIERMAN, P.L.
CITY ATTORNEY

COMMISSION VOTE:
Mayor:
Vice Mayor Lisa Bonich:
Commissioner Steve Calle:
Commissioner Joshua Liebman:
Commissioner Brian Corey:

City Commission Agenda Item Report

Meeting Date: March 5, 2024

Submitted by: Daniela Cimo

Submitting Department: City Attorney

Item Type: Ordinance

Agenda Section:

Subject:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE III "ZONING REGULATIONS" AND ARTICLE VIII "TRANSIT- ORIENTED DEVELOPMENT DISTRICT" REGULATIONS TO CLARIFY THE EXTENT OF THE TRANSIT-ORIENTED DEVELOPMENT AREA AND MODIFY REQUIREMENTS APPLICABLE TO DWELLING UNITS; AUTHORIZING REVISION OF THE CITY OF SOUTH MIAMI OFFICIAL ZONING MAP CONSISTENT WITH THE NOMENCLATURE OF THE AMENDED REGULATIONS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

Suggested Action:

Attachments:

[48A9589-Memo_-_Ordinance_-_TODD_Regulations.docx](#)

[48A9575-48A5447-Ordinance Amend Art. III and VIII LDC Transfer-Oriented Development District Regulations CAv3.DOCX](#)

[Exh A - Ordinance Amend Art. III and VIII LDC Transfer-Oriented Development District](#)

[Exh B - Ordinance Amend Art. III & VIII LDC Transfer-Oriented Development District](#)



**CITY OF SOUTH MIAMI
OFFICE OF THE CITY ATTORNEY
INTER-OFFICE MEMORANDUM**

To: The Honorable Mayor, Vice Mayor, and Members of the City Commission

FROM: Lillian Arango and Tony Recio, City Attorneys

CC: Genaro "Chip" Iglesias

DATE: March 5, 2024 City Commission Meeting

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE III "ZONING REGULATIONS" AND ARTICLE VIII "TRANSIT- ORIENTED DEVELOPMENT DISTRICT" REGULATIONS TO CLARIFY THE EXTENT OF THE TRANSIT-ORIENTED DEVELOPMENT AREA; AUTHORIZING REVISION OF THE CITY OF SOUTH MIAMI OFFICIAL ZONING MAP CONSISTENT WITH THE NOMENCLATURE OF THE AMENDED REGULATIONS (CITY COMMISSION)

The accompanying Resolution was prepared and placed on the agenda at the direction of the City Commission during the Zoning Workshop on February 20, 2024.

31 **WHEREAS**, the City Commission finds that such allowances, which include elimination
32 of all parking requirements for qualifying affordable housing development, could have significant
33 adverse impacts to the City and its residents if applied to the entirety of the current TODD; and

34 **WHEREAS**, the City Commission desires to distinguish between the portion of the current
35 TODD that is truly transit-oriented and located contiguous to or abutting the South Miami
36 Metrorail Station, and, thus, befitting of the allowances provided by the Live Local Glitch Bill,
37 which area shall bear the name Transit-Oriented Development Area - “TODA”, and the remaining
38 portion of the current TODD that is transit supportive and worthy of incentives provided by local
39 law but not the full extent of the allowances provided by the Live Local Glitch Bill, which district
40 shall be renamed to Transit-Supportive Development District – “TSDD”; and

41 **WHEREAS**, the City Commission desires that the development of Affordable Housing
42 units encouraged by the Live Local Glitch Bill provide sufficient floor area and unit types
43 proportionate to market rate units in the same development; and

44 **WHEREAS**, the City Commission finds that this Ordinance is in the best interest and
45 welfare of the City, and given the timing of the Live Local Glitch Bill, is of such importance as to
46 support holding first reading in advance of a public hearing of the Planning Board, and therefore
47 approved it on first reading on _____, 2024; and

48 **WHEREAS**, on _____, the Planning Board, sitting in its capacity as the
49 Local Planning Agency, reviewed this Ordinance and _____;
50 and

51 **WHEREAS**, on _____, 2024, the Mayor and City Commission conducted a duly
52 noticed public hearing as required by law and adopted this ordinance on second reading.

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

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

57 **Section 2.** **Amending Article III.** Article III. Zoning Regulations of the LDC is
58 hereby amended to read as set forth in Exhibit “A.”

59 **Section 3.** **Amending Article VIII.** Article VIII. Transit-Oriented Development
60 District of the LDC is hereby amended to read as set forth in Exhibit “B.”

61 **Section 4.** **Authorizing Revision of the Zoning Map.** The City Manager is hereby
62 authorized to revise the Official Zoning Map to reflect the nomenclature of the amended zoning
63 regulations, specifically renaming the TODD to Transit-Supportive Development District –
64 TSDD, with properties within the TSDD that are contiguous to or abutting the South Miami
65 Metrorail Station designated as Transit-Oriented Development Area – TODA. The City Manager
66 is further authorized to take all action necessary to implement the revisions to the Official Zoning
67 Map and the purposes of this Resolution.

68 **Section 5.** **Corrections.** Conforming language or technical scrivener-type corrections
69 may be made by the City Attorney for any conforming amendments to be incorporated into the
70 final Ordinance for signature.

71 **Section 6.** **Severability.** If any section, clause, sentence, or phrase of this Ordinance
72 is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding
73 shall not affect the validity of the remaining portions of this Ordinance.

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

74 **Section 7.** **Conflicts.** That all ordinances or parts of ordinances, resolutions or parts
75 of resolutions, in conflict herewith, are repealed to the extent of such conflict.

76 **Section 8.** **Implementation.** The City Manager is hereby authorized to take any and
77 all necessary action to implement the purposes of this Ordinance.

78 **Section 9.** **Effective Date.** This Ordinance shall become effective immediately upon
79 adoption.

80 **PASSED** on first reading on the ____ day of _____, 2024.

81 **PASSED AND ADOPTED** on second reading on the ____ day of _____, 2024.

82 ATTEST:

APPROVED:

83

84 _____
85 CITY CLERK

MAYOR

86

87 READ AND APPROVED AS TO FORM,
88 LANGUAGE, LEGALITY AND
89 EXECUTION THEREOF

COMMISSION VOTE:
Mayor Javier Fernández:
Vice Mayor Lisa Bonich:
Commissioner Steve Calle:
Commissioner Joshua Liebman:
Commissioner Brian Corey:

90

91

92

93 _____
94 WEISS SEROTA HELFMAN COLE
95 & BIERMAN, P.L.
CITY ATTORNEY

ARTICLE III. ZONING REGULATIONS¹

20-3.1 Zoning use districts and purposes.

- (A) Zoning Districts Established. In order to implement the intent of this Code and the City's adopted Comprehensive Plan, the City is hereby divided into thirty-three (33) zoning use, overlay and special districts with the symbol designations and general purposes listed below and permitted uses set forth in Section 20-3.3(D). Except as expressly set forth within the regulations governing the DS district, standards shall be uniform throughout each district. District symbols and names shall be known as:

Symbol	Name
RS-1	Estate Residential
RS-2	Semi-Estate Residential
RS-3	Low Density Single-Family
RS-4	Single-Family
RS-5	Single-Family (50' lots)
RT-6	Townhouse Residential
RT-9	Two-Family/Townhouse Residential
RM-18	Low Density Multi-Family Residential
RM-24	Medium Density Multi-Family Residential
RO	Residential Office
LO	Low-Intensity Office
MO	Medium-Intensity Office
NR	Neighborhood Retail
SR	Specialty Retail
GR	General Retail
<u>TSDD</u> TSDD (MU-4)	Transit- <u>Supportive</u> Oriented Development District (Mixed Use-4)
<u>TSDD</u> TSDD (MU-5)	Transit- <u>Supportive</u> Oriented Development District (Mixed Use-5)
<u>TSDD</u> TSDD (MU-6)	Transit- <u>Supportive</u> Oriented Development District (Mixed Use-6)
<u>TSDD</u> TSDD (MU-M)	Transit- <u>Supportive</u> Oriented Development District (Mixed Use-Market)
<u>TSDD</u> TSDD (PI)	Transit- <u>Supportive</u> Oriented Development District (Public/Institutional)
<u>TSDD</u> TSDD (PR)	Transit- <u>Supportive</u> Oriented Development District (Parks & Recreation)
PUD-R	Planned Unit Development-Residential
PUD-M	Planned Unit Development-Mixed Use
PUD-H	Planned Unit Development-Hospital

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HP-OV	Historic Preservation Overlay
HD-OV	Hometown District Overlay
CS-OV	Community Service Overlay
H	Hospital
PI	Public/Institutional
PR	Parks and Recreation
MU-AH	Mixed Use-Affordable Housing (Two-Story)
R	Religious
DS	Downtown SoMi

(B) District Purpose Statements.

- (1) "RS-1" Estate Residential District: The purpose of this district is to provide for estate type single-family residential development located in a spacious rural-like setting which emphasizes the preservation of open space. This district is appropriate in areas designated "Single-Family Residential" on the City's adopted Comprehensive Plan.
- (2) "RS-2" Semi-Estate Single-Family Residential District: The purpose of this district is to provide for semi-estate type single-family residential development located in a relatively spacious setting which emphasizes the preservation of open space. This district is appropriate in areas designated "Single-Family Residential" on the City's adopted Comprehensive Plan.
- (3) "RS-3" Low-Density Single-Family Residential District: The purpose of this district is to provide for low-density single-family residential development located in a moderately spacious setting which emphasizes the preservation of open space. This district is appropriate in areas designated "Single-Family Residential" on the City's adopted Comprehensive Plan.
- (4) "RS-4" Single-Family Residential District: The purpose of this district is to provide for single-family residential development located on smaller lots and to protect and improve the character of existing development in the area. This district is appropriate in areas designated "Single-Family Residential" on the City's adopted Comprehensive Plan.
- (5) "RS-5" Single-Family (fifty-foot lots) Residential District: The purpose of this district is to provide for built-out single-family residential subdivisions characterized by smaller lots with fifty-foot frontages and to protect and improve the character of existing development in the area. This district is appropriate in areas designated "Single-Family Residential" on the City's adopted Comprehensive Plan.
- (6) "RT-6" Townhouse Residential District: The purpose of this district is to provide suitable sites for the development of well planned, environmentally compatible, low-density townhouse or duplex projects on sites of at least ten thousand (10,000) square feet, which are located in such a manner as to serve as effective transitional land use elements between single-family and more intensive multi-family residential or commercial areas. This district is appropriate in areas designated "Townhouse Residential" or "Duplex Residential" on the City's adopted Comprehensive Plan.
- (7) "RT-9" Two-Family/Townhouse Residential District: The purpose of this district is to provide suitable sites for the development of well planned, environmentally compatible, low-density attached single-family residential projects of a two-family and/or townhouse nature, which are located in such a manner as to serve as effective transitional land use elements between single-family and more intensive multi-family residential or commercial areas. This district is appropriate in areas designated "Townhouse Residential" or "Mixed Residential Moderate-Density" on the City's adopted Comprehensive Plan.

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- (8) "RM-18" Low-Density Multi-Family Residential District: The purpose of this district is to provide suitable sites for the development of low-density multi-family residential uses with appropriate landscaped open space which are located in such a manner as to serve as an effective transitional land use element between less intensive residential uses and more intensive multi-family and/or commercial uses. This district is appropriate in areas designated "Multi-Family Residential" on the City's adopted Comprehensive Plan.
- (9) "RM-24" Medium-Density Multi-Family Residential District: The purpose of this district is to provide suitable sites for the development of medium-density multi-family residential uses with appropriate landscaped open space. This district is appropriate in areas designated "Multi-Family Residential" on the City's adopted Comprehensive Plan.
- (10) "RO" Residential Office District: The purpose of this district is to provide suitable sites which will accommodate the limited office space needs of certain low impact professional services in attractive low profile buildings on heavily landscaped sites, architecturally similar to and compatible with nearby single-family structures. The district should serve as a transitional buffer between established single-family neighborhoods and major traffic arterials or more intensive uses, and is appropriate in areas designated "Business Office (Low Intensity and Volume)" on the City's adopted Comprehensive Plan.
- (11) "LO" Low-Intensity Office District: The purpose of this district is to permit low-intensity office development and redevelopment, without necessarily being compatible in appearance with single-family residential areas. This district is appropriate in areas designated "Commercial Retail and Office", "Mixed Use Commercial/Residential", and "Business Office (Low Intensity and Volume)" on the City's adopted Comprehensive Plan.
- (12) "MO" Medium-Intensity Office District: The purpose of this district is to accommodate professional and business office space needs in a relatively intensive centrally located manner. This district is appropriate in areas designated "Mixed-Use Commercial/Residential" on the City's adopted Comprehensive Plan.
- (13) "NR" Neighborhood Retail District: The purpose of this district is to permit convenience commercial uses which provide for the everyday retail and personal service needs of nearby residential neighborhoods in a compatible and convenient manner. This district is appropriate in areas designated "Commercial Retail and Office" on the City's adopted Comprehensive Plan.
- (14) "SR" Specialty Retail District: The purpose of this district is to maintain the basic specialty retail character of the Sunset Drive commercial area by encouraging comparison retail uses at the pedestrian-oriented grade level and office and residential uses on the upper floors of all buildings. This district is appropriate in areas designated "Mixed-Use Commercial/Residential" on the City's adopted Comprehensive Plan.
- (15) "GR" General Retail District: The purpose of this district is to delineate areas which permit a broad range of retail uses. Uses that are strongly oriented toward the motoring public are discouraged in this district. This district is appropriate in areas designated "Commercial Retail and Office" on the City's adopted Comprehensive Plan.
- (16)–(21) "TSDD TODD", Transit- Supportive Oriented Development District: (includes sub-categories TSDD TODD (MU-4), TSDD TODD (MU-5), TSDD TODD (MU-6), TSDD TODD (MU-M), TSDD TODD (PI), and TSDD TODD (PR)) The purpose of this district is to maximize and support the presence of a mass transit center located within walking distance of the boundaries of the district. The TSDD TODD is intended to provide for the development of office, retail, residential uses, and related services in multi-story and mixed-use projects that are characteristic of transit-supportive oriented developments. Regulations provide for the continuation of existing light industrial uses, but encourages redevelopment through land assembly, flexible building heights, design standards, and performance-oriented incentives. The portion of the TSDD consisting of properties contiguous or abutting the South Miami Metrorail Station

~~property is known as the Transit-Oriented Development Area ("TODA") The district is appropriate in areas designated "Transit-Oriented Development District" on the City's adopted Comprehensive Plan and Future Land Use Map.~~

- (22)—(24) "PUD" Planned Unit Development: (includes PUD-R, PUD-M, PUD-H) The purpose of this district is to allow a tract of land to be developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses. A PUD encourages design flexibility versus traditional siting such as side yards, setbacks, height. A greater flexibility in locating buildings and in combining various uses will achieve better economics in construction, preservation of open space and inclusion of amenities. The district is appropriate in areas designated residential, multi-family, commercial, transit oriented, mixed use or public/institutional areas on the city's adopted Comprehensive Plan and Future Land Use Map.
- (25) "HP-OV" Historic Preservation Overlay: The purpose of this district is to preserve and protect historic and/or architecturally worthy buildings, sites, neighborhoods or archaeological zones, which impart a distinct aspect to the City of South Miami and which serve as visible reminders of the history and cultural heritage of the City, the State and the Nation. The HP-OV zoning district shall overlay existing use districts, and all uses allowed by the underlying use district shall be permitted. The provisions, standards, and procedures set forth for properties designated as an historic site or district shall be in addition to all other applicable requirements in the Land Development Code. The district is appropriate in any land use categories on the city's adopted Comprehensive Plan and Future Land Use Map.
- (26) "HD-OV" Hometown District Overlay: The purpose of this district is to implement a mixed-use commercial/residential land use category that is characteristic of traditional down-towns. It is intended to provide for different levels of retail uses, office uses, retail and office services and residential dwelling units with an emphasis on mixed use development. In order to assure a mix of uses, the City requires that a minimum of two of the above uses must be included within each project. The land development regulations contained herein reinforce South Miami's Comprehensive Plan by establishing new standards for development as an overlay to existing development regulations within the boundaries of the Hometown District. The district is appropriate in the mixed use areas on the city's adopted Comprehensive Plan and Future Land Use Map.
- (27) "CS-OV" Community Service Overlay: The purpose of this district is to promote the health, safety, community-acceptable standards of morals and general welfare of the residents of the City of South Miami. The Community Services overlay zoning district is intended to provide for the establishment of an overlay zoning district in the Charrette Two Study Area, in order to provide for the special needs of community-based service providers and, specifically, to permit parking lot improvements, out-parcel development, day care center facilities and building additions for those properties under the sole ownership of community-based service providers, such as churches, mosques, synagogues, or temples. The district is appropriate in the residential areas on the city's adopted Comprehensive Plan and Future Land Use Map.
- (28) "H" Hospital District: The purpose of this district is to permit, as a special use, areas that will accommodate various hospital needs in a manner compatible with nearby residential areas. The district also permits office uses at appropriate intensities in the event that hospital uses are terminated and is appropriate in areas designated "Hospital/Office" on the city's adopted Comprehensive Plan. The unique nature of hospital usage and its quickly changing needs and characteristics makes their proper regulation under ordinary zoning regulations difficult. Hospitals located near residential areas are both an asset in terms of jobs and services provided and a liability in terms of traffic generated and their propensity to expand. It is the intent of this district to establish stable land use patterns in hospital areas upon which local residents and hospitals can both rely.
- (29) "PI" Public/Institutional District: The purpose of this district is to provide for governmental facilities, utilities and similar uses, with building heights and intensities compatible with surrounding districts.

This district is appropriate in areas designated "Public Institutional" on the City's adopted Comprehensive Plan.

- (30) "PR" Parks and Recreation District: The purpose of this district is to provide for public parks and open space areas, including those associated with schools and other community facilities. This district is appropriate in areas designated "Parks and Open Space" on the City's adopted Comprehensive Plan.
- (31) "MU-AH" Mixed Use-Affordable Housing (Two-Story): The purpose of this district is to permit mixed use projects which combine affordable housing with a compatible mix of retail, office, business or professional services and cultural/entertainment in a unified cohesively designed development. The residential component of developments in this district is mandatory and shall be limited to housing units which service the low to moderate income segment of the affordable housing group as defined by the U.S. Department of Housing and Urban Development. This district is appropriate in areas designated as "Mixed-Use Commercial/Residential" on the City's Comprehensive Plan.
- (32) "R" Religious District: The purpose of this district is to provide for religious facilities and uses and could also permit other ancillary uses implemented by the category, which by design and construction are intended for organized worship and commonly related services, such as educational, recreational, and social services, including day care. Such ancillary uses shall be subordinate to the principal use. Building heights shall not exceed the average of the maximum permitted in the surrounding zoning districts, but in no case shall a building exceed two (2) stories. Zoning regulations could permit religious uses on sites not so designated by the Comprehensive Plan.
- (33) "DS" Downtown SoMi District: The purpose of this district is to provide for the establishment of place-making development that is urban in scale. This district authorizes a mixture of uses, densities, intensities, and heights that contribute to a vibrant urban experience within walking distance to rail-based rapid transit. Permitted uses and structures on both a temporary and permanent basis include retail, restaurant, residential, hotel, office, entertainment, theaters and attractions, permanent and nonpermanent kiosks, active rooftop uses and those uses reasonably accessory thereto. To accommodate shifting market conditions, it is the express intent of the DS district regulations to allow flexible changes in an approved development program between and among permitted uses.

Permitted heights in the DS district shall be up to one hundred ninety-five (195) feet as defined in Section 20-12.8.

The permitted Floor Area Ratio (F.A.R.) shall be up to 3.0 and shall only apply to non-residential structures. Permitted residential density shall be up to sixty-five (65) dwelling units per acre. Hotel uses within this district shall be deemed part of the commercial intensity and shall not be counted for purposes of calculating residential density or intensity. For the avoidance of doubt, residential uses shall not count towards F.A.R. and commercial uses (including hotel uses) shall not count towards residential density.

To promote an active, urban, and vibrant pedestrian experience outdoor seating as a convenience for tenants and guests and as an accessory to restaurants, cafés and similar uses shall be encouraged within the DS district.

Land may be zoned DS if it satisfies all of the following requirements:

- (1) The area of the land so zoned is ten (10) acres or less but exceeds five (5) acres;
- (2) A portion of the land so zoned is adjacent to a principal arterial roadway;
- (3) A portion of the land so zoned is adjacent to a minor arterial roadway; and
- (4) A portion of the land so zoned is within one thousand five hundred (1,500) feet radius of an existing rail-based transit station.

This district is appropriate in areas designated "Downtown SoMi" in the City's adopted Comprehensive Plan and Future Land Use Map.

(C) Official Zoning Map.

- (1) The city's Official Zoning Map shall be known as the "City of South Miami Official Zoning Map" and is hereby made part of this Code as fully as if set forth herein in detail.
- (2) The original Official Zoning Map, bearing the signature of the mayor and the attestation of the city clerk, is hereby adopted.
- (3) The original map shall be located in the office of the city clerk.
- (4) No changes of any nature shall be made on the original map or matter shown thereon except in conformity with the procedures set forth in Section 20-5.5.
- (5) Replacement of official map:
 - (a) In the event that the original Official Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes or additions, the city commission may, by resolution, adopt a new Official Zoning Map which shall supersede the prior map.
 - (b) The new Official Map may correct drafting or other errors or omissions in the prior Official Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

(D) District Boundaries:

- (1) District boundaries are usually along streets, alleys, property lines or extensions thereof.
- (2) Where uncertainty exists concerning boundaries of districts as shown on the Official Map, the following guidelines shall be used:
 - (a) In cases where a boundary line is within a street, alley or easement, it shall be deemed to be the centerline of such right-of-way.
 - (b) If the actual location of a street, alley or easement varies slightly from the location as shown on the official map, then the actual location shall control.
 - (c) In cases where a boundary line is shown as being located a specific distance from a street right-of-way line or other physical feature, such distance shall control.
 - (d) Where district boundaries are not otherwise indicated and where the property is divided into blocks and lots, district boundaries shall be construed to be the lot lines.
 - (e) Where bounded approximately by lot lines, said lot lines described in subsection (d) above shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the official map or by ordinance.
 - (f) All water areas are controlled by applicable district regulations.
 - (g) District boundary lines on the official map shall be determined by the use of the scale contained on such map.
 - (h) Boundaries indicated as approximately following city limits shall be construed as following such city limits.
 - (i) Whenever any street, alley or other public way is vacated by official city action or whenever such is franchised for building purposes, the zoning district line adjoining each side of the public way shall be automatically extended to the centerline of such vacated public way. All area so involved shall be subject to all regulations of the extended districts.

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- (j) Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or in other circumstances not covered by subsections (a) through (i) above, the city commission shall interpret the district boundaries.

20-3.2 Application of district regulations.

- (A) Minimum Standards. The regulations established by this Code within each district shall be the minimum standards and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.
- (B) Total Compliance. No building, structure, land or water areas shall be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, enlarged, reconstructed, moved or structurally altered except in conformity with all the regulations specified for the district in which it is located.
- (C) Structural Compliance. No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered which:
 - (1) Exceeds the height or bulk established for the district;
 - (2) Occupies a greater amount of impervious area or coverage than the percentage permitted in the district; or
 - (3) Encroaches upon the minimum yard setbacks or other areas herein required; or is in any other manner inconsistent with the provisions of this Code.
- (D) Separate Compliance. No part of a yard, open space or off-street parking space required in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space or off-street parking space similarly required for any other building.
- (E) Yard and Lot Compliance. No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth in Section 20-3.5.
- (F) Parking Compliance. Buildings erected, converted, enlarged, reconstructed, moved or structurally altered shall conform to the off-street parking requirements in Section 20-4.3.

20-3.3 Permitted use schedule.

(A) Type of Permitted Uses.

- (1) Uses permitted by right or as a special use in each district shall be determined from the Permitted Use Schedule in Section 20-3.3(D).
- (2) All uses shall comply with:
 - (a) Any specific special use conditions referenced and set forth in Section 20-3.4;
 - (b) All off-street parking requirements referenced and established in Section 20-4.4, other than as modified for Article VIII of this chapter; and
 - (c) All other applicable requirements of this Code.

(B) Established Nonconforming Uses. Uses which were established prior to the adoption of this Code or its predecessors, but which are now inconsistent with the requirements of this Code shall be permitted if such uses meet the requirements of this Code for a valid nonconforming use.

(C) Permitted Use Schedule.

- (1) Uses identified in a particular district column with a "P" are "permitted by right" and may be allowed in such district, subject to all other applicable requirements of this Code.
- (2) Uses identified in a particular district column with an "S" are "special uses" and may be permitted in such district with such conditions as referenced in the "Conditions" column (second from right on the Schedule) and defined in Section 20-3.4, subject to all other applicable requirements of this Code.
- (3) Off-street parking requirements for each permitted or special use are referenced in the "Parking" column (far right on the Schedule) and are further defined in Section 20-4.4(B).
- (4) Uses not listed as "permitted by right" or as "permitted as special use" in a district are not allowed in such district unless otherwise expressly permitted under this Code in accordance with paragraph (5) below.
- (5) New or unlisted uses of similar nature.
 - (a) The director of building/zoning and community development shall consider the nature of the proposed use, its compatibility with other uses permitted in the various districts and determine the zoning district or districts within which the use should be permitted, if any.
 - (b) The city manager shall transmit the findings and recommendations of the director of building/zoning and community development for the classification proposed for any new or unlisted use to the city commission for review at its next regularly scheduled meeting.
 - (c) The city commission shall approve the recommendations of the director or make such determination concerning the classification of the new or unlisted use as it determines appropriate.
- (6) Location of Permitted "SR" District Uses. In the "SR" Specialty Retail District, permitted retail uses shall be located only on first and second floor building levels, permitted office uses only on second floor building levels, and permitted residential uses only on second floor building levels or above, except that for buildings abutting U.S. 1 (South Dixie Highway) that contain more than fifty thousand (50,000) square feet of ground floor space, permitted office uses may be located on the first, second or third floor building levels within that portion of the building lying within one hundred seventy-five (175) feet of the U.S. 1 (South Dixie Highway) right-of-way.

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- (a) The percentage of permitted office uses that would be allowed to occupy the first or ground floor of multi-tenant structures shall not exceed a contiguous twenty-two (22%) percent of the first or ground floor building area of the entire building. Requests for office uses in excess of a contiguous twenty-two (22) percent will require a "special exception" approval pursuant to Section 20-7.51 of the Land Development Code.
 - (b) Ground floor office uses shall be required to have ground floor visibility from the adjacent streets and interior walkways, and shall be open and regularly accessible to customers and patrons during regular business hours. These uses shall to the best of their ability, maintain a retail storefront look along the interior walkways comparable to traditional retail sales operations.
 - (c) The ground-floor office uses with a facade along the adjacent street shall have storefront windows covering no less than twenty-five (25) percent of the ground-floor building frontage wall area. Storefronts shall remain un-shuttered at night and shall utilize transparent glazing material, and shall provide view of interior spaces lit from within. Where interior building frontages exceed fifty (50) feet, doors or entrances with public access or egress shall be provided at intervals averaging no greater than twenty-five (25) feet.

Note: Subsection (E) deleted and Standard Industrial Classification Column deleted from the Permitted Use Chart on August 21, 1990 by Ord. No. 11-90-1451.

SECTION 20-3.3(D)
PERMITTED USE SCHEDULE

P	=	PERMITTED BY RIGHT
S	=	PERMITTED AS SPECIAL USE
COND	=	SPECIAL USE CONDITIONS (See Section 20-3.4)
PARK	=	PARKING REQUIREMENTS (See Section 20-4.4(B) and as modified by Article VIII to TSDV TODD parking)
X	=	No conditions were adopted

USE TYPE	ZONING DISTRICT																								C	P					
	R S 1	R S 2	R S 3	R S 4	R S 5	R T 6	R T 9	L R M 1 8	R M 2 4	R O	L O	M O	N R	S R	G R	M U A H	TSDD TODD M U 4	TSDD TODD M U 5	TSDD TODD M U 6	TSDD TODD M U M	TSDD TODD P I	TSDD TODD P R	H	P I			R	P R	D S	C O N D	P A R K
PLANNED UNIT DEVELOPMENT RESIDENTIAL USES	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S							S						S	8		
Adult Family Care Home	S	S	S	S	S	S	S	S	S	S																				13	1
Assisted Living Facility (ALF)															S	S	S	S												13	18
Boardinghouse												P	P		P	P	P	P	P												17
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P	S																				17	1
Dwelling, Tourist												P	P		P		P	P	P												3
Dwelling, Townhouse					P	P	P	P	S					P	P	P	P	P	P											17	2
Dwelling, Two-Family					P	P	P	P	S						P															17	1

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Dwelling, Multi-Family									P	P	S				P		P	P	P	P	P											P	17	3			
Community Residential Home, 7 or more									P	P	P						P	P	P																13	1	
Group Home I Licensed (6 or less)	S	S	S	S	S	S	S	S	S	S	S					S	S	S	S																15	1	
Group Home II Unlicensed (6 or less)	S	S	S	S	S	S	S	S	S	S	S					S	S	S	S																15	1	
Home-Based Businesses accessory to a dwelling unit ⁴	P	P	P	P	P	P	P	P	P	P	P				P	P		P	P	P	P												P				
Live-work																S	S	S	S																		
PUBLIC AND INSTITUTIONAL USES																																					
Adult Day Care Facility																																				11	
Child Care Facility (7 or more children)									S	S	S	S	S	S	S	S		S	P	P	S	S	P			S					P	P			23	10	
Community Facilities																																					P
Community Garden																S	S	S	S	S	S															25	
Continuing Care Retirement Community (CCRC)																																				13	18
Early childhood child													P	P	P			P	P	S													P	P			11

RELIGIOUS USES																																						
Church, Temple, Synagogue or Mosque									S	S	S	S	S							S									P								1	6

USE TYPE	ZONING DISTRICT																										
	R	L	M	N	S	G	M	T	T	T	T	T	T	T	H	P	P	D	C	P							
	O	O	O	R	R	R	U	O	O	O	O	O	O	O		I	R	S	O	A							
BUSINESS AND PROFESSIONAL SERVICES																											
Accessory Medical Services								P	P	P	P			S				18	7								
Accounting and Auditing Services	P	P	P		P		P	P	P	P	P						P		10								
Acupuncturist	P	P	P		P		P	P	P	P	P						P		9								
Advanced Registered Nurse Practitioner	P	P	P				P	P	P	P									9								
Advertising Agency	P	P	P		P		P	P	P	P	P						P		10								
Animal Hospital or Veterinarian			S		S		S	S	S									21	12								
Architectural Services	P	P	P		P		P	P	P	P	P						P		10								
Automobile Parking Structure							P	P	P	P							P										
Automobile Rental Agency					S				S								P ¹	22	11 **								
Automobile Repair and Body Shop									S										11								
Automobile Repair					S				S										11								
Automobile Upholstery and Top Shop									S										11								
Automobile Washing/Detailing Operations									S									10	11								
Bank or Savings Institutions, Mortgage Banking/Mortgage Brokerage		P	P		P	P	P		P	P	P						P		11								

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Beauty or Barber Shop (includes nail/skin care as accessory or as separate establishment)	P	P	P	P	P	P	P	P	P	P	P							P		11
Bed and Breakfast					P		P	P	P	P										4
Billiard Parlor										S								P		11
Bowling Alley or Skating Rink						S				S								P	11	16
Bowling Alley/Restaurant/Entertainment Center					S		S			S	S							P		16
Building Contractors Office		P	P		P		P	P	P	P	P							P		10
Carpet Cleaning Service										S										11
Catering Services										P	P							P		11
Chiropractic Office or Clinic	P	P	P	P	P		P	P	P	P	P				S			P	14	9
Counseling Services	P	P	P	P	P	P	P	P	P	P	P							P		10
Contractor Plant and Storage																				14
Computer Supplies and Services		P	P		P	P	P	P	P	P	P							P		11
Credit Reporting Services		P	P		P		P	P	P	P	P							P		10
Dentist Office in the GR District, no more than one dentist office per building and limited to 15% of total building gross floor area	P	P	P	P	P	P	P	P	P	P	P			P				P		9
Dry Cleaning Substation (no processing)		S	S	P	P	P	P	P	P	P	P							P	16	11
Dry Cleaning Plant					S	S	S	S	S	S									7	11
Employment Agency		P	P		P		P	P	P	P	P							P		10
Engineering Services	P	P	P		P		P	P	P	P	P							P		10
Film Processing Substation		S	S	P	P		P	P	P	P	P								16	11
Funeral Home		S	S																3	11
Hotel or Motel		P	P		P		P	P	P	P	P							P		4
Insurance Agency	P	P	P	P	P		P	P	P	P	P							P		10
Interior Decorator, Showroom and Salesroom		P	P		P		P	P	P	P	P							P		10
Interior Decorator, Office only		P	P		P		P	P	P	P	P							P		10
Investigative Services	P	P	P		P		P	P	P	P	P							P		10
Investment and Tax Counseling	P	P	P		P		P	P	P	P	P							P		10
Laboratory, Medical or Dental	P	P	P		P		P	P	P	P	P				P					9
Laundromat				P	P		P	P	P	P										11
Law Office	P	P	P		P		P	P	P	P	P							P		10
Lawn Maintenance Services																				11

Learning Centers or Educational Facilities																		P		10
Loan or Finance Agency		P	P		P		P	P	P	P	P							P		10
Mail and Parcel Center		P	P	P	P	P	P	P	P	P	P							P		10
Market Research Services	P	P	P		P		P	P	P	P	P							P		10
Massage Therapist	P	P	P	P	P	P	P	P	P	P	P							P		9
Medical Office	P	P	P		P		P	P	P	P	P					P				9
Messenger or Courier Services		P	P		P		P	P	P	P	P							P		11
Mobile Automobile Wash/Wax Service	S	S	S	S	S	S	S	S	S	S	S	S	S		S			P	20	na
Notary Public	P	P	P	P	P		P	P	P	P	P							P		10
Office, Business or Professional * 50% of ground floor square footage must be retail uses	P	P	P		P	P*	P	P	P	P	P							P		10
Opticians or Optical Goods	P	P	P		P		P	P	P	P	P					P		P		9
Personal Skills Instruction Studio****	P	P	P	P	P	P	P	P	P	P	P							P		10
Photographic Studio	P	P	P		P		P	P	P	P	P							P		11
Physical Fitness Facility****	S	S	S		P		P	P	P	P	P							P	25	11
Physical Therapist	P	P	P	P	P			P	P	P	P							P		9
Picture Framing Store					P		P	P	P	P	P							P		11
Planning and Zoning Consultant	P	P	P		P		P	P	P	P	P							P		10
Psychologist	P	P	P					P	P	P	P									9
Public Relations Services	P	P	P		P		P	P	P	P	P							P		10
Quick Printing		P	P	P	P	P	P	P	P	P	P							P		11
Radio and Television Repair Shop										P	P									11
Real Estate Agency	P	P	P	P	P		P	P	P	P	P							P		10
Reproduction and Stenographic Services		P	P		P		P	P	P	P	P							P		11
Research and Development, Incubator		P	P							P										14
Reupholstery and Furniture Repair Services									S	S										12
Shoe Repair Shop				P	P		P	P	P	P	P							P		11
Stock Brokerage	P	P	P		P		P	P	P	P	P									10
Tailor or Seamstress					P		P	P	P	P	P							P		11
Tanning Studio					P		P			P	P							P		11 **
Telephone Answering Services	P	P	P		P		P	P	P	P	P									11
Tutorial Services	P	P	P		P		P	P	P	P	P							P		11

Auditorium, Theater or Cinema					P		P	P	P	P							P		15
Travel Agency		P	P	P	P		P	P	P	P	P						P		10
Watch and Clock Sales and Repair					P	P	P	P	P	P	P						P		11
RETAIL AND WHOLESALE TRADE																			
Air Conditioning Sales and Services						P					P								11
Antique or Curio Shop					P	P	P	P	P	P	P						P		11
Automobile Accessories and Parts						S					P							X	11
Automobile Dealer						S												9	11
Automobile Showroom																	p ²		11
Bait and Tackle Shop						P													11
Bakery					P	P	P	P	P	P	P						P		11
Bicycle Sales and Services					P	P	P	P	P	P	P						P		11
Boat Dealer						S												9	11
Book or Stationery Store		S	S		P	P	P	P	P	P	P						P	16	11
Business Machine Sales and Services					P	P	P	P	P	P	P						P		11
Camera and Photo Supply Store		S	S		P	P	P	P	P	P	P						P	16	11
Carpeting or Flooring Sales					P	P	P	P	P	P	P						P		11
Clothing or Apparel Store (new only)					P	P	P	P	P	P	P						P		11
Confectionery or Ice Cream Parlor		S	S	P	P	P	P	P	P	P	P						P	16	8
Consumer Electronics or Music Store					P	P	P	P	P	P	P						P		11
Cosmetics Store					P	P	P	P	P	P	P						P		11
Dairy Products Store				P	P	P	P	P	P	P	P						P		8
Deli				P	P	P	P	P	P	P	P						P		8
Department or Dry Goods Store					P	P	P	P	P	P	P						P		12
Drinking Place, Bar/Lounge		S	S		S	S	P	P	P	P	P						P	16	7
Drug or Sundry Store Not selling prescription drugs		S	S	P	P	P	P	P	P	P	P							16	11
Drug, Pharmacy or Sundry Stores selling prescription drugs and Medical Marijuana Retail Center		S	S	S	S	S	S	S	S	S	S						S	24	9
Fabric or Drapery Shop					P	P	P	P	P	P	P						P		11
Florist		S	S	P	P	P	P	P	P	P	P						P	16	11
Gasoline Service Station						S												5	11
Grocery Store (over 4,000 sf gfa)					P	P	P	P	P	P	P						P		8
Gift, Novelty or Souvenir Shop		S	S		P	P	P	P	P	P	P						P	16	11

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Glass and Mirror Sales and Services					P				P	P									11
Hardware Store				P	P	P	P	P	P	P							P		11
Heavy Machinery Sales, Rental and Services																			11
Hobby, Toy or Game Shop		S	S		P	P	P	P	P	P							P	16	11
Household Appliance Store					P	P	P	P	P	P							P		11
Home Furniture or Furnishings Store					P	P	P	P	P	P							P		11
Jewelry Store		S	S		P	P	P	P	P	P							P	16	11
Lawn and Garden Supplies					P														11
Lawnmower Sales and Services					P														11
Lighting Fixtures Store					P	P	P	P	P	P							P		11
Liquor or Package Store					S	S	P	S	S	S	P						S		11
Luggage or Leather Goods Store					P	P	P	P	P	P							P		11
Lumber and Building Materials Store																			11
Microbrewery/Brew Pub ³								P	P	P	P								
Mobile Food Vendors										P							P	*	na
Motorcycle Dealer					S					S							P	9	11
Neighborhood Convenience Store									***	***	***							26	11
Newsstand		S	S	P	P	P	P	P	P	P							P	16	11
Office Supplies		S	S		P	P	P	P	P	P							P	16	11
Paint Glass and Wallpaper Store					P	P	P	P	P	P									11
Pet Sales or Grooming Services					P	P	P	P	P	P							P		11
Plant Nursery or Greenhouse					P														11
Plumbing Fixture Sales					P					P									11
Poultry, Meat or Seafood Market					P	P	P	P	P	P							P		11
Recreational Vehicle Dealer					S													9	11
Restaurant, Accessory		S	S							P	P						P	16	na
Restaurant, Convenience					S					P	P						P	4a	7
Restaurant, General					P	P	P	P	P	P							P		7
Restaurant, Walk up					P	P		P	P	P	P						P		7
Sewing, Needlework or Piece Goods Store					P	P	P	P	P	P									11
Shoe Store					P	P	P	P	P	P							P		11
Sporting Goods Store					P	P	P	P	P	P							P		11
Tea Room					P	P	P			P	P						P		12

Tobacco Shop		S	S	P	P	P	P	P	P	P	P							P	16	11
Used Merchandise Store: Consignment Goods					S	S	S	S	S	P								S	6	11
Used Merchandise Store: Secondhand Goods						S				S									6	11
Used Merchandise Store: Vehicle Parts										S									6	11
Variety Store					P	P	P	P	P	P								P		11
Wholesale Sales and Storage																				13
TRANSPORTATION, WAREHOUSING AND COMMUNICATIONS																				
Radio and TV Broadcasting Station		P	P		P	P	P	P	P	P								P		12
Bus, Transit, Taxi, Limousine, or On-Demand Vehicle Service Facility					P	P		P	P	S										12
Food Storage Locker																				12
Material Storage Yard																			12	
Parking Lot, Commercial			P		P	P		P	P	P	P	P					P	P		
Storage Garage																				14
Transfer and Moving Company																				14
Vehicle and Truck Storage																				14
Public Warehousing and Storage										S										14
MANUFACTURING AND INTENSIVE USES																				
Apparel Products										S										14
Artist Studio									S	S									28	14
Cabinet Making and Millwork										S										14
Food Products (no abattoir)										S										14
Furniture and Fixtures										S										14
Machine Shop										S										14
Ornamental Metalwork Shop										S										14
Paint and Allied Products										S										14
Printing, Publishing or Bookbinding										S										14
Sign Painting and Lettering Shop										S										14
Small Scale and Custom manufacturing Business										S									28	14
Stone Cutting and Processing																				14
Tire Vulcanizing and Retreading																				14
Upholstery Shop										S										14

* Revised January 15, 1991 by Ord. No. 3-91-1468 under section 15-63, miscellaneous provisions, South Miami Code of Ordinances (see text at end of table).

** Parking requirement category; one space per three hundred (300) square feet gross floor area.

*** This activity is permitted as of right if it does not include the sale of alcoholic beverages and if it is not in the TSDD ~~TODD~~ MU-M district. Otherwise, it shall be approved as a Special Use (Section 20-3.4) and as to the sale of alcoholic beverages it will also be subject to the requirements of Chapter 4 of the South Miami Code of Ordinances.

**** All businesses that adjoin or abut a single-family or multi-family zoned district may not be open before 8:00 a.m. and must close on or before 7:00 p.m.; if they are not adjoining or abutting such districts they shall not be open before 6:00 a.m. and they must be closed on or before 10:00 p.m. Gross floor area of the use shall not exceed two thousand (2,000) square feet.

¹ Within the DS district, an Automobile Rental Agency shall operate only as concierge service accessory to a hotel. No automobile rental inventory shall be permitted to be stored or parked in on-site parking resources.

² Automobiles for display to consumers may be stored inside the Automobile Showroom but may not be stored or parked in on-site parking resources. No more than ten (10) vehicles for consumer test driving use may be stored or parked in on-site parking resources. No automobile inventory shall be permitted to be stored or parked in on-site parking resources.

³ A microbrewery is an establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, and which may include retail sales and on-site consumption. Parking shall be provided at a rate of one space per one thousand (1,000) gfa for the area devoted to production and one space per one hundred (100) gfa for patron areas.

⁴ Parking shall be provided based on the standard required for the particular use that is operating as a home-based business.

EXCERPT FROM THE SOUTH MIAMI CODE OF ORDINANCES

Section 15-63 Mobile vendors: definition and regulation

(a) A mobile vendor is any person, firm, corporation or other entity which travels from place to place selling any and all goods, wares, and merchandise, including, specifically, food, food products and beverages.

(b) All mobile vendors are prohibited from operating or doing business in the City of South Miami except as hereinafter provided.

(c) Mobile vendors selling food, food products and beverages may operate and do business in I zoning districts or upon construction sites where work is actively in progress upon the following terms and conditions:

i.

No mobile vendor shall station itself upon any public street or right-of-way. Neither shall any mobile vendor station itself upon any private property except with the express permission of the owner thereof and in a manner which does not impede the flow of traffic in public streets or rights-of-way nor block pedestrian access to streets or rights-of-way.

ii.

All mobile vendors must provide for their own trash and garbage removal such that no trash or garbage remains on the premises upon which the vending was conducted.

iii.

No mobile vendor shall remain in any one site longer than thirty (30) minutes except in the case of a special event, exhibition, exposition, art show and/or festival not to exceed five (5) days and when further specifically permitted by a majority affirmative vote of the city commission by resolution.

iv.

Mobile vendors must operate from four-wheel motorized vehicles registered in the State of Florida except in the case of fairs, exhibitions and expositions not exceeding five (5) days.

20-3.4 Special use conditions.

Any of the following special uses may be approved and permitted by the City Commission at a public hearing, after a recommendation by the Planning Board, provided that such use is specifically listed as a permitted special use in the appropriate district column in the Permitted Use Schedule (Section 20-3.3D), and that such use complies with the following general and special requirements, as well as any other conditions that the City Commission may consider appropriate and necessary:

(A) General Requirements.

- (1) All such uses shall comply with all requirements established in the appropriate zoning use district, unless additional or more restrictive requirements are set forth below or by the City Commission.
- (2) All such uses shall be determined to be of a compatible and complementary nature with any existing, planned or anticipated surrounding uses.
- (3) A public hearing shall be held by the City Commission to determine the overall compatibility of the use with the surrounding neighborhood.
- (4) If a special use is, in the future, determined by the Director of the Planning and Zoning Department or the City Commission, to be adversely affecting the health, safety or welfare, including quiet enjoyment, of persons residing or working in the vicinity of the proposed use, or otherwise to be detrimental to the public welfare or property or improvements in the surrounding neighborhood, or to be not in compliance with any other applicable Code provisions, the special use approval may be modified, with conditions of approval revised or added to alleviate such adverse effect, or revoked by the City Commission upon notification and public hearing.

(B) Special Requirements.

(1) CHURCH, TEMPLE, MOSQUE OR SYNAGOGUE

- (a) In RM-18, RM-24, and RO Districts, all such uses shall be located on a site of not less than two (2) net acres in area.

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- (b) No structure shall be located less than one hundred (100) feet from any adjacent residential district.
 - (c) Ancillary uses such as education, recreational and social uses shall be subordinate to the principal use as a church.

(2) FRATERNAL ORGANIZATION OR PRIVATE CLUB

- (a) All such uses shall be located on a site of not less than one (1) net acre in area.
- (b) The activities, uses and structures located on the property shall be adequately screened and/or buffered from residentially zoned districts as recommended by the Planning and Zoning Director or as required by the City Commission to reduce any noise emanating from the property and limit the vision of the structure and activity taking place on the property.
- (c) No vehicular ingress nor egress shall be permitted along streets and rights-of-way bordering a residentially zoned district in the City.

(3) FUNERAL HOME

- (a) All such uses shall be located on a site of not less than one (1) net acre in area.
- (b) All such uses shall have not less than twenty-five (25) off-street parking spaces on-site.
- (c) No parking spaces shall be located between the front or side of the principal structure and any street right-of-way line.
- (d) All ambulances and other equipment shall be stored in a completely enclosed structure when not in actual use.
- (e) Principal structures shall have a minimum setback of at least forty (40) feet from any side property line.

(4) RESTAURANTS

(a) RESTAURANTS, CONVENIENCE

- i. No vehicular ingress nor egress shall be permitted along streets and rights-of-way bordering residential zoning districts in the City of South Miami. Public streets, rights-of-way, sidewalks and required setbacks may not be used for patio or street-side services of any kind.
- ii. The City Commission shall review and recommend approval, disapproval or modification of all site plans and project specifications, including, but not limited to, traffic circulation, landscaping, lot size, access and facility arrangement for this Special Use Permit.

(b) RESERVED

(c) RESERVED

(d) RESTAURANT, DENSITY

- i. Respective restaurant sites shall not be allowed to occupy more than the following percentage of the allowable first floor building area of any of the following zoning districts:

NR 5% I 10% GR 25% SR 25%

(5) GASOLINE SERVICE STATION

- (a) Objectives of this Subsection.

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- i. The following standards are established for service stations to ensure that such uses shall be compatible with other uses permitted in the same district and to protect the public health, safety and welfare of the community.
 - ii. These standards are to promote design which is architecturally compatible with the surrounding area and the design goals of the community.
- (b) Applicability.
- i. This section shall apply to all new service stations, additions or renovations in excess of \$10,000 as determined by the City, including tank removal or upgrades.
 - ii. Exceptions to this section can be approved by the City Commission.
- (c) Appearance.
- i. All structures on the site shall create a unified architectural theme.
 - ii. Service station roofs shall be pitched with generous overhangs. The roofing shall be [composed of] incombustible materials, such as shingle, clay tile, cement tile, or metal.
 - iii. The canopy shall be restricted to a clearance of 13 feet in height and shall be consistent with the main building design. The canopy columns shall be architecturally finished to match the building.
 - iv. The use of flat steel or metal panels for the exterior walls of the service station shall not be permitted.
 - v. The rear and sides of buildings shall be finished with material that, in texture and color, resembles the front of the building.
 - vi. Glass windows and doors must make up 35% of the primary elevation and 15% of the secondary elevation. This calculation is excluding areas designated as service bays.
 - vii. The adopted color palette and painting standards shall be applied; however, the use of "earth tone" or light pastel colors shall be encouraged. The use of gray tone colors shall not be permitted.
 - viii. Perimeter walls of the site shall be architecturally compatible with the principal structure.
- (d) Landscaping. The service station must comply with Section 20-4.5, Landscaping Requirements, as well as the items specified below:
- i. The service station site landscaping must be compatible with the existing landscaping of the surrounding community.
 - ii. Street tree requirements shall be altered to require palm clusters on the ends of the landscape buffer parallel to the service pump canopy. The palm clusters shall consist of three palms with a minimum height of 13 feet.
 - iii. The use of planters and window boxes shall be incorporated into the overall landscape design of the building and the site.
 - iv. The service pump island shall contain planters on the ends equal to the width of the island.
 - v. Where hedges are required, a tiered effect is required.
 - vi. Landscaped areas shall be surrounded with a six-inch raised concrete curb. Grade within areas to be landscaped shall be raised to curb height.
- (e) Signage and Lighting.

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- i. Landscape signs pursuant to Section 20-4.3(l)(5) shall be used in place of pole or pylon signs.
 - ii. Canopies shall not contain any signage, striping or super graphics.
 - iii. Temporary window signage shall not be permitted.
 - iv. Lighting fixtures shall be baffled and arranged so that illumination is deflected away from adjacent properties and roadways.
- (f) Ancillary Uses.
- i. The sale of snack foods, soft drinks, candies, gum, cigarettes and related items, but not alcoholic beverages, is permitted within approved principle building structures.
 - ii. The sale of automotive service items, such as motor oil, antifreeze or allied products, is permitted within approved principle building structures.
 - iii. There shall be no storage or display of any merchandise, including tires, outside of the principle building structure.
 - iv. On-site preparation of ready-to-consume food is only permitted via special use approval.
 - v. Automatic teller machines shall be permitted only within or as a part of the principal building.
 - vi. Automobile washing/detailing operations may be permitted as an accessory use in the GR General Retail Zoning District.
- (g) Operation and Maintenance.
- i. No sales, rentals, leasing of storage space, major engine, painting, body work, tire recapping or dismantling of any kind shall be permitted on the service station site. No vehicle may be parked on the site for more than 48 hours.
 - ii. No storage of used auto parts or wrecked vehicles, including water craft and trailers, shall be located outside the principle structure.
 - iii. At all times, the premises shall be maintained in a clean and orderly condition and landscaping must be maintained in a healthy and viable condition.
- (6) USED MERCHANDISE STORE
- (a) No such establishment shall be located less than one hundred (100) feet from any adjacent residential district.
 - (b) No outside display of goods or merchandise shall be permitted.
 - (c) No such establishment shall be located less than five hundred (500) feet from another such establishment.
- (7) DRY CLEANING PLANT
- (a) Only nonflammable solvents in self-contained dry cleaning units shall be used.
 - (b) A decorative wall of masonry, reinforced concrete, or precast concrete, six (6) feet in height, shall be erected along all interior property lines, including the rear property line, which abut residential districts (RS, RT, RM, and RO). This requirement may be waived or modified by the city commission if adequate acoustical and visual buffering are provided.
 - (c) Landscaping, in addition to that which is required under Section 20-4.5, Landscaping requirements, may be required by the city commission.

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- (8) PLANNED UNIT DEVELOPMENT. All such uses shall be located on a site of not less than two (2) net acres in area. (See Section 20-3.7 for additional requirements)
- (9) AUTOMOBILE, BOAT OR RECREATIONAL VEHICLE DEALER
- (a) No structure shall be located less than one hundred (100) feet from any adjacent residential district.
 - (b) All vehicles or boats located on site shall be in operating and saleable condition and have valid current registration and license tags.
 - (c) When adjacent to a residential district, a masonry or concrete wall of between six (6) and eight (8) feet in height shall be constructed along dividing property lines.
 - (d) When adjacent to public rights-of-way, a landscaped buffer of at least seven (7) feet in width shall be provided, except for approved access points.
 - (e) All on-site servicing or repairing of vehicles or boats shall be conducted in completely enclosed soundproof structures.
 - (f) A decorative masonry or concrete wall of five (5) feet in height shall be erected along all rear and interior side property lines. Said wall shall be located not less than ten (10) feet from any property or right-of-way line and said area between the wall and property or right-of-way lines shall be landscaped. In the event that any interior side property line abuts the same or less restrictive zoning district, said wall and landscaped area shall not be required. Walls located within ten (10) feet of the front property line shall not exceed four (4) feet in height.
- (10) AUTO WASH OPERATION
- (a) All such uses involving an automated car washing operation shall be conducted in a structure enclosed on three sides.
 - (b) All such uses involving an automated car washing operation shall have storage lanes adequate to accommodate four (4) vehicles for each bay.
 - (c) No such use involving an automated car washing operation shall be located less than one hundred (100) feet from any residential district.
- (11) BOWLING ALLEY OR SKATING RINK
- (a) All such uses shall be located within a fully enclosed soundproof structure.
 - (b) No such use shall be located less than one hundred (100) feet from any residential district.
- (12) MATERIAL STORAGE YARD
- (a) All such uses shall be accessory and incidental to a permitted principal use.
 - (b) All such uses shall be completely surrounded by a masonry or concrete wall of not less than six (6) nor more than eight (8) feet in height which shall be permanently maintained in an attractive condition. Storage of all materials and equipment shall not exceed the height of said wall.
 - (c) No on-site storage of heavy road-building or earth-moving equipment shall be permitted.
 - (d) No structure shall be located less than five hundred (500) feet from any adjacent residential district.
- (13) ADULT FAMILY CARE HOME, ASSISTED LIVING FACILITY, COMMUNITY RESIDENTIAL HOME, CONTINUING CARE RETIREMENT COMMUNITY, AND NURSING HOME. All such uses shall comply with all applicable requirements of state law.

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- (14) HOSPITAL. The construction of new or the expansion or conversion of existing hospital facilities and accessory uses shall be subject to the following:
- (a) Such construction, expansion, conversion shall:
 - i. Not create additional traffic on adjacent residential streets;
 - ii. Not overburden any other public facility, except that the hospital may agree to provide or expand needed facilities at no added public cost;
 - iii. Be compatible with the surrounding area and conform to the city's adopted Comprehensive Plan.
 - (b) The city commission may attach such conditions and safeguards to an approval of a special use as are reasonably necessary and required to protect public interest in:
 - i. Completion of the development according to approved plans;
 - ii. Provision for continuing operation and maintenance of such areas, facilities and functions as are not to be provided, operated or maintained at public expense; and
 - iii. Provision for such dedications, contributions or guarantees are required for provision of needed public facilities and services.
 - (c) The preceding paragraph shall not deny the city commission the authority to set other conditions and safeguards at the time of special use approval, but where such conditions and safeguards are attached the city commission shall determine that they are reasonably necessary and required to protect the public interest and to carry out the intent and purpose of the "H" District and the city's adopted Comprehensive Plan.
 - (d) The provisions of this section shall not apply in the event that a "Planned Unit Development-Hospital" (PUD-H) District has been enacted by the city commission for a subject property. In such event, the provisions of the PUD-H District, as approved by the city commission, shall apply. In the event that a PUD-H District is applied to a property subsequent to the adoption of this Code, then the provisions of said PUD-H District shall supersede the provisions of this section.
 - (e) Dimensional requirements shall be approved by the city commission but in no case shall they be less restrictive than requirements applicable to the MO District.
- (15) GROUP HOME I and GROUP HOME II
- (a) There is required a minimum of two (2) parking spaces, but no more than two (2) unenclosed parking spaces.
 - (b) A business tax receipt shall be required.
 - (c) Supervisory staff shall be on-premises 24 hours per day, 365 days per year.
 - (d) Emergency telephone numbers shall be provided to the Police department and be kept current at all times.
 - (e) The address number must be placed on the house in a way to be clearly visible from the street.
- (16) ACCESSORY RETAIL AND SERVICE USES. Within any permitted principal building in LO or MO districts, accessory retail or service uses may be permitted provided that:
- (a) Such uses are located entirely within the principal building for the convenience of the occupants of or visitors to the principal use;
 - (b) Such uses do not occupy more than ten (10) percent of the gross floor area of the principal building in which located; and

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- (c) Such uses shall not have any signs or advertising visible from outside the principal building.
- (17) RESIDENTIAL USES WITHIN RESIDENTIAL OFFICE DISTRICTS. Within any Residential Office "RO" district, single-family residential uses shall be permitted subject to the dimensional requirements of the RS-4 Single-Family Residential district.
- (18) ACCESSORY MEDICAL SERVICES
- (a) Facilities may be permitted only in conjunction with an approved hospital use and located on hospital premises.
 - (b) Facilities may be provided in the form of a trailer unit which is periodically located for a specified length of time as determined by the city commission on an approved site and conforms to all applicable codes.
 - (c) Only one trailer unit may be permitted per each approved, specially permitted hospital use.
 - (d) Only those services that are not already provided by the hospital facility and which is for the sole use of the hospital staff and patients may be permitted.
 - (e) No vehicular ingress nor egress shall be permitted along streets or rights-of-way bordering residential zoning districts in the City of South Miami.
 - (f) The city commission shall review and recommend approval, disapproval or modification of all site plans and project specifications, including, but not limited to, traffic circulation, landscaping, facility placement, access and facility arrangement for this special use permit.
- (19) Reserved.
- (20) MOBILE AUTOMOBILE WASH/WAX SERVICE
- (a) Mobile carwash services may operate from 9:00 a.m. to 5:00 p.m. on Monday through Saturday only. No mobile service vendor shall station itself upon any public street or right-of-way. Neither shall any mobile service vendor station itself upon any private property except with the express permission of the owner thereof and in a manner, which does not impede the flow of traffic in public streets or rights-of-way nor block pedestrian access to public streets or rights-of-way. No mobile service vendor shall station itself within one hundred (100) feet of a residential zoning district; however, this restriction shall not apply to mobile carwash vendors operating in residential districts and servicing the primary residents.
 - (b) All mobile service vendors must provide for their own trash and garbage removal such that no trash or garbage remains on the premises upon which the vending was conducted.
 - (c) No property owner may permit mobile carwash services to operate on their property for longer than two (2) hours, or operate on site more than two (2) times per week.
 - (d) No signage, other than normal commercial graphics painted upon the actual mobile service vehicle, shall be permitted, except as provided for in (e) below.
 - (e) With special use approval, exception to (c) above may be made for mobile service vendors who are stationed within approved parking structures. No exterior signage visible from a public street shall be permitted for locations within parking structures.
 - (f) Mobile service vendors must operate from four-wheel motorized vehicles registered in the State of Florida.
 - (e) No steam-cleaning, solvents, and/or degreasers may be used.
 - (f) No run-off into catch basins is permitted.

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- (g) If soap is used, any run-off must be negligible and contained on private property.
- (21) ANIMAL HOSPITAL/VETERINARIAN
- (a) All such uses shall be located within a fully enclosed, air-conditioned, soundproof structure.
- (b) There shall be no overnight boarding of animals except for medical purposes.
- (c) The hours of operation for visits and treatment will be 7:00 a.m. to 9:00 p.m. Monday through Saturday; hours of operation shall not prevent emergency medical treatment.
- (22) AUTOMOBILE RENTAL AGENCY. The following requirements shall be applicable to all automobile rental agencies allowed as a special use:
- (a) No ingress or egress to the automobile rental agency shall be permitted through abutting residentially zoned parcels.
- (b) When adjacent to a residential district, a landscape buffer acceptable to the city's ERPB shall be constructed along dividing property lines.
- (c) Required parking spaces are to be designated for customers and employees only, and not to be used for the storage of vehicles.
- (d) Maintenance, mechanical repair or washing of cars on site is prohibited.
- (23) SCHOOLS AND CHILD CARE FACILITIES: The following requirements shall be applicable to all schools and child care facilities allowed as a special use:
- (a) The maximum student capacity of a school (K-12) shall not exceed one hundred and fifty (150) students per net acre based upon the site size of the property.
- (b) The maximum capacity of a child care center shall be governed by life safety codes and licensing standards for such facilities, as amended.
- (c) Notwithstanding the parking requirements set forth in Section 20-4.4(B)(12), all schools, except high schools, shall provide one parking space for every three hundred (300) square feet of gross floor area. High schools shall provide one (1) parking space for every two hundred (200) square feet of gross floor area.
- (d) The proposed school shall meet State standards for class size and for recreation and open space.
- (e) A traffic study to include a parking impact on the surrounding neighborhood and requirements for adequate queuing on site shall be provided indicating the impact of the proposed facility on the surrounding area; the traffic study consultant shall contract with the City and be paid for by the school applicant.
- (f) Child care facilities with fifteen (15) or more children shall be required to provide a traffic circulation plan, a traffic study, if required, and a facilities impact statement to the Planning Department for review. The Planning Department and the Police Department will assess the information and determine whether a traffic study is warranted based on the proposed number of children and the surrounding neighborhood conditions. The traffic circulation plan must be supported by the data for the use before a license to operate the facility may be issued. If a traffic study is warranted, the traffic study consultant shall contract with the City and be paid for by the child care facility applicant. If the traffic circulation plan is not supported by the data, then the permit may not be issued unless the applicant complies with appropriate mitigation.
- (g) All required parking for the school and child care facility shall be located on site.
- (h) The drop off and pick-up loading zone areas for students and children attending the child care facility shall be completely accommodated on site.

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- (i) All proposed driveways, vehicular circulation, and parking areas shall be designed to avoid a backup of traffic onto a public right-of-way.
 - (j) No ingress or egress to a school or child care facility shall be permitted through abutting residentially zoned parcels.
 - (k) When adjacent to a residential zone district, a landscape opaque buffer shall be constructed along dividing property lines.
 - (l) All playground and athletic activities areas shall be accommodated on site.
 - (m) There may not be any school activities on site after 11:00 p.m.
 - (n) The school and child care facility shall be financially responsible for the appropriate solution of any problems that arise after approval.
 - (o) If the proposed school or child care facility, or the traffic generated by the school or facility is, in the future, determined by the Director of Planning, to be adversely affecting the health or safety of persons residing or working in the vicinity of the proposed use, or to be detrimental to the public welfare or to the property or improvements in the neighborhood, or to be not in compliance with other applicable Code provisions, the special use approval may be modified or revoked by the City Commission upon notification and public hearing.
- (24) MEDICAL MARIJUANA RETAIL CENTER (MMRC) AND DRUG, PHARMACY OR SUNDRY STORES SELLING PRESCRIPTION DRUGS. The following requirements shall be applicable to all Medical Marijuana Retail Centers (MMRC), and Drug, Pharmacy or Sundry Stores selling prescription drugs (Pharmacies) allowed as a special use:
- All distances shall be measured by drawing a straight line between the closest point of a building housing the MMRC or Pharmacy to the closest property line of the RS zoning district, school, day care facility, or park, or another business with the same use that is controlled by this section (i.e., the separation between two (2) MMRCs or two (2) Pharmacies). Applicants seeking reductions in the required spacing may seek relief in accordance with the standards in Section 20-5.9 (Variance Approvals).
- (a) Location requirements. A MMRC shall not be located:
 - i. Within three hundred (300) feet of any RS zoning district;
 - ii. Within one thousand (1,000) feet of another MMRC, whether it is located in the City or in another jurisdiction; or
 - iii. Within five hundred (500) feet of a child day care facility, an elementary, middle or secondary school or within five hundred (500) feet of a county or municipal park located outside the Commercial Core.
 - (b) Location requirements. A Pharmacy shall not be located:
 - i. Within three hundred (300) feet of any RS zoning district;
 - ii. Within one thousand (1,000) feet of another Pharmacy, whether it is located in the City or in another jurisdiction; or
 - iii. Within five hundred (500) feet of a child day care facility, an elementary, middle or secondary school or within five hundred (500) feet of a county or municipal park located outside the Commercial Core.
 - (c) Hours of operation. MMC and Pharmacies shall only be permitted to operate between the hours of 7:00 a.m. and 9:00 p.m.

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- (d) Vehicular traffic. The MMRC or Pharmacy shall ensure that there is no queuing of vehicles in the rights-of-way. No MMRC or Pharmacy shall have a drive-through or drive-in service aisle or a walk-up service window for doing business to the outside of the space housing the MMRC or Pharmacy; a variance may be requested for drive-through and/or drive-in service for a Pharmacy use in accordance with the standards in Section 20-5.9 (Variance Approvals).
 - (e) Parking. Any parking demand created by a MMC or Pharmacy shall not exceed the parking spaces located or allocated on site, as required by the City's parking regulations. An applicant shall be required to demonstrate that on-site vehicle circulation and parking attributable to the MMC or Pharmacy will be sufficient to accommodate traffic and parking demands generated by the MMC or Pharmacy, based upon a current traffic and parking study prepared by a certified professional.
 - (f) Requirement for indoor operation and prohibition on loitering. All MMCs and Pharmacies are prohibited from having or allowing outdoor seating, outdoor queues, or outdoor customer waiting areas. All activities of the MMC or Pharmacy including sales, display, preparations and storage shall be conducted entirely within an enclosed building. The MMC and Pharmacy shall not direct or encourage any patient or business invitee to stand, sit, gather, or loiter outside of the building where the MMC or Pharmacy operates, including in a parked car, in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patients to conduct their official business. The owner of the building housing the MMC or Pharmacy shall post conspicuous signs on all sides of the building stating that no loitering is allowed on the property.
 - (g) Prohibition of on-site consumption of marijuana. No consumption of medical marijuana shall be allowed on the premises of any MMC or Pharmacy that engages in any of the activities of an MMC, including in the parking areas, sidewalks, or rights-of-way.
 - (h) Landlord responsibilities.
 - i. Any landlord, leasing agent, or owner of property upon which a MMC or Pharmacy that engages in any of the activities of an MMC operates, who knows, or in the exercise of reasonable care should know, that such a business is operating in violation of City Code or applicable law, including the rules and regulations promulgated by the state department of health, must take all reasonable measures to prevent, stop, or take reasonable steps to prevent the continued illegal activity on the leased premises.
 - ii. Landlords who lease space to such a MMC or Pharmacy must expressly incorporate language into the lease or rental agreement stating that failure to comply with City Code is a material non-curable breach of the lease and shall constitute grounds for termination of the lease and immediate eviction by the landlord ("termination clause"). It shall be a violation of this section for a landlord to fail to incorporate such a termination clause in the tenant's lease and/or the failure to take reasonable steps to evict a tenant when the tenant is in violation of the City Code. The landlord shall pay a fine of five hundred dollars (\$500.00) each day that the landlord fails to take reasonable steps to evict the tenant as required by this section. If the landlord takes reasonable steps to evict the tenant but is unable to evict due to the landlord's failure to incorporate the termination clause, the landlord shall pay a fine of five hundred dollars (\$500.00) per day for each day that the tenant is in violation of the City Code.
 - (i) If a special use is, in the future, determined by the Director of Planning and Zoning, to be adversely affecting the health or safety of persons residing or working in the vicinity of the proposed use, to be detrimental to the public welfare or property or improvements in the neighborhood, or to be not in compliance with other applicable Code provisions, the special use

approval may be modified or revoked by the City Commission upon notification and public hearing.

- (j) Any person desiring to commence the operations of a Pharmacy or MMRC (the "Applicant") may apply to the City's Planning and Zoning Department for a reservation ("Reservation"). The Planning and Zoning Department shall issue the Reservation if the proposed use meets the spacing requirements of this section. If any other person applies for a Reservation, such Reservation shall be limited to a location that is more than one thousand (1,000) feet from a proposed use for which a Reservation has been issued. A Reservation shall expire if a building permit is not issued within one hundred twenty (120) days from the date that the Reservation was issued, unless the Applicant demonstrates to the Planning and Zoning Department that the Applicant has been diligently engaged in the process of applying for a building permit and the Planning and Zoning Department extends the expiration date. However, in no event shall the Reservation be extended beyond three hundred sixty-five (365) days from the date of issuance unless the City Commission extends the Reservation for good cause. In the event that the Applicant is denied an extension of time or a building permit, or denied any relief needed to obtain a building permit, and if the Applicant fails to take a timely appeal from such denial, the Reservation shall immediately expire on the date that the time for appeal expires. The Applicant shall have the right to appeal the denial of an extension of time. Such an appeal must be taken within the same time, in the same manner and to the same appellate body as an appeal from a decision of the Environmental Review and Preservation Board.

(25) ADULT DAY CARE FACILITY

- (a) Adult day care facilities shall be licensed under the Health Care Licensing Procedures Act, F.S. ch. 408, Part II and subject to F.S. ch. 429, Part III.
- (b) Hours of operation shall be less than twenty-four (24) hours per day.
- (c) Parking and passenger loading zones shall be provided for employees and visitors and reserved passenger pick-up/drop-off areas pursuant to Section 20-8.8.
- (d) The facility may transport clients to and from the facility by vanpooling. Provisions should be made for parking and storage when the vehicles are not in use.

(26) NEIGHBORHOOD CONVENIENCE STORE THAT INCLUDES SALE OF ALCOHOLIC BEVERAGES

- (a) Neighborhood convenience stores shall be subject to these conditions only if the store includes sale of alcoholic beverages. Stores that do not sell alcoholic beverages are permitted as of right.
- (b) The sale of alcoholic beverages requires licensing from the City and the State of Florida and is subject to all applicable requirements of Chapter 4 of the South Miami Code of Ordinances.
- (c) Parking for this use shall be provided pursuant to Section 20-8.8(C)2.

(27) LIVE-WORK UNITS

- (a) At least one (1) resident in the unit shall maintain a valid Business License for the business on the premises.
- (b) Operation.
 - i. Deliveries for nonresidential uses that are part of live-work and work-live units shall be limited to the hours of 8:00 a.m. to 8:00 p.m.
 - ii. The nonresidential use must not generate traffic in volume or type in excess of that normally occurring by uses in the surrounding neighborhood.

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- iii. Live-work units shall not be used for storage of flammable liquids or toxic hazardous materials, which means any and all materials, substances, waste or chemicals classified under applicable governmental laws, rules or regulations as hazardous or toxic substances, materials, waste or chemicals.

(28) ARTIST STUDIO

- (a) Artist studios are subject to the same conditions as light industrial uses per Sections 20-8.7(B) and (C).
- (b) Artist studios may be part of live-work units. When that is the case, this use is subject to the special requirements of Section 20-3.4(B)(27).
- (c) The use must not generate traffic in volume or type in excess of that normally occurring by uses in the surrounding neighborhood.
- (d) All activity must be carried out within the building or unit, including the storage of materials.
- (e) Mass production and assembly line techniques are not be allowed in artist studios.
- (f) No more than two (2) persons shall practice or be employed at one time per artist studio.

(29) PHYSICAL FITNESS FACILITY

- (a) Hours of operation shall be limited to 8:00 a.m. to 7:00 p.m. if the business abuts or adjoins a single-family or multi-family zoned district, otherwise it shall be limited to 6:00 a.m. to 10:00 p.m.
- (b) All activities shall occur within a fully enclosed, soundproof structure. Evidence of such soundproofing shall be provided to the satisfaction of the City.
- (c) All activities shall occur on the ground floor of the building.

(30) COMMUNITY GARDENS

- (a) The following requirements apply to all Community Gardens:
 - 1. Application. An application to operate a Community Garden shall be submitted to the Planning and Zoning Department as part of the special use application. The application must include the following information:
 - a. Site Plan. A site plan, drawn to scale, showing the property size, the location of existing and proposed structures and features, and the source of irrigation water to be used; and
 - b. On-site water source and a water management plan to prevent run off to adjoining property, waterways or public right-of-way; and
 - c. A description of any proposed rain-capture systems including size, location and method of operation stating how water stagnation will be prevented.
 - 2. Standards. All Community Gardens must comply with the following standards:
 - a. One (1) utility or tool shed may be a permitted as an accessory structure, subject to the provisions of Section 20-3.6(l).
 - b. Tools and equipment. The following tools and equipment may be employed:
 - (i) Riding/push mower designed for personal use;
 - (ii) Handheld tillers or edgers that may be gas or electrically powered;

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- (iii) Other handheld equipment designed for personal household use that create minimal impacts related to the operation of said equipment, including noise, odors, and vibration.
 - c. Tools and equipment shall be stored indoors or removed from the property daily.
 - d. One (1) Two-Axle Vehicle with a gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds or less may be used in the operation of the Community Garden but may not remain on site overnight.
 - e. Community Gardens must be planted with produce or plants. Ancillary compost, mulch, and soil storage within the Community Garden boundary may be permitted provided the materials are properly contained to control odor and are not visible from adjacent residential properties or a public right-of-way.
 - f. No gardening activities may take place before sunrise or after sunset.
 - g. If operation of a Community Garden has been discontinued for six (6) months or longer, the property owner must level, clean and sod the property, including removal of plant materials, planting structures, accessory structures, screening, materials, and debris.
 - h. No signage shall be visible from the public right-of-way.
 - i. All sheds, fences and other structures shall comply with the Florida Building Code.
- (b) As a condition of approval, the following standards may also be imposed:
- a. Off-street parking. Off-street parking is not required for a Community Garden unless the need for such is determined by the Planning and Zoning Director. Said determination shall be based on the garden size, potential number of gardeners, plans for on-site distribution of produce, and the availability of on-street parking.
 - b. Screening. Plantings or garden features located within ten (10) feet of a residential structure may require screening, such as landscaping or fencing, as determined by the Planning and Zoning Director.

20-3.5 Dimensional requirements.

- (A) Residential Districts. In residential districts, the maximum density, minimum lot area and frontage, minimum yard setbacks, maximum coverage and maximum building heights for the permitted uses in each district shall be determined from the Dimensional Requirements Table for either single-family residential districts one-story (Section 20-3.5(E)) or single-family residential districts two-story (Section 20-3.5(H)) or multi-family districts (Section 20-3.5(F)).
- (B) Nonresidential Districts. In nonresidential districts, except for the Downtown SoMi (DS) district, the minimum lot area and frontage, minimum yard setbacks, maximum floor area, maximum coverage and maximum building heights for permitted uses in each district shall be determined from the Dimensional Requirements Table for nonresidential districts (Section 20-3.5(G)). In the DS district the minimum lot area, minimum yard setbacks, maximum floor area, maximum building coverage and maximum building heights for permitted uses in the district shall be determined from the Dimensional Requirements Table for the DS district (Section 20-3.5(I)).
- (C) Dimensional Requirement Tables.

- (1) The use of land and the erection of buildings and other structures on land shall be subject to the dimensional requirements of the applicable zoning district, as reflected on the four (4) tables labeled "Dimensional Requirements, Single-Family Residential Districts, One-Story" (Section 20-3.5(E)) or "Dimensional Requirements, Single-Family Residential Districts, Two-Story" (Section 20-3.5(H)), "Dimensional Requirements, Attached Single-Family and Multi-family Residential Districts" (Section 20-3.5(F)), "Dimensional Requirements, Nonresidential Districts" (Section 20-3.5(G)), and "Dimensional Requirements, Downtown SoMi District" (Section 20.3.5(I)).
 - (2) There shall be no variation or deviation from such dimensional requirements except where expressly allowed by this Code.
 - (3) Minimum and maximum dimensional requirements for permitted uses within a PR or PI use district shall be the same as those listed in the following tables for uses within the most restrictive use district located adjacent to the subject PR or PI property.
- (D) Properties Abutting Single-Family Zoning Districts.
- (1) Notwithstanding the dimensional requirements of the zoning use district in which a property is located, if that property abuts (common border or separated by a right-of-way) to a single-family zoning district, the maximum height of any new building or any vertical addition to an existing building on that property is limited to two (2) stories. However, additional height may be obtained via the special use permit process as set forth in Section 20-5.8.
 - (2) Properties or projects constructed under a City-approved Planned Unit Development Site Plan or projects subject to Development Agreements during the period that the Agreement is in effect, shall not be subject to the provisions of this section. In no case shall a project be rebuilt which exceeds the height, setback or density that was set forth in the Development Agreement or applicable Planned Unit Development Site Plan.
 - (3) Properties presently existing and actually built on the effective date of this ordinance shall be grandfathered in and exempted from the provisions of this section and allowed to be rebuilt to the same height if they are destroyed by an act of God or other natural disaster.

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 (%)						
	First Floor	20	30	30	30 ^f	30
Max. Impervious Coverage (%)	30	40	40	45 ^g	45	

^a Cumulative width of both side yards may not be not less than twenty percent (20%) of total lot width.

- ^b Except that additions to existing structures may have five (5) feet interior side setbacks where any portion of the building already has a five-foot setback.
- ^c Except that a lot of record with a depth of ninety (90) feet or less may have a front setback of twenty (20) feet.
- ^d Except that a lot of record with a depth of eighty (80) feet or less and a lot frontage of thirty-five (35) feet or less may have a rear setback of twenty (20) feet. A lot of record with a depth of sixty-five (65) feet or less may have a rear setback of fifteen (15) feet.
- ^e Except that a lot of record with a frontage of forty (40) feet or less may have a side (interior) setback of five (5) feet.
- ^f Except that a lot of record with an area two thousand (2,000) square feet or less may have a maximum building coverage of fifty percent (50%). A lot of record with an area of two thousand one (2,001) to three thousand (3,000) square feet may have a maximum building coverage of forty percent (40%).
- ^g 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 percent (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 fifty-five percent (55%).

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	60	60	70	70

^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 size of development site.

^c Front setback may be reduced to ten (10) feet to accommodate vehicle access at the rear of the units and a five-foot buffer between that accessway and the adjoining property.

^d In addition to all other required setbacks when the site area is greater than two (2) acres.

**Section 20-3.5G
DIMENSIONAL REQUIREMENTS
NONRESIDENTIAL DISTRICTS**

REQUIREMENT	RO	LO	MO	NR	SR	GR	I
Min. Lot Size							
Net Area (sq. ft.)	7,500	7,500	10,000	7,500	5,000	10,000	5,000
Frontage (ft)	75	75	100	75	50 ^c	100	50
Min. Setbacks (ft.)							
Front	25	20	15 ^b	25	10 ^b	20	20
Rear	20	15	10	15	10	15	^a
Side (Interior)	10	10	0	—	—	—	
Side (Street)	20	15	10	15	10 ^b	15	15
Adj. Res. Dist.	25	25	25	25	25	25	25
Side (w/driveway)	20	20	20	20	20	20	20
Between Buildings	20	20	20	—	—	—	—
Max. Building Height							
Stories	2	2	4	2	4	2	2
Feet	25	30	50	25	50	30	30
Max. Building Coverage (%)	30	—	—	—	—	—	—
Max. Impervious Coverage (%)	75	80	85	75	90	85	85
Max. Floor Area Ratio (FAR)	0.30	.70	1.60	.25	1.60	.80	.80

^a 5' setback with wall opening adjacent to rear property line; no setback if no openings in wall.

^b Applies to ground floor only; columns are permitted within the setback. Columns shall not be greater than twenty-four (24) inches in diameter; columns on the property line shall not be closer to each other than ten (10) feet.

^c The frontage requirement does not apply to uses in the SR District.

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

Requirement		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 ^b		50	35	25	25	25
Rear ^c		25	25	25	25	25
Side (Interior) ^{a, d}	For structures 12' or less in height, as measured from the first floor elevation	Refer to Table 1				
	Portion of structure above 12' high as measured from the first floor finished elevation.	Refer to Table 1				
Side (Street) - First Story		25	20	20	15	15
Side (Street) - Second Story		25	25	25	15	15
Max. Building Height						
Stories		2	2	2	2	2
Feet		25	25	25	25	25
Max. Building Coverage (%) - First Floor		Refer to Table 2				
Max. Impervious Coverage (%)		Refer to Table 2				
Max. Floor Area Ratio (%) - Second floor		Refer to Table 2				

^a Cumulative width of both side yards may not be less than twenty percent (20%) of total lot width.

^b Except that a lot of record with a depth of ninety (90) feet or less may have a front setback of twenty (20) feet.

^c Except that a lot of record with a depth of eighty (80) feet or less and a lot frontage of thirty-five (35) or less may have a rear setback of twenty (20) feet.

^d Except that a lot of record with a frontage of forty (40) feet or less may have a side (interior) setback of five (5) feet.

Special dimensional requirements and performance standards for two-story single family structure and two story additions.

- (A) Purpose. The purpose of this ordinance is to establish special dimensional requirements and performance standards to regulate two-story single family structures and two-story additions within the residential zoning districts: "RS-1" Estate Residential, "RS-2" Semi-Estate Residential, "RS-3" Low Density Single-Family Residential, "RS-4" Single-Family Residential and "RS-5" Single-Family Residential (50' lots) of the City of South Miami.
- (B) Applicability. The requirements of this Section shall be in addition to each and every other requirement of the City of South Miami Land Development Code (Code), and in the case of conflict, the provision of this Section shall control.
- (C) Performance Standards. The performance standard set forth in this section will guide the development of two-story residential homes in the single family residential districts: RS-1, RS-2, RS-3, RS-4 and RS-5. The performance standards are necessary in order to address yard setbacks, open space, adequate landscaping, plan review process, and existing character of the residential neighborhoods in the City of South Miami. By implementing these standards the city will be able to preserve and enhance the neighborhood character through architectural designs that are consistent and responsive to the individual context of the city architecturally diverse neighborhoods.
 - (1) Building Site. The development of two-story residential homes shall be constructed on a lot that is suitable for residential development, provides adequate setbacks and the necessary infrastructure to support the development.
 - (2) Minimum Lot Size. The minimum lot size for residential homes shall be subject to the dimensional requirements set forth in the Land Development Code table labeled "Dimensional Requirements Single-Family Residential District Two Story" Section 20-3.5(H). For irregular shaped lots, the average lot width rather than the frontage width shall be used at the discretion of the Planning Director.
 - (3) Yard Setback Requirements. No building or structure, or any part thereof, including covered porches or terraces, but not including uncovered steps, projections shall be erected at a lesser distance from the front, side or rear line of any building site than the front, side or rear setback distance, respectively, prescribed and established herein for such building site. Nothing herein shall prohibit a building or structure from having more than the minimum required setbacks.
 - (a) Side Setbacks (Interior). Refer to Table 1: "Proposed Preliminary Minimum Side Yard Setbacks."

Side yards shall be measured from the closest point of the structure's vertical outside wall to the side lot line, on a bearing parallel to the front lot line, at ground level.

TABLE 1
New Two-Story Single Family Residential and
Second Story Additions
Minimum Setbacks Requirements
(Interior Lot)

Existing Lot Frontage (ft.)	First Floor Interior Side Setback ^a	Second Floor Interior Side Setback ^b
Less than 40	5.0	5.0
40-44	5.0	7.5
45-49	7.5	9.0
50-54	7.5	10.0

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55-59	7.5	11.0
60—64	7.5	12.0
65—69	8.5	13.0
70—74	9.5	14.0
75—+	10.0	15.0

^a Except that additions to existing structures may have five (5) feet interior side setbacks where any portion of the building already has a five-foot setback.

^b For pre-existing improved lots of record in RS-3 or RS-4 districts, that are fifty (50) feet or less in lot width, the second floor setback must be the same as the first floor setback.

- (b) Front Setback. The minimum front setback shall be consistent with the dimensional requirements reflected on the Land Development Code table labeled "Dimensional Requirements Single-Family Residential District Two Story" (Section 20-3.5(H)).
 - (c) Side Setbacks (Street). The minimum side setback (street) for structure that abuts a street shall be consistent with the dimensional requirements reflected on the Land Development Code table labeled "Dimensional Requirements Single-Family Residential District Two Story" (Section 20-3.5(H)).
 - (d) Rear Setback. The minimum rear setback of twenty-five (25) feet shall be maintained and required on principle buildings in the single-family residential district, as reflected on the Land Development Code table labeled "Dimensional Requirements Single-Family Residential District Two Story" (Section 20-3.5(H)).
- (4) Building Height Limit. No single-family residential home shall be built in the City of South Miami that is more than two-stories in height. The maximum building height for two-story homes shall not exceed twenty-five (25) feet.
 - (5) Maximum Building Coverage. The maximum building coverage permitted for a two-story single family residence shall be determined for for each application by using the dimensional requirements set forth in Table 2, Section (C)12, Development Standards.
 - (6) Maximum Impervious Coverage. The maximum impervious coverage permitted for a two-story single-family residence shall be determined for each application by using the dimensional requirements set forth in Table 2, Section (C)12, Development Standards.
 - (7) Maximum Floor Area Ratio. The maximum floor area ratio permitted for a two-story single-family residence shall be determined for each application by using the dimensional requirements set forth in Table 2, Section (C)12, Development Standards.
 - (8) Landscape Requirements. A minimum of fifty (50) percent of the entire front yard area shall be green space. All yard areas shall be landscaped with trees and drought resistant native vegetation, as necessary, to enhance privacy from abutting properties. The landscaped open space required by this Section shall consist of pervious landscaped area and shall not consist of any paved or otherwise impervious areas. The minimum height of new trees for two-story homes shall be eighteen (18) feet. An inventory of existing trees located onsite shall be prepared and submitted to the Planning Department as part of the Environmental Review Preservation Board (ERP) application. The required landscaped plan shall be prepared by Florida Registered Landscape Architect consistent with the City's Tree Ordinance.
 - (9) Architectural and Site Plan Review. All new two-story homes or second story additions shall be reviewed by the ERPB consistent with Section 20-6.1(C) of the Land Development Code. The

design review must be based on sound and clearly articulated design principles. The architectural plans must be signed and sealed by a Florida Registered Architect.

- (a) The ERPB shall consider and apply the following features as part of the review:
- (i) Scale, color, texture, appropriateness, and aesthetic quality of all proposed buildings and other structures;
 - (ii) Quantity, quality and arrangement of all proposed landscaping and open space features;
 - (iii) Overall compatibility of the proposed development with the existing and desired character of the property and neighborhood in which located; and
 - (iv) The installation of sidewalks along all arterial roadways and compliance with the City's sidewalk policies and requirements.
- (b) Designs should use a mix of articulation, architectural elements and exterior finishes reducing the perceived scale and bulk of buildings, including low to moderately pitched roofs and recesses under roof creating indoor/out door living spaces (terraces). In considering the design of the building, the ERPB shall consider and apply Section 7(a)(i) thru (iii), and render a decision as to the adequacy of the elements in the design concept including, but not limited to:
- Trim
 - Shutters
 - Awnings and canopies
 - Windows (Fenestration)
 - Doors
 - Texture of surface
 - Colors
 - Roofs (materials, color, slope and overhang)
 - Planters
 - Window boxes
 - Walls, height, location, materials, design
 - Height of building
 - Location of structure on site
 - Site circulation in regard to pedestrian travel, parking, services, grades and landscaping
 - Location of exposed piping, conduits and rain water leaders
 - The impact on adjacent properties of continuous two story walls
 - All lighting (height, location and style)
- (c) A Comprehensive Neighborhood Analysis, photographs of the site, and a statement explaining how the proposed building complies with the architectural style surrounding the site must be submitted as part of the ERPB application. The ERPB shall require changes to the plans to ensure that the design preserves the existing architectural style of the neighborhood, unless specified to the contrary, and promotes design excellence in the

community. The ERPB, as part of the its application for review, shall require the submission of photographs of both sides of the street and all abutting properties, on the block where the new two-story home or two-story addition is to be constructed.

- (d) The architectural context includes the height, scale, massing, separation between buildings, and style in regard to how buildings and structures relate to each other within a specified area. Architectural context allows for differences in height, scale, massing, and separation between buildings and style, when such differences contribute to the overall harmony and character of the area. The ERPB shall not take into consideration existing buildings and structure that are out of context with the area when considering whether a new building or structure or a substantial addition to an existing building or structure is in context with both sides of the street on the block where it is located and surrounding properties. The ERPB shall review the building or structure in the context of that area in which the site is located when a new building or structure or a substantial addition to an existing building or structure is located on a building site that is on the border of two areas that have different character or content.
 - (e) The Planning Director shall have the administrative discretion to require the above review process to be accomplished prior to a Planning Board public hearing on the proposed development application.
- (10) Findings. The ERPB shall determine approval or disapproval of the proposed designed plans. The Board shall prepare a written determination in order to state the intent of its decision. The written determination shall be filed with the Planning Department for inclusion in the project record.
- (11) Historic Preservation Board Review. Construction of a two-story home or a second story additions or alterations to existing homes in the City's Historic District shall be reviewed by the Historic Preservation Board and ERPB. The Historic Preservation Board shall review the application for consistency with the City's historic preservation guidelines, requirements set forth in this section, and the standards for the issuance of a Certificate of Appropriateness set forth in the Land Development Code. The Board shall also determine compatibility with the guidelines in the specific Historic Designation Report. The Historic Preservation Board recommendations shall be submitted to the ERPB for consideration. The ERPB shall give consideration to the findings of the Historic Preservation Board as part of its review for the purpose of determining consistency with the requirements set forth in this section.
- (12) Development Standards. The development standards are based on percentage of lot size consistent with the table provided below. The lot size that does not exactly match table 2 shall be rounded up to the next highest lot size in order to determine the appropriate lot size.

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	Maximum Floor Area Ratio
2,000	0.500	0.700	0.900
3,000	0.400	0.550	0.650
4,000	0.400	0.550	0.650
5,000	0.300	0.450	0.550
6,000	0.300	0.450	0.525

7,000	0.300	0.438	0.500
8,000	0.300	0.425	0.475
9,000	0.300	0.413	0.450
10,000	0.300	0.400	0.450
11,000	0.300	0.400	0.450
12,000	0.300	0.400	0.450
13,000	0.300	0.400	0.450
14,000	0.300	0.400	0.450
15,000	0.300	0.400	0.450
16,000	0.296	0.396	0.444
17,000	0.292	0.392	0.438
18,000	0.288	0.388	0.432
19,000	0.284	0.384	0.426
20,000	0.280	0.380	0.420
21,000	0.276	0.376	0.414
22,000	0.272	0.372	0.408
23,000	0.268	0.368	0.402
24,000	0.264	0.364	0.396
25,000	0.260	0.360	0.390
26,000	0.256	0.356	0.384
27,000	0.252	0.352	0.378
28,000	0.248	0.348	0.372
29,000	0.244	0.344	0.366
30,000	0.240	0.340	0.360
31,000	0.236	0.336	0.354
32,000	0.232	0.332	0.348
33,000	0.228	0.328	0.342
34,000	0.224	0.324	0.336
35,000	0.220	0.320	0.330
36,000	0.216	0.316	0.324
37,000	0.212	0.312	0.318
38,000	0.208	0.308	0.312
39,000	0.204	0.304	0.306
40,000 +	0.200	0.300	0.300

Section 20-3.5I
 DIMENSIONAL REQUIREMENTS
 DOWNTOWN SoMi DISTRICT

SITE DATA	REQUIREMENT
Min. Lot Area Net	5.00 Acres
Max. Building Coverage	
Percent Building Coverage	90%
Max. Floor Area Ratio (F.A.R.)	3.0
Min. Open Space Requirements ^a	
Percent Open Space	10%
Max. Impervious Coverage ^b	

Percent Impervious Coverage	90%
Density	65 du/acre max.

MIN. BUILDING SETBACK	MIN. REQUIRED
a. Front	0'-0"
b. Side	0'-0"
c. Rear	N/A

BUILDING HEIGHT/SEPARATION

	Village Zone	Gateway Zone	Structured Parking
Max. Stories	4 Stories	17 Stories	N/A
Max. Building Height	70'-0"	195'-0"	95'-0"
Between Buildings	10' Wall without Windows; 30' Wall with Windows	10' Wall without Windows; 30' Wall with Windows	10' Wall without Windows; 30' Wall with Windows

^a Open Space shall be calculated in accordance with Section 20-12.9(A).

^b Impervious Coverage shall be calculated as a percentage of site open space in accordance with Section 20-12.9(C).

(Ord. No. 2-90-1445, 1-2-90; Ord. No. 2-92-1497, 1-7-92; Ord. No. 13-93-1541, § 1, 9-17-93; Ord. No. 23-94-1573, § 1, 12-20-94; Ord. No. 8-95-1581, § 3, 6-6-95; Ord. No. 1-96-1601, § 1, 1-16-96; Ord. No. 8-97-1629, § 1, 4-1-97; Ord. No. 17-03-1801A, § 1, 9-2-03; Ord. No. 27-07-1928, § 2, 9-4-07; Ord. No. 04-10-2029, § 1, 2-2-10; Ord. No. 34-10-2059, § 3, 10-5-10; Ord. No. 35-10-2060, § 1, 10-5-10; Ord. No. 23-16-2256, § 1, 9-20-16; Ord. No. 15-19-2328, §§ 4, 5, 4-23-19; Ord. No. 06-20-2360, § 2, 2-4-20; Ord. No. 28-20-2382, §§ 2, 3, 9-15-20)

20-3.6 Supplemental regulations.

(A) Height Limit Exceptions. Height limits established in Section 20-3.5 of this Code shall not apply to:

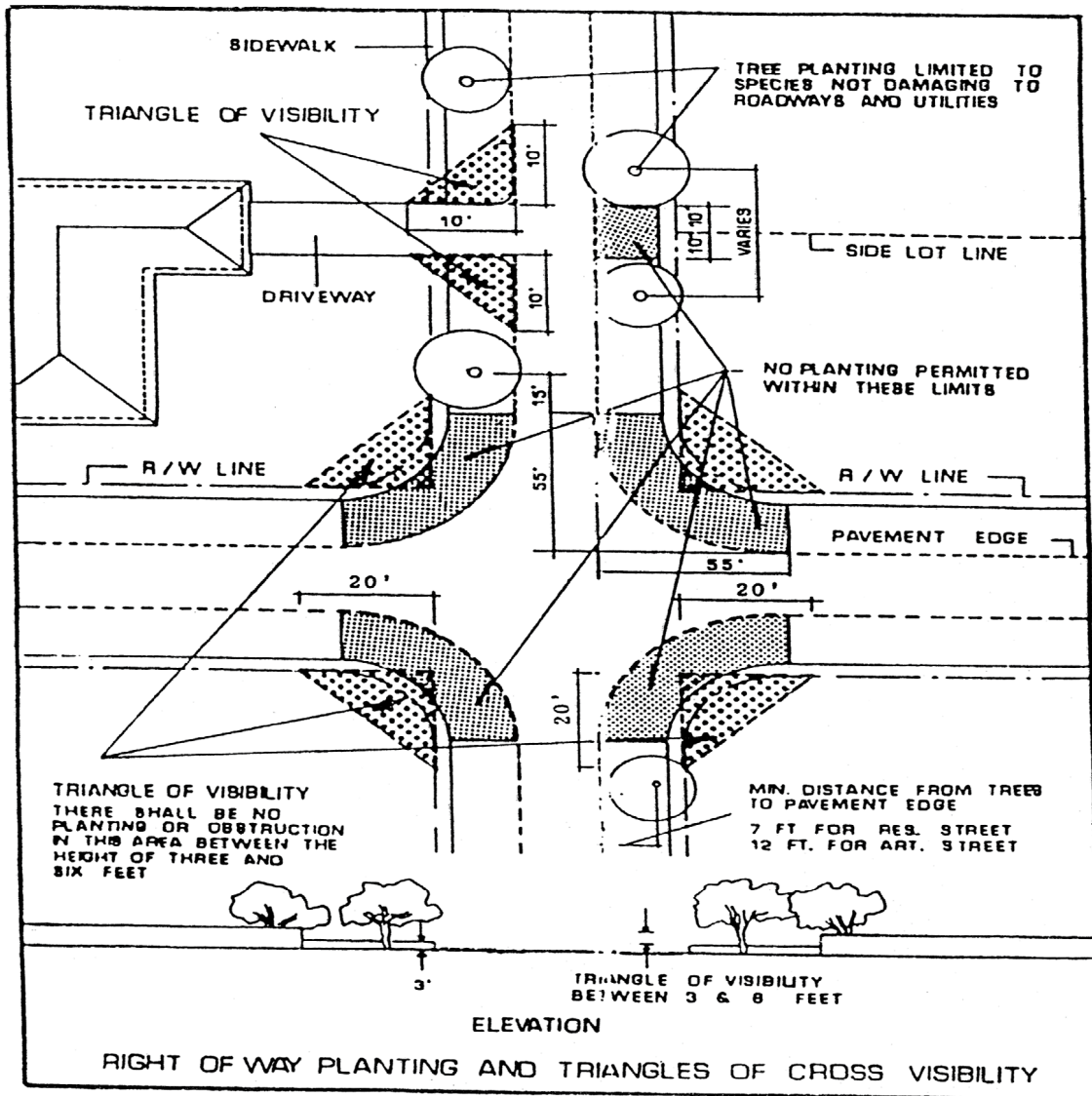
- (1) Chimneys;
- (2) Church spires;
- (3) Cooling towers;
- (4) Elevator penthouses;
- (5) Flag poles;
- (6) Monuments;
- (7) Ornamental towers and spires;
- (8) Radio and television towers of less than one hundred twenty-five (125) feet in height; or
- (9) Water tanks and towers.

(B) Yard Encroachments.

- (1) Every part of a required yard shall be open to the sky, except as otherwise permitted in this Code.
- (2) No part of a yard setback required for any principal building shall be included as part of a required yard setback for another principal building.

-
- (3) Ordinary projections of sills, belt courses, roof overhangs, window air-conditioning units, chimneys, cornices, cantilevers and ornamental features may project up to thirty-six (36) inches into required yard setback areas.
 - (4) Movable awnings may be placed over doors and windows in any required yard setback area, but such awning shall not project closer than two (2) feet from any lot line or be vertically supported.
 - (5) Canopies may extend from the main entrance of a principal building to the street line in multi-family or nonresidential districts provided that they:
 - (a) Do not extend beyond eighteen (18) inches from any curb line,
 - (b) Do not exceed fifteen (15) feet in width or twelve (12) feet in height,
 - (c) Are not screened or enclosed in any manner, and
 - (d) Provide a minimum unobstructed, clear space of seven and one-half (7.5) feet between grade and bottom of valance.
 - (6) Service station pumps.
 - (a) Service station pumps and pump islands, with or without roof structures and not attached to a principal building, may occupy required yards.
 - (b) Pumps, pump islands and roof structures shall not be located less than fifteen (15) feet from public right-of-way lines.
 - (7) Concrete slabs. Concrete slabs, A/C equipment and/or wood decks may project into required setbacks and extend up to five (5) feet from property lines. There shall be no obstructions above forty-two (42) inches in height.
- (C) Building Coverage.
- (1) In computing permissible building coverage, lot area shall be divided into the following:
 - (a) Total building area on the ground floor, including all porches, steps and balconies; and
 - (b) Total building area of accessory buildings or other structures on the property;
 - (2) The resulting number shall be multiplied by one hundred (100) to yield lot coverage as a percentage and divided into the net lot area.
- (D) Impervious Coverage. The maximum amount of total site area which may be covered by all uses requiring impervious ground cover shall not exceed that amount set forth in the Dimensional Requirements tables in Section 20-3.5 and include, but not be limited to, structures, streets, alleys, driveways, pedestrian ways, parking areas, tennis courts, patios and swimming pools. Within the Downtown SoMi (DS) district impervious coverage shall be calculated as a percentage of total site open space in accordance with Section 20-12.9(C), South Miami Land Development Code.
- (E) Multiple Buildings on Single Lot.
- (1) In the event that a lot is to be used for either multi-family residential, institutional, hotel or motel purposes, more than one (1) building may be located on the lot, provided that such buildings are located not less than fifteen (15) feet from one another and conform to all required yard setbacks set forth in Section 20-3.5.
 - (2) In the event that a lot is to be used for nonresidential purposes, more than one (1) building may be located on a lot, provided that such buildings conform to all required yard setbacks set forth in Section 20-3.5.
- (F) Roadway Dedications, Improvements and Setbacks.

-
- (1) Public road rights-of-way shall be dedicated and paved to the minimum widths set forth in the city's adopted Transportation Element or as follows, whichever is greater:
 - (a) One hundred (100) feet for: Bird Road (SW 40 Street), Miller Road (SW 56 Street) and Sunset Drive (SW 57 Avenue).
 - (b) Eighty (80) feet for Kendall Drive (SW 88 Street).
 - (c) Twenty-five (25) feet for Progress Road (from SW 70 Street to SW 68 Street).
 - (d) Seventy (70) feet for section and half section line roads.
 - (e) Fifty (50) feet for all other roads, unless required otherwise herein.
 - (f) Thirty-five (35) feet for all private roadways.
 - (g) Twenty (20) feet for all alleys.
 - (2) All dedicated public roadways shall be improved by the abutting property owner to the specifications of the city or county.
 - (3) No structures, other than utility poles, shall be located nearer to the centerline of an abutting roadway than a distance equal to one-half of the official right-of-way width plus the minimum required yard setback.
 - (4) In determining which streets are the frontage and side streets, the Director of the Planning and Zoning Department shall be guided by the existing development pattern.
 - (5) Required yard setback distances shall be measured from the official right-of-way line, regardless of whether such rights-of-way have been dedicated.
- (G) Triangles of Visibility.
- (1) On any corner lot in a residential district, nothing shall be erected, located, planted or allowed to grow and no vehicle shall be parked which materially impedes vision between a height of three (3) feet and six (6) feet within the area bounded by the two intersecting street rights-of-way lines and a diagonal line drawn joining said rights-of-way lines twenty (20) feet from their point of intersection.
 - (2) At the intersection of any alley or driveway and a street in any residential district, nothing shall be erected, located, planted or allowed to grow and no vehicle shall be parked which materially impedes vision between a height of three (3) feet and six (6) feet within the area bounded by the street or alley right-of-way lines or a line drawn along the interior pavement edge of the driveway and a diagonal line joining said lines ten (10) feet from their point of intersection.
 - (3) Subject to subsections (1) and (2) above, fences, walls and vegetation may be permitted in any required yard setback area, or along the edge of any yard, provided the fence, wall or vegetation does not materially impede vision between vehicular or pedestrian traffic.
 - (4) In any required yard setback area, nothing permanent over three (3) feet high may be installed which materially impedes vision between vehicular or pedestrian traffic.



(H) Physical Barriers.

- (1) All fences, walls, trellises and hedges may be erected on or along a property line, but shall not extend into official public rights-of-way or project on or over adjacent properties.
- (2) Height limit.

Residential:

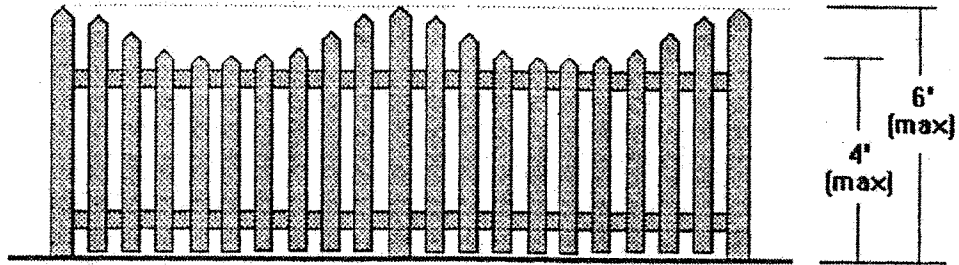
- (a) Chain link fences will not be permitted on required yards adjacent to a right-of-way.
- (b) In all yards, fences, walls, and trellises (excluding arbors) shall not exceed six (6) feet in height above grade, unless further restricted as provided in (c) below.
- (c) In the setback areas adjacent to a right-of-way, and along that portion of a rear setback area that is adjacent to the front yard of an adjoining property, fences, walls, trellises, gates and hedges shall not exceed four (4) feet in height above grade with the following exceptions:

- (i) Wooden fences exceeding four (4) feet in height adjacent to a right-of-way in required front setback areas shall provide for a minimum of sixty (60) percent open area for all portions between four (4) and six (6) feet in height above grade. The graphic "Wooden Fence Types" includes an example of both an unacceptable and acceptable prototype.

Wooden Fence Types

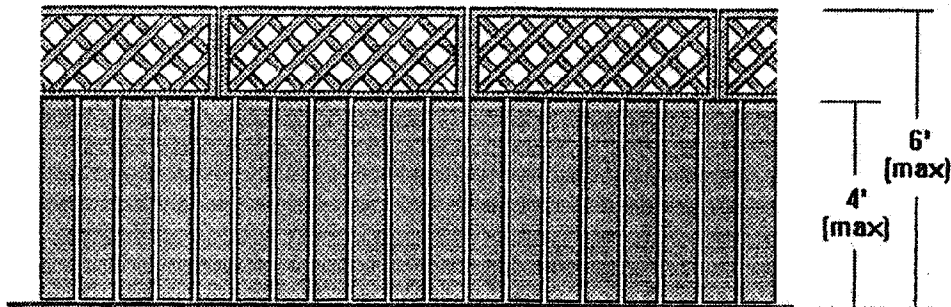
ACCEPTABLE:

Sine wave pattern yields more than 60 percent open area



UNACCEPTABLE:

Pre-fabricated lattice yields less than 60 percent open area

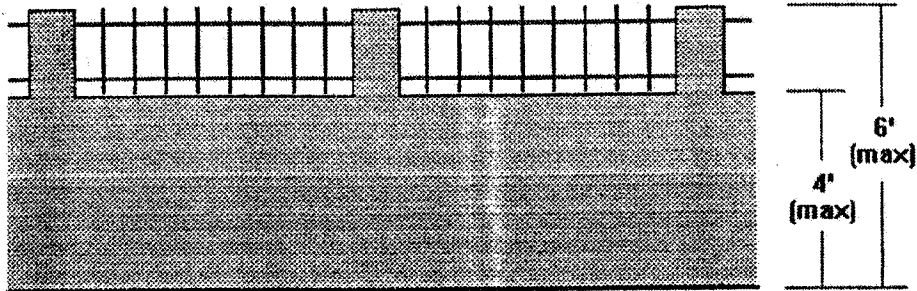


- (ii) Masonry wall exceeding four (4) feet in height adjacent to a right-of-way in required front setback areas shall provide a minimum of sixty (60) percent open area for all portions between four (4) and six (6) feet in height above grade. No portion of any solid masonry wall above four (4) feet in height above grade along rights-of-way shall exceed sixteen (16) inches in width. This is to provide for vertical support (per section 20-3.6(H)(2)(c)) of screening material. The remaining balance of open area may be screened by metal work, lattice or any other non-masonry screening material. A minimum of sixty (60) percent open area shall be maintained. The graphic "Masonry Wall Types" includes an example of both an unacceptable and acceptable prototype.

Masonry Wall Types

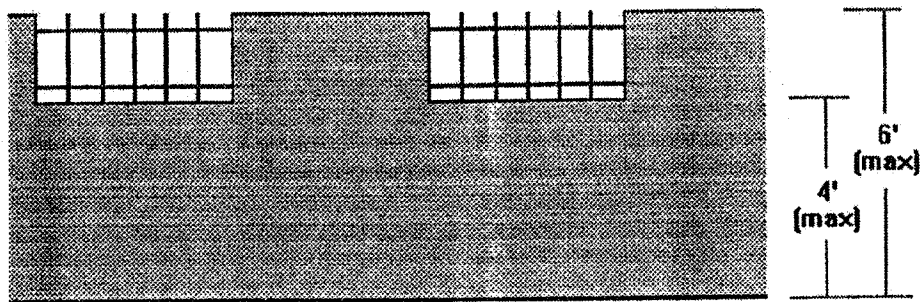
ACCEPTABLE:

Vertical supports (columns) do not exceed 14 inches in width



UNACCEPTABLE:

Vertical supports exceed 14 inches in width



- (iii) Gates may be increased by three (3) feet above grade provided that the upper three (3) feet of the gate between vertical supports is designed as a uniform pattern with a minimum of sixty (60) percent open area.
- [(iv)] Trellises cannot exceed four (4) feet in height along rights-of-way. Freestanding trellises not located along property lines and not installed to create a physical barrier may extend up to six (6) feet in height above grade in any required yard. Tree species included in the Official Tree List of the City of South Miami shall not be considered as physical barriers.
- [(v)] Vines, as defined under Section 20-2.3 may be permitted on any physical barrier. There is no height limitation for vines and hedges, but they must be maintained and trimmed regularly. All hedges and vines located along property lines abutting a right-of-way, must be in conformity with the triangle of visibility regulations as set forth in Section 20-3.6(G).

[(vi)] Light fixtures are permitted to extend up to sixteen (16) inches above the maximum height for permitted physical barriers on single-family residential properties.

Non-residential:

- (3) Prohibited features. Fences constructed wholly or partially of barbed wire are prohibited, except fences or walls exceeding six (6) feet which have a maximum top extension of sixteen (16) inches bearing a maximum of three (3) strands of barbed wire. Use of electrically charged fences shall not be permitted in any district.
- (I) Accessory Structures or Uses.
- (1) No accessory structure shall be constructed upon a lot until construction of the principal structure or use has commenced.
 - (2) No accessory structure shall be used unless the principal structure on the lot is also being used.
 - (3) No accessory structures or uses shall be located within any required yard setback area, except as permitted in subsection (4) below.
 - (4) Accessory structures or uses may be located in a required rear yard, provided such structures or uses do not occupy more than thirty (30) percent of required setback areas and provided further that such accessory buildings do not exceed one (1) story or twelve (12) feet in height above grade.
 - (5) Accessory structures or uses shall be located not less than five (5) feet from any rear or side lot line. No accessory structures or uses shall be located in the required setbacks that are adjacent to a street right-of-way line; nor shall any accessory structures be located less than five (5) feet from any rear lot line.
 - (6) Canvas tents and cabanas, used for temporary shelter and not containing cooking facilities, shall be subject to the accessory structure regulations.
 - (7) Temporary structures.
 - (a) The building official is authorized to issue a permit for temporary structures and uses that are not constructed within the public right-of-way. Permits shall be limited as to time of service, but shall not be permitted for more than one hundred and eighty (180) days. The building official is authorized to grant extensions for demonstrated cause.
 - (b) Temporary structures shall be subject to the location requirements for accessory structures. The city manager or designee may authorize an alternate location of said structure for demonstrated cause.
- (J) Swimming Pools.
- (1) Swimming pools which are open and unenclosed, or covered by a screen enclosure or a screen enclosure not covering a swimming pool, may occupy a required rear or side yard, subject to the following conditions:
 - (a) Minimum front setbacks shall be at the front building line.
 - (b) Minimum side setbacks shall be ten (10) feet from each side lot line.
 - (c) Minimum rear setbacks shall be ten (10) feet from rear lot lines.
 - (d) A walk space at least eighteen (18) inches in width shall be provided between pool walls and fences or screen enclosure walls.
 - (e) All setback distances shall be measured from the waters edge.
 - (2) Pool enclosures.

- (a) Unless a pool is entirely screened in, it shall be surrounded by a protective wall or fence of at least four (4) feet in height.
 - (b) Chain link fencing shall be at least eleven (11) gauge, with a maximum distance between wires of two (2) inches.
 - (c) Any enclosure, other than standard chain link fencing, shall be shown in complete detail on plans submitted for a building permit.
 - (d) Such detail shall include the spacing between the vertical and horizontal wires, spacing and slope of louvers, spacing of posts and such other details as may be required by the city.
- (3) Gates and latches.
- (a) Fence and wall gates must close automatically by spring hinges and must be provided with a positive stop at the closed position.
 - (b) The direction for swing of such gates shall be away from the pool during gate opening.
 - (c) Fence and wall gates shall have an automatic latch located so that it is not accessible from the outside by pre-school age children.
 - (d) Automatic latches shall be as required by the Florida Building Code.
 - (e) All gates or latches shall be constructed to provide for their use in conjunction with use of a padlock.
 - (f) A padlock shall be in place before final inspection or approval will be given for the pool enclosure.
- (4) Screen enclosures.
- (a) Screen enclosures shall be of a type approved by the building and zoning department.
 - (b) Screen enclosure doors shall automatically close and lock by hydraulic closers or an approved equivalent.
 - (c) Enclosure door knobs shall not be located less than five (5) feet, six (6) inches above grade.
 - (d) Automatic closing and locking devices on screened doors, fences or gates shall be properly adjusted.
 - (e) Gates and doors shall swing shut freely and lock from any position.
 - (f) Minimum for screen enclosures shall be:

	RT-6	All Other districts
front	25 feet	*
rear	10 feet	10 feet
side, interior	0 feet	7.5 feet
side, street	15 feet	*

* setbacks required are set forth in sections 20-3.5 E, 20-3.5 F, and 20-3.5 G.

- (g) Screen enclosures shall not be included in the computation of the total building area or required pervious area; cement slabs within a screen enclosure are included in the computation of required pervious area.
- (5) Portable pools.

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- (a) Portable pools, four (4) feet or less above grade, are not subject to the enclosure requirements in this section.
 - (b) Any steps or ladders leading up to such a pool shall be properly enclosed with fence and gate conforming to the requirements of this section.
- (K) Whirlpool Spas.
- (1) Open, enclosed or screen enclosures covering whirlpool spas may occupy required rear or side yards, subject to the requirements of this section.
 - (2) Impervious coverage shall be as per Section 20-3.5.
 - (3) Minimum front setback shall be at the rear of the front building line.
 - (4) Minimum side setbacks shall be five (5) feet each and minimum rear setbacks shall be twelve and one-half (12.5) feet.
 - (5) In instances where a screen enclosure or wall serves as a structural part of the spa, the side setback shall be not less than five (5) feet and the rear setback shall be not less than ten (10) feet from the lot line.
 - (6) Spas shall be subject to the protective enclosure requirements applicable to swimming pools.
- (L) Boats and Trailers.
- (1) Storage of Boats. A motorboat or sailboat may be stored only in RS zoning districts of the City, it must be stored on a trailer that is in good condition, operable and capable of moving the boat (hereinafter referred to as a "Trailer Boat") and it must be stored in accordance with the following definitions and requirements:
 - (a) Definitions:
 - (i) A "motorboat" is defined for this subsection as a boat that is equipped with a motor for propulsion or that is designed specifically to be equipped with a motor.
 - (ii) Storage of a boat is defined for this subsection as a Trailer Boat that has been parked in one position for more than twelve (12) hours.
 - (b) No Trailer Boat may be stored in the public right-of-way.
 - (c) No more than one Trailer Boat may be stored in any front yard.
 - (d) No Trailer Boat may be stored closer than five (5) feet from the front property line and no closer than five (5) feet from the front yard's side property line.
 - (e) No major repairs or overhaul work may be made or performed on a Trailer Boat while it is in the City.
 - (f) A Trailer Boat must have a valid state vessel registration decal visible on the front of the boat, it must be parked on a trailer that has a valid state registration, license tag and decal, and it must be registered and belong to a resident of the home where the boat is being stored.
 - (g) No Trailer Boat measuring more than thirty-two (32) feet in length, excluding the bowsprit, (large boats) and that is not already stored on a lot as of February 2, 2021 (effective date), may be stored in the City. A courtesy notice of civil infraction will be served on the owner of the real property where the large boat is found to be stored after the effective date. If the large boat is not removed from the City within one week of receiving the courtesy notice, a citation will be issued to the owner of such real property. It is the property owner's burden to prove that the boat was stored in the City prior to the effective date. A boat owner may register a large boat

that was being stored in the City prior to the effective date. Registration must be under penalty of perjury and, if filed with the City Clerk before or within fourteen (14) days of the effective date, such registration will be irrebuttable evidence of the storage of the large boat prior to the effective date.

- (h) No boat engine may be "revved" (the rapid acceleration with rapid deceleration).
 - (i) All boats must be operational and usable and the areas where the boats are stored must be maintained in a clean, neat, and presentable condition.
 - (j) All Trailered Boats must be secured to the trailer so that it will not be a hazard or menace during a hurricane or high winds.
- (2) Storage of camp trailers shall not be permitted in required front yard setback areas.
- (M) Tennis Courts.
- (1) Minimum front yard setbacks for tennis courts shall be at the rear of the front building line.
 - (2) Minimum rear and side yard setbacks for tennis courts shall not be less than fifteen (15) feet each.
 - (3) Courts shall be completely enclosed by a chain link fence of at between ten (10) and twelve (12) feet in height.
 - (4) Court lighting is prohibited in RS districts or on lots adjacent thereto.
- (N) Canopy Carports.
- (1) New canopy carports shall be approved by the board and may be constructed as accessory structures in the front yard setback in residential districts, provided that they:
 - (a) Shall not exceed ten (10) feet in height measured from grade to the uppermost point of the carport cover.
 - (b) Shall not exceed twenty (20) feet in either length or width.
 - (c) Shall be located at least five (5) feet from the front property line and seven and one-half (7.5) feet from any side property line, except where existing lot widths are fifty (50) feet or less, in which case no side setback requirement shall apply, provided written consent of the adjacent property owner is furnished to the city.
 - (d) Shall have all four (4) sides left open if the structure is freestanding and three (3) sides open if attached to a principal building.
 - (e) Shall have a flexible, weather-proof, canvas or canvas-like cover which shall be maintained in good condition and free from holes, tears and fading.
 - (f) Shall, if it becomes deteriorated, be restored to its original condition or replaced with a new cover by its owner which complies with the requirements of this section.
 - (g) Shall not remain coverless or have a deteriorated cover for more than fifteen (15) calendar days following notification by the city that the cover condition is in violation of this section.
 - (2) Canopy carports existing prior to or on the effective date of this Code and located in front yard setback areas in residential districts shall be deemed conforming accessory structures, provided that they:
 - (a) Shall have a permit from the Building and Zoning Department.
 - (b) Shall comply with all applicable maintenance requirements for new carports.
 - (c) Shall be used solely for the storage of operable vehicles or boats.

- (d) Shall have all four (4) sides left open if the structure is freestanding and three (3) sides open, if attached to a principal building.

(O) RO Restrictions.

- (1) In addition to all other requirements, a continuous visual buffer shall be provided whenever an RO use abuts or faces directly (within fifty (50) feet) a property zoned for single-family residential purposes. To accomplish this, the normally required perimeter landscaped buffer shall be increased from five (5) to eight (8) feet in width and trees from Table 20-3.6(O)(5) shall be planted according to the spacing listed. These trees shall be a minimum of ten (10) to twelve (12) feet tall immediately after planting.
- (2) No structure shall be constructed or altered to produce a store front, display window, or any other feature that would detract from residential character except that, in areas where RO zoned property abuts the MetroRail right-of-way, it shall be left to the discretion of the environmental review and preservation board as to whether strict compliance shall be necessary on that side abutting the MetroRail right-of-way, providing that all other sides are residential in character.
- (3) A decorative wall or fence of masonry, reinforced concrete, precast concrete, chain link, wood, or other like material that will be compatible with the main structure, five (5) feet in height shall be erected along all interior property lines, including the rear property line; provided, however, that in the event that the rear property line abuts a secondary road, said wall shall be set in ten (10) feet from the official right-of-way of the secondary road, and said ten (10) feet shall be landscaped; provided, further, in the event that the interior side property line abuts the same or more liberal zoning district, the requirement for the wall along said common interior property line shall not apply. Walls within or extending into the required twenty-five-foot front setback area shall be no more than four (4) feet in height. Further, individual buildings shall not be connected by fences, walls, breezeways or any other structures which make the building appear to have a single facade more than eighty (80) feet in width, provided that buildings may be connected by a breezeway at the first level only of no more than eight (8) feet in width.
- (4) No accessory buildings, or storage of supplies, heavy equipment, or large vehicles shall be permitted anywhere on the lot. In addition, air conditioning equipment may not be placed in the required front setback area.
- (5) Table 20-3.6 (O)(5).

Tree Species* and Required Spacing for Continuous Visual Buffer

	Required Spacing
Aralia (<i>Polyscias balforiana</i>)	3'
Beauty Leaf (<i>Callophyllum antillianum</i>)	10'
Buttonwood (<i>Conocarpus erectus</i>)	5'
Carrotwood (<i>Cupaniopsis</i> spp.)	10'
Madagascar Olive (<i>Noronhia emarginata</i>)	10'
Pink Trumpet Tree (<i>Tabebuia pallida</i>)	10'
Spicewood (<i>Calypttranthes pallen</i>)	10'
Vitex (<i>Vitex gnus castus</i>)	10'
Wax Myrtle (<i>Myrica cerifera</i>)	10'
Yew (<i>Podocarpus</i> spp.)	10'

* Or substitute to be approved by the Environmental Review and Preservation Board.

* Or substitution to be made from Commission approved tree list submitted by the Tree Committee.

(P) Home-Based Businesses.

- (1) Home based businesses are businesses that operate in whole or in part from a residential property. It is the intent of this section to provide minimum standards for home-based businesses in order to ensure compatibility with surrounding land uses and consistency with Section 559.955, Florida Statutes. Home-based businesses shall be conducted in an occupied residential unit in accordance with these standards. Community Residential Homes and Family Day Care Homes as defined by Florida Statutes shall be permitted in residential zoning districts in accordance with applicable statutes and are not subject to the requirements of this section:
 - (a) The activities of the home-based business shall be secondary to the property's use as a residential dwelling.
 - (b) The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
 - (c) The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
 - (d) The activities of the home-based business must be secondary to the property's use as a residential dwelling.
 - (e) All goods, material and/or equipment, other than motor vehicles, which are used off the site shall not be stored on the site.
 - (f) No signs relating to the home occupation or any business shall be located on the site.
 - (g) As viewed from the street, the use of the residential property must be consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood.
 - (h) Parking related to the business activities of the home-based business must comply with the requirements of the Land Development Code and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. No heavy equipment shall be parked or stored at the business which is visible from the street or neighboring property. For purposes of this paragraph, the term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.
 - (i) The business activities shall comply with the Land Development Code and Code of Ordinances with respect to equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.
- (2) Home-based businesses which do not conform to all of the above standards shall be prohibited.
- (3) Permission to have a home-based business shall require the submission of a home-based business license application to the Building Department. The application must be accompanied by:

- (a) If the applicant for a home-based business does not own the property on which the business will be operated, a notarized statement of authorization to conduct the business on the premises from the property owner must be submitted along with the application form before a license is issued.
 - (b) A sworn affidavit on a form prepared by the City, which form confirms that the home-based business will conform to all of the standards contained herein and agreeing that the City, upon probable cause to believe that there is a violation of one or more of the standards so stated, may inspect the property to determine if there is a violation. Failure to allow an inspection will result in the automatic cancellation of the certificate of use and Business Tax Receipt. Failure to correct code violations, after notice, will also result in the cancellation of the certificate of use and Business Tax Receipt.
- (4) An occupational license and annual certificate of use shall be obtained for any home-based business.
- (Q) Screening and Soundproofing of Exterior Heating, Ventilating, Air Conditioning Equipment, and Other Mechanical Equipment.
- (1) Air-cooled condensing and/or compressor equipment, water cooling towers, and any other similar mechanical or service equipment or apparatus installed or replaced on the roof of any building erected shall be screened from view by a parapet wall or such other screening device as shall be approved by the environmental review and preservation board. Such screening shall be constructed so as to conceal the equipment visible in elevation. The requirement of approval by the environmental review and preservation board shall not apply to replacement equipment if existing screening is in place and found sufficient by the Planning Director.
 - (2) Air-cooled condensing (excluding window and wall units), and/or compressor equipment, water cooling towers, liquid propane gas tanks, irrigation pumps, pool equipment, and any other similar mechanical or service equipment or apparatus installed or replaced on the ground or on a building (other than on its roof) shall be screened from view, at ground level outside the subject property, by the use of landscaping or such other screening device as shall be approved by the environmental review and preservation board. The requirement of approval by the environmental review and preservation board shall not apply to replacement equipment if existing screening is in place and found sufficient by the Planning Director.
 - (3) It shall be unlawful to operate mechanical equipment including air-cooled condensing, and/or compressor equipment, and any other noise producing equipment in an all residential, institutional, commercial and industrial zoned property, when such equipment emits noise which exceeds the following noise levels, measured at the receiving property line nearest to the source; such sound levels shall be measured by City of South Miami staff or other representatives designated by the City Manager with a sound level meter manufactured according to standards prescribed by the American National Standards Institute:

Maximum Permitted Sound Level in Decibels dBA

Receiving Land Use	At Property Line or Beyond Between 10:00 PM—7:00 AM	At Property Line or Beyond Between 7:00 AM—10:00 PM
Single-family	55 dBA	60 dBA
Multifamily, Institutional, Parks and Noise - Sensitive Zones (Hospitals, Schools, Nursing Homes, Church, Court or Public Library)	60 dBA	65 dBA

Retail Commercial (Offices, Retail, Restaurants and Movies)	65 dBA	65 dBA
Wholesale Commercial and Industrial	70 dBA	75 dBA

- (4) The above sound levels shall be applicable to existing, replacement or new mechanical equipment including air-cooled condensing and/or compressor equipment, mechanical equipment, and any other noise producing equipment.
 - (5) The city's existing commercial buildings shall meet the requirements of this subsection and mitigate excessive noise levels upon the issuance of a notice of violation by the City of South Miami Code Enforcement Office.
 - (6) Sound proofing shall be effective for the life of the equipment. If sound proofing device/equipment is determined not to be adequate, the owner shall be required to mitigate or replace the equipment and/or sound proofing material as necessary to reach acceptable sound levels.
 - (7) Soundproofing for larger equipment serving commercial buildings shall consist of at a minimum a barricade or complete ventilated enclosure lined on the inside with a sound blocking (including landscaping) and sound absorbent material, in order to reduce sound to an acceptable level.
 - (8) Installation of any fixed barricades or enclosures must be installed with applicable permits.
 - (9) Measurement of sound levels at a specific location shall be the average of three (3) readings each taken for a period of thirty (30) seconds during the day or night hours when subject equipment is in continuous operation.
 - (10) These regulations shall not apply to generators or other equipment used during a declared state of emergency or during intermittent power outages; this exemption to maximum sound levels shall end when electric power is restored.
- (R) Screening and Landscaping of Refuse Enclosures and Containers for the Storage of Refuse in Commercial and Multifamily Residential Zoning Districts. When plans for new commercial or multifamily residential construction, or plans for an addition to an existing commercial or multifamily residential structure and plans for the renovation of an existing commercial or multifamily residential structure, where the cumulative cost of the addition or renovation exceeds fifty (50) percent of the assessed value of the existing commercial or multifamily residential structure, are submitted, then all such plans shall make provisions for a refuse enclosure and containers for storage of refuse, in accordance with the following provisions:
- (1) The refuse enclosure shall be located in the required rear setback area or required side setback area of the property.
 - (2) The refuse enclosure shall be placed at least five (5) feet from any property line, but not within any triangle of visibility or utility easement.
 - (3) The refuse enclosure shall be located such that garbage or trash trucks will not block the intersections of streets or alleys while servicing containers.
 - (4) The refuse enclosure shall consist of:
 - (a) A concrete pad or impervious pavers as a base which is designed to prevent seepage of any sanitizing chemical or liquid waste into the ground or into any stormwater drainage system;
 - (b) Minimum five-foot-high enclosure walls. The height of walls must be equal to or greater than the contemplated height of refuse containers; and

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- (c) An access gate which screens all refuse containers from view. The height of gates must be equal to or greater than the contemplated height of refuse containers.
 - (5) An impervious surface shall be provided between the enclosure and street or alley from which the containers will be serviced, and shall be maintained in good condition.
 - (6) Landscaping, hedges and trees shall be provided as set forth in Section 20-4.5, Landscaping requirements, in the same manner as prescribed for vehicular use areas, and shall constitute a landscape buffer of at least five (5) feet in width.
 - (7) Plans may include a refuse container room in lieu of a refuse enclosure, provided that the container room:
 - (a) Shall be located on the rear or side of the structure;
 - (b) Shall be easily accessible for servicing; and
 - (c) Shall be fully enclosed and include doors which may be secured and locked to prevent vandalism or other damage.
 - (8) Refuse container rooms and refuse enclosures shall be subject to review and approval by both the director of building, zoning and community development and the director of public works prior to permit approval.
- (S) Accessory Storage of Recreational Vehicles.
- (1) Definitions.

Recreational Vehicle (RV). Shall mean a vehicle self-propelled or capable of being towed and primarily designed, constructed or converted to provide temporary living quarters for camping or recreational travel. Recreational vehicles shall include, but not be limited to, trailers, off road vehicles, trailer coaches, camping trailers, full-tent trailers, motor homes and mini-motor homes. A boat shall not be considered a recreational vehicle as defined and regulated by this section.
 - (2) Storage Regulations.
 - (a) No recreational vehicle shall be parked upon the streets or other public places of the city between the hours of 7:00 p.m. on one day and 7:00 a.m. of the next day, except as provided below.
 - (b) No recreational vehicle shall be used as a place of abode or dwelling while parked within the city, either on public or private property. Exceptions to this provision may be made in the case of city approved special events, or during a city declared state of emergency.
 - (c) An RV shall not be used as temporary living quarters and may be parked in the open, on sites containing a residence, subject to the following conditions:
 - (i) No more than one (1) such RV shall be parked on such site.
 - (ii) Such parking shall be limited to such RV owned or leased by the occupant-owner or occupant-lessee of the site concerned. A guest of the occupant-owner or occupant-lessee of the site concerned with the parking of such RV by guest shall be limited to a period not to exceed fourteen (14) days.
 - (iii) The location for such parked RV shall be in the rear yard or in the side yard to the rear of a line established by the front setback line and to the rear setback line wherever possible, but in no event in front of such front setback line. Such RV may be located in the side setback provided that a six-foot high wall, fence or landscaping is installed along the area

adjacent to the parked RV and shall be set back from the rear property line at least ten (10) feet.

- (iv) The RV parking area shall be maintained in a clean, neat and presentable manner.
 - (v) The RV shall be in a usable condition at all times and shall, at all times, have attached a current vehicle registration license plate.
 - (vi) No major repairs or overhaul work on such RV shall be made or performed on the site, (or any other work performed thereon which would constitute a nuisance under existing ordinances).
 - (vii) When parked on the site, such RV shall not be used for living or sleeping quarters, or for housekeeping or storage purposes and shall not have attached thereto any service connections lines, except as may periodically be required to maintain the RV and appliances.
 - (viii) Such RV shall not exceed the maximum length, width, height and weight permitted under applicable provisions of the motor vehicle laws of the State of Florida; provided, however, the maximum length shall not exceed forty (40) feet and the maximum height shall not exceed fifteen (15) feet.
 - (ix) Such RV shall be secured so that it will not be a hazard or menace during high winds or hurricane.
- (d) A recreational vehicle may not be used as a commercial vehicle as defined by this Code or the City Code.

(T) General Requirements and Standards for Permanent Generators in Residential Zone Districts.

- (a) Intent and Purpose. The intent and purpose of this section is to regulate the use and installation of permanent generators in residential zone districts using standards listed herein.
- (b) Definitions. For purposes of this section, the following definitions shall apply:

Decibel—A logarithmic measure of sound. Pertaining to generators, the required decibel level of the generator shall be listed in the generator manual or be measured by a sound engineer or other qualified individual as approved by the Building Department.

Decibel measurement—Decibels shall be measured according to industry standards by a qualified individual at the abutting property line.

Externally-filled generator—A permanent generator which receives fuel from an external source, thus needing to be manually refueled in order to work properly. This is accomplished through pouring fuel into an intake area (e.g. gasoline) or connecting containers of fuel to an intake valve (e.g. propane).

Internally-filled generator—A permanent generator which receives fuel from an internal source. This is accomplished through a permanent connection to a fuel source, thus avoiding manual refueling (e.g. natural gas).

- (c) Submittal Requirements.
 - (1) Installation of permanent generators in two-family, townhouse, or multi-family zone districts shall be subject to all requirements set forth in this Section and shall also be required to receive approval via the Special Use process, in accordance with procedures set forth in Section 20-5.5.
 - (2) Installation of permanent generators in all residential zones shall undergo the following process:
 - (1) Planning Department Submittal:

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- (a) Site plan drawings and specifications shall be submitted showing the location of the property, the placement of the generator on the property, location of all doors, windows and other openings into the dwelling and each distance from the generator, measurements and placement of exhaust of the generator, setback from abutting property(ies), and screening type, size, and measurements.
 - (b) A copy of the generator's use manual, listing specifications for the generator.
 - (c) Any other information as deemed necessary by the Planning Department.
 - (2) Building Department Application—Upon sit plan and screening approval by the Planning Department, an application and submittal process to the Building Department shall have the following requirements:
 - (a) Enumerated list of each electrical device that will be input into the generator, the required amount of voltage needed to power the electrical device, and calculations showing the output of the generator is not exceeded by the input of electrical devices.
 - (b) Proof of purchase of an indoor, battery-powered carbon monoxide detector.
 - (c) Signed affidavit by a licensed electrician stating the installation will follow the requirements of this ordinance, any other applicable city ordinances, the National Electric Code, the Florida Building Code, and any other requirement of law having jurisdiction over the process listed herein.
 - (d) Approved Planning Department information listed in (C)(1) of this ordinance.
 - (e) Any other information as deemed necessary by the Building Department.
 - (3) If the generator is an externally fuel filled generator, then the applicant shall submit the following to the Planning Department and the Building Department:
 - (a) Description and specifications of the type of containers that will be used to store the fuel.
 - (b) The area at the dwelling where the fuel will be stored.
 - (c) Fuel containers shall be kept outside pursuant to the "South Florida Fire Prevention Code", Chapter 14—Article III of the Miami-Dade County Code of Ordinances and shall be held in an approved area and properly screened.
- (d) Criteria.
- (1) Location. Permanent generators shall only be permitted on improved property with a principal structure and installed behind the front facade of the structure.
 - (2) Setbacks. The generator shall be installed a minimum of 12.5 feet from the side and rear property lines.
 - (3) Noise. The maximum noise output from the generator cannot exceed 65dB (decibels) at the minimum setback.
 - (4) Emissions.
 - (a) Generator shall be located at a minimum distance away from any window, door, or other opening into the dwelling as set forth in the Florida Building Code.

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- (b) Generator's exhaust shall be located at a minimum distance away from any window, door, or opening into the dwelling as set forth in the Florida building Code, and a minimum of fifteen (15) feet from any window, door, or opening of adjacent properties.
 - (c) A battery-powered carbon monoxide detector shall be purchased and placed at the nearest window, door, or opening into the dwelling.
 - (d) The United State Environmental Protection Agency (EPA) and the California EPA Air Resources board test and certify small engines for minimal emissions:
 - (i) If the proposed generator is EPA or CARB certified, the generator shall be deemed to meet safe emissions standards.
 - (ii) If the generator is not EPA or CARB certified, the Building Department shall make a determination if the generator submitted by the applicant will result in emissions performance which are equivalent to the above standards.
- (5) Electrical requirements, generally:
- (a) Electrical permit for the installation of the generator shall be obtained by the licensed electrician or the electrician's agent.
 - (b) The input of electrical devices into the generator shall not exceed the output of the generator.
 - (c) Any change in electrical inputs into the generator shall receive prior approval from the Building Department and shall be performed by a licensed electrician. Applicant shall resubmit all necessary items listed in Section (C) herein.
 - (d) the generator shall be certified by the Underwriters Laboratory (UL) for electrical safety.
- (6) Gas Supply, internally:
- (a) An internal gas supply into a generator shall be installed by an appropriate licensed professional and the professional shall obtain all proper and necessary permits.
 - (b) All specifications and information concerning an internal gas feed shall be submitted with all other necessary information required.
- (7) Gas Supply, externally:
- (a) In order to assure safety from fumes, spillage, and other safety precautions, the Building Department shall examine and have the power to approve:
 - (i) Type of fuel;
 - (ii) Fuel storage containers; and,
 - (iii) Outdoor fuel holding area.
 - (b) The Planning Department will examine site plans for an outside fuel storage area and appropriate screening.
 - (c) The applicant shall submit all information required under (D)(2)9(g) of this ordinance.
- (e) Usage. The use of permanent generators shall be permitted only during the following:
- (1) General power outage.
 - (a) Sut off immediately after utilities are restored.
 - (2) Testing.

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- (a) Shall be as set forth in the manufacturer's specification for the installed unit.
 - (b) Only during the period 9:00 a.m. to 5:00 p.m.
 - (c) Testing shall not exceed thirty (30) minutes.
 - (f) Fees.
 - (1) A fifty dollar (\$50.00) fee shall be paid to the Planning Department as part of the site plan inspection.
 - (2) Additional fees shall be established pursuant to Ordinance No. 15-04-1822, as amended, "Processing Fee Schedule", of the City of South Miami.
 - (3) If the generator is externally filled, or does not meet emissions certifications standards, the Planning Department or Building Department may have to assess additional fees to the applicant for research into whether or not the generator meets safe emissions standards.
 - (g) Final Inspection.
 - (1) Applicant shall setup a final site plan inspection with the Planning Department within seven (7) days of final installation and screening of permanent generator and outdoor fuel storage area, where applicable.
 - (2) No later than six (6) months following the approval for a permanent generator, the applicant shall schedule a final inspection with the Department for verification and acceptance of the final work authorized.
 - (3) Failure to meet final inspection deadlines shall:
 - (a) Prohibit the installation and use of the permanent generator, and
 - (b) Cancel the application process and force applicant to reapply to the Planning Department and Building Department and pay all appropriate fees, or
 - (c) Force the applicant to immediately remove the generator from the property with notice, if there is no compliance.
 - (U) Outdoor Lighting Spillage.
 - (A) Purpose and Intent. It is the purpose of this section to establish a minimum standard for the provision and use of outdoor lighting on public and private property and in residential areas in order to assure night-time safety and security for private property while at the same time protecting adjacent properties from intrusive light conditions.

All outdoor lighting fixtures installed on private and public property after the effective date of this ordinance shall comply with this ordinance. This ordinance does not apply to interior lighting. However, overly bright inside light emitted outdoors from any structure will be subject to control by this ordinance if it is determined by the code administrator that it creates a nuisance glare or a disabling glare as defined by this ordinance.
 - (B) General Requirements.
 - (1) All outdoor lighting affecting residential zoned districts, (RS, RT, RM, PUD-R) shall be designed so that any overspill of lighting onto other properties shall not exceed one-half (½) foot candle (vertical) and one-half (½) foot candle (horizontal) illumination on other properties. However, any special requirements concerning lighting for the categories listed below shall take precedence.
 - (a) Lighting specified or identified in a specific use permit.
 - (b) Lighting required by federal state, or county law.

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- (2) For residential properties, including multiple residential properties not having common areas, all outdoor lighting must be shielded and shall not exceed one thousand two hundred sixty (1,260) lumens.
 - (3) Light trespassing onto residential property is prohibited except for lights associated with street, roadway or public safety lighting.
 - (4) External illumination of displays, buildings and architectural features shall be performed with a luminaire or luminaries with a total rating, of all luminaries combined, of not more than two thousand (2,000) initial lumens. Lighting shall be specifically targeted at particular architectural features and shall not project beyond such features.
- (C) Measurement.
- Horizontal measurements shall be taken at a height five (5) feet above, or immediately above any barrier, at or near the property line of the affected property and the vertical measurement shall be taken at or near the property line of the affected property, or at a location on the affected property that provides the highest reading.
- (D) Definitions as used in this section.
- 1. Accent lighting means any directional lighting which emphasizes a particular object or draws attention to a particular area.
 - 2. Foot candle means a measure of luminance or light intensity received on an area of a surface that is a sphere with a one (1) foot radius, or how bright the light is one (1) foot away from the source. The foot candle is equal to one (1) lumen per square foot.
 - 3. Disabling glare means lighting that impairs visibility and creates a potentially hazardous situation for any person, including pedestrians and motorists.
 - 4. Lamp or Bulb means the light-producing source installed in the socket portion of a luminaire or fixture.
 - 5. Light pollution means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
 - 6. Light trespass means light emitted by a fixture that shines beyond the property on which the fixture is installed.
 - 7. Lumen means a measurement of the total amount of visible light emitted by a source
 - 8. Luminaire or Fixture means a complete lighting unit including the lamps or bulbs, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
 - 9. Nuisance glare means light that creates an annoyance or aggravation but does not create a potentially hazardous situation.
 - 10. Shielding means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture where light is emitted.
 - 11. Spotlight or Floodlight means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
- (E) Requirements for Residential Landscape Lighting.
- 1. Shall comply with the above requirements.
 - 2. Shall not be aimed onto adjoining properties.

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- (F) Lighting Exceptions. It is recognized by the City that there are certain uses or circumstances not otherwise addressed in this Article. The following types of lighting shall be exempt from, and are not regulated by, this ordinance but shall be placed and directed to minimize the detrimental effects of glare on motorists, pedestrians and abutting lots:
- (a) Lighting within the public right-of-way or easement for the principle purpose of illuminating streets or roads. No exception shall apply to any lighting within the public right-of-way or easement when the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement, unless regulated with a street lighting ordinance.
 - (b) Lighting for public monuments or statuary.
 - (c) Lighting solely for signs as regulated under Section 20-4.3, Sign Regulations.
 - (d) Temporary lighting used on construction sites, where the hours during which construction is permitted is permissible under the zoning ordinance or through special provision approved by the City.
 - (e) One (1) partially shielded or unshielded luminaire at the main entry, which may not exceed four hundred twenty (420) lumens.
 - (f) Any other partly shielded or unshielded luminaires not exceeding four hundred twenty (420) lumens.
 - (g) Low voltage landscape lighting aimed away from adjacent properties and not exceeding one thousand fifty (1,050) lumens.
 - (h) Low voltage landscape lighting controlled by an automatic device that is set to turn the lights off at one (1) hour after the site is closed to the public or at a time established by the City.
 - (i) Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding one thousand two hundred sixty (1,260) lumens.
 - (j) Open flame gas lamps.
 - (k) Lighting installed with a vacancy sensor, where the sensor extinguishes the lights within fifteen (15) minutes after the area is vacated.
 - (l) Temporary lighting for theatrical, television, performance areas, or construction sites.
 - (m) Underwater lighting in swimming pools and other water features.
 - (n) Temporary lighting and seasonal lighting provided that individual lamps are less than ten (10) watts and seventy (70) lumens.
 - (o) Lighting that is used only under emergency conditions.
 - (p) Outdoor recreational facilities, provided that no such facility shall be illuminated after 10:30 p.m.
- (V) Commercial Activity Conducted Outside of a Building.
- (1) No activity conducted on Commercial Property, with the exception of those uses and activities listed in Sections (3), (4) and (5) below, is allowed to be conducted outside of a Fully Enclosed Building. Outdoor business activity that is not listed in paragraphs (3), (4) and (5) below may be allowed on a temporary basis if a proper permit is issued for such activity. The owner of any structure that houses commercial activity and the operator of any business on such property are prohibited from allowing any sound emanating from within the building from being plainly audible at or inside the property line of any property that is a single-family dwelling, two-family dwelling or townhouse, with the exception of random, unintentional and intermittent sound created, or escaping from the structure, when people enter or leave the structure.

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- (2) Private property. Outside retail merchandise display set out on private property will be permitted subject to the following limitations and conditions;
- (a) The outside merchandise display may only include items which are sold inside the building of the business; the business must have a valid current business tax receipt (occupational license);
 - (b) A restaurant may not have an outside display of retail merchandise;
 - (c) The outside display of retail merchandise may not be placed on any vehicular parking spaces or in any area which blocks access to or from a required vehicular parking area;
 - (d) The outside merchandise display may only occupy a maximum square footage of ten (10) percent of the gross square footage occupied by the business inside the building; the posted permit as required by subparagraph (j) below, must indicate the square footage of the business inside the building and the square footage occupied by the outside display of retail merchandise. Additional parking spaces are required for all additional square footage of outdoor display;
 - (e) The outside merchandise display may only include retail merchandise that can be immediately carried away by a customer after purchase; merchandise which requires delivery to the customer or requires being carried by hand truck or similar device is prohibited from being displayed outside the business;
 - (f) The outside merchandise may only be displayed while the business is open and must be removed on or before the close of business for each calendar day;
 - (g) Retail merchandise display set out on private property must obtain a permit from the Code Enforcement Department as set forth in the City's schedule of fees;
 - (h) The outside display of retail merchandise permit regulations will be enforced using procedures set forth in the Code of Ordinances;
 - (i) The outside display of retail merchandise permit may be revoked by the City Manager upon finding that one (1) or more conditions of these regulations were violated, or that the outside display of retail merchandise is being operated in a manner which constitutes a public nuisance or in any way constitutes a reasonable risk of potential liability to the City;
 - (j) Any business purchasing an outside display of retail merchandise permit consents to abide by the limitations and conditions set forth in this ordinance and must display the required permit so that it is visible on the outside of the building during any period when there is an outside display of retail merchandise; a copy of this ordinance must be furnished to all businesses purchasing an outside display of retail merchandise permit.
 - (k) A business establishment may only place outdoor displays on private property.
- (3) Recognized outside uses.
- (a) The following permitted and licensed uses are recognized as commercial activities that, by the nature of the business, are required to be, or are more efficiently, conducted outside of a building. However, the placement of retail merchandise outside of a building by the listed businesses must nevertheless comply with the requirements, limitations and conditions concerning displays of merchandise outside of a business as set forth in this Subsection (V). These uses may be limited by the permitted use table in Section 20-3.3(D). All property owners and business owners whose business activities is first conducted in the City after October 1, 2021, and all restaurants no matter when their activity began, must obtain a non-transferable annual permit for the following activity:
 - (i) Agricultural farming activities on public property;

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- (ii) Vehicle repair and detailing;
 - (iii) Vehicle sales;
 - (iv) Motor vehicle service stations;
 - (v) Bicycle rentals, sales, and service;
 - (vi) Commercial nurseries;
 - (vii) Outdoor dining/seating areas when part of a permitted and licensed restaurant.
 - (viii) Outdoor running programs in the Commercial Core.
- (b) Required conditions of business activity outside of a Fully Enclosed Structure:
- (i) Outdoor business activity, other than a restaurant, that is first conducted on or after October 1, 2021, and all restaurants with outdoor seating/dining (the Use) are only allowed if the business enters into an agreement with the City to comply with all of the conditions set forth in this subparagraph (b).
 - (ii) The Use must not Abut a single-family dwelling, two-family dwelling or townhouse;
 - (iii) All structures that are associated with the outside activity must be acoustically well-buffered so that no sound from within any building that services outdoor activity is plainly audible at or inside the property line of any property that is a single-family, two-family or townhouses, with the exception of random, unintentional and intermittent sound created, or escaping from the structure, when people enter or leave the structure;
 - (iv) The owner of the property and operator of the business do not allow outdoor vocal sounds, music or the use of any device that emits sound, including but not limited to outdoor electronic speakers, handheld electronic devices, or musical instruments, by anyone, including customers, or other sound emanating from the outdoor business operations if the sound is plainly audible at or inside the property line of any property on which there is a townhouse, single-family dwelling or duplex (two-family dwelling) (Residential Property);
 - (v) Nothing contained herein is intended to authorize sound that would otherwise be in violation of the City's Code, including the City's noise ordinances.
- (4) Special events exempted. Retail sales and activities associated with special events such as, but not limited to, art fairs, art festivals, fund raising events, and special promotion programs which have received a Special Events Permit from the City is not required to obtain a permit for the outside display of retail merchandise as set forth in this Subsection (V).
- (5) Outdoor Seating/Dining.
- (a) Definitions. Solely for the purposes of this Subsection (V), the following words, terms and phrases, when used in this Subsection (V) will have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:
- Abut or Abutting means that one lot or parcel is contiguous with another lot or parcel or separated only by a right of way.
- Applicant means the person or entity that applies for a permit.
- City means the City of South Miami, except that when the context suggests an individual will take some action on behalf of the City, the term City will be interpreted to mean the City Manager or designee.

City Manager means the City Manager or the City Manager's designee.

Code compliance officer means the code compliance officers or code enforcement officer, or any other authorized agent or employee of the City whose duty it is to assure compliance with the City's Land Development Code or the City's Code of Ordinances.

Commercial Properties means real estate that is used for business activities but not including residential properties located in any residentially zoned districts other than RM-24 and they are in or contiguous to the Hometown District Overlay Zone.

Contiguous with a public right-of-way means outdoor locations that abut the public right-of-way and are not completely separated from such right-of-way by any permanent structures or walls.

Fully Enclosed Building means a building whose openings remain closed except for the normal and reasonable opening of doors when entering or leaving the building.

Menu board means a board allowing for the posting of a restaurant's menu and fabricated in such a manner so as not to constitute a form of general advertising or establishment identification.

Nuisance means any of the places or acts defined by Section 823.05, Fla. Stat.,

Outdoor seating and dining means tables and/or seating that are situated outdoors and where food and/or beverages are sold, served and/or consumed or where they are intended to be sold, served and/or consumed and includes sidewalk cafes.

Outdoor means an area outside of a permanent structure that may or may not be permanently covered with a roof.

Permanent Structure means a structure permanently affixed to the ground, which has four walls and a roof and that might or might not have an opening to the outdoor seating and dining areas.

Permittee means the recipient of an Outdoor Seating/Dining Permit under the terms and provisions of this paragraph (5).

Permit Year means the City's fiscal year that commences on October 1 and that ends on September 30 of the following calendar year.

Restaurant means a food service establishment that is maintained and operated as a place where food and/or beverages are prepared and/or served and sold for consumption within the premises, or a business establishment which has, as an ancillary or secondary use, a part thereof where food and/or beverages are prepared and/or served and sold for consumption within the premises.

Right-of-way, or public right-of-way, means land in which a governmental body owns the fee title or has an easement devoted to or required for use as a transportation facility including sidewalks and streets.

Sandwich board sign has the same definition as set forth in Section 20-4.3(B) under the name "Sign, portable outdoor dining."

Seating means any type of chair or other furniture provided for or used by customers for the intended purpose of sitting while consuming beverages or food.

Sidewalk means that portion of the right-of-way which is intended for use by pedestrians and is located between the curb line or the lateral line of a street and the adjacent property line.

Sidewalk café ("Café") means an outdoor seating and dining use located on a right-of-way or on private property that is contiguous with a public right-of-way and which is associated with a restaurant and is primarily characterized by tables and chairs; may be shaded by awnings, canopies or umbrellas; and may include such other sidewalk Café furniture as permitted and/or approved pursuant to this paragraph (5).

Sign has the same meaning as provided for in Section 20-4.3 of this Code.

Street means that portion of a right-of-way improved, designed or ordinarily used for vehicular traffic and/or parking.

Table means any furniture which is used for the placement of food or beverages.

- (b) Outdoor seating/dining is permitted on all commercial properties located anywhere in the City with the exception of commercial properties located in the NR Neighborhood Retail, the RO Residential Office and RM-24 (Medium Density Multifamily Residential) zoned districts. Outdoor seating/dining is only permitted in the NR Neighborhood Retail, the RO Residential Office and RM-24 (Medium Density Multifamily Residential) zoned districts if they are located within or contiguous to the Hometown District Overlay Zone (HD). If the property is outside of, but contiguous to, the HD, it must be unified with a property that is within the HD and the owner must have recorded a Unity of Title as to those parcels; and
- (c) A permit application for outdoor seating and dining or a sidewalk café on public property or on public rights-of-way or on private property contiguous with a public right-of-way, must be filed with the Planning and Zoning Department and approved by the City Manager prior to such use. The application must include a layout (site plan) of the location of all tables, chairs (including number and type of chairs), benches, and other furniture; pedestrian ingress and egress; location of refuse containers; location of approved outdoor speakers; and other elements necessary to illustrate the proposed outdoor seating/dining use and area (all drawings must be titled, indicate orientation, and be at an acceptable scale). If applicable, the site plan must clearly indicate which seats and tables are on private property and which are on the public right-of-way. The City Manager may require that an amended site plan be submitted in order to address specific problems. At least seven (7) days prior to the City's Manager's decision on an application for a property that is located in the NR Neighborhood Retail, the RO Residential Office or RM-24 (Medium Density Multifamily Residential) zoned district and located within or contiguous to the Hometown District Overlay Zone (HD), the City must post a sign on the subject property which identifies the nature of the pending application and the means by which questions or comments on the application may be directed. The City Manager will consider any comments received by the public prior to issuing a decision on the application.
- (d) A permit for a sidewalk café or outdoor seating/dining areas and uses of the public right-of-way and/or any private property contiguous with a public right-of-way (hereinafter referred to as an "outdoor seating/dining permit") may be approved, denied, or approved with conditions, modifications, safeguards, or stipulations appropriately and reasonably related to the intent, purposes, standards, and requirements of the related regulations by the City Manager. Such outdoor seating/dining permit is not transferable in any manner and it is strictly a conditional use permit, issued for a period of one year, renewable annually via payment of the annual business tax receipt, annual proof of compliance with the requirements of this ordinance, including insurance and, if applicable, payment of the per seat fee set forth below.
- (e) The fee for outdoor seating/dining permit will be charged annually, and paid at the same time as the applicant/permittee pays its business tax receipt, for each outdoor seat located on public rights-of-way or on any private property contiguous with a public right-of-way and/or any stand-alone table top with no seating which is provided in conjunction with the sale of, or intended to

be used for, or in the course of, the consumption of beverages or food. If the applicant has an existing restaurant, the initial fee will be prorated based on the time remaining before the applicant's business tax receipt expires. The permit fees to be charged will be set forth in the City's schedule of Fees. The permit fee will be added to the annual business tax receipt and the payment of all outstanding violation fees for the main business. No outdoor seating/dining permit will be issued while the applicant/permittee is delinquent in the payment of any money owed to the City.

- (f) The applicant/permittee must provide the City with:
- (i) A copy of the business tax receipt from the City of South Miami;
 - (ii) Copies of all required health department permits to operate a sidewalk café or equivalent outdoor seating/dining restaurant;
 - (iii) A policy and/or certificate of insurance and an indemnification agreement that is acceptable to the City Manager and that provides for compliance with the City's insurance and indemnification requirements, including:
 - a. Commercial general liability insurance in the amount of one million dollars (\$1,000,000.00) per occurrence for bodily injury and property damage;
 - b. For sidewalk cafes and other outdoor seating/dining area that serve alcoholic beverages, liquor liability insurance in the amount of one million dollars (\$1,000,000.00) per occurrence for bodily injury and property damage;
 - c. A Workers' compensation and employers' liability policy as required by the state of Florida;
 - d. The City must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement to cover liability applicable to outdoor seating/dining and/or sidewalk cafes as described in this paragraph (5);
 - e. All policies must be issued by companies authorized to do business in Florida and rated A-VIII or better per Best's Key Rating Guide, latest edition. The City Manager may increase these insurance requirements provided such requirements are applied to all parties similarly situated;
 - f. Proof of insurance must be provided to the City as a requirement of the permit. If such proof is a nonbinding certificate, the applicant/permittee's insurance agent or carrier must annually advise the City in writing, on a form acceptable to the City Manager under penalty of perjury, of the insurance coverage being provided, the term of the coverage and verifying that the outdoor seating/dining area and the City are covered by the required insurance. Such affidavit/declaration must include the policy number, company name and company contact information and the form numbers of the policy and all of the endorsements to the policy. City administrative staff may contact the permittee's insurance company periodically to verify the existence and continuance of such insurance; however, this in no way relieves the insurance agent of the agent's duty to provide truthful information to the City. Unless the owner or operator of the outdoor seating/dining area provides the City with a binding certificate of insurance and an endorsement to provide the City with at least ten (10) days' advanced notice of intent to cancel the policy, the owner or operator must pay the City a fee each time the City contacts the insurance company, to cover the cost to verify existence of coverage. Failure to comply

with these requirements will be deemed to be operating without a valid permit and, upon a finding by the City Manager that such failure has occurred, will cause an immediate suspension of the permit and the assessment of a daily fine as set forth in the City's schedule of fines until the permit is revoked or the requirements are met. Applications for permits must include an indemnification of the City for any and all liability associated with the permittee's operation of the sidewalk café/outdoor seating and dining area.

- (g) It is a violation of this paragraph (5) to operate the sidewalk café/outdoor seating and dining area in a manner that is inconsistent with the approved site plan or constitutes a nuisance as defined in this Subsection 20-3.6(V), or that in any way constitutes a unreasonable risk of injury to persons or damage to property or potential liability to the City
- (h) An outdoor seating/dining permit may be temporarily expanded by the City Manager upon receipt of a written request including a site plan during special events.
- (i) An outdoor seating/dining permit area must be kept in a neat and orderly appearance and must be kept free from refuse and debris. The permittee is responsible for daily cleaning and sweeping of the sidewalk café area and for the cleanliness and maintenance of any outdoor planters immediately adjacent to the outdoor seating/dining area. Cleaning includes twice-monthly pressure cleaning or other appropriate cleaning methods, as determined by the City. Use of City sidewalks for trash and garbage removal is prohibited.
- (j) A sidewalk café must not interfere with the free and unobstructed pedestrian or vehicular circulation of traffic, public access to any street intersections, crosswalks, public seating areas and conveniences, bus stops, alleys, service casements, handicap facilities, or access to any other public, residential or commercial establishments. The width and location of the sidewalk pedestrian passage through the sidewalk café must be as follows:
 - (i) If there is seating on one side of the sidewalk, a minimum of five (5) feet of sidewalk must remain unobstructed by outdoor seating furniture and the maneuvering of chairs, and clear for pedestrian passage;
 - (ii) If there is seating on two (2) sides of the sidewalk, a minimum of five (5) feet of sidewalk between the two (2) seating areas must remain unobstructed by outdoor seating furniture and the maneuvering of chairs, and clear for pedestrian passage;
 - (iii) All outdoor furniture, including, but not limited to, tables, chairs and umbrellas (excluding outdoor planters), must be located a minimum of eighteen (18) inches from the curb.
- (k) A sidewalk café on the public rights-of-way must be open and unenclosed. No building structures of any kind is allowed in or over any portion of the outdoor seating/dining area located on public property, except by prior express written authority of the City Manager.
- (l) Tables, chairs and all other furniture used in the operation of an outdoor seating/dining area on the public rights-of-way may not be anchored or restrained in any manner. Individual table umbrellas, planters, or other such non-stationary elements may be permitted within the outdoor seating/dining area and, where applicable, must have a minimum clearance height of seven (7) feet above the sidewalk.
- (m) A sidewalk café must apply for and receive advanced written specific approval to provide amplified sound of any kind in the outdoor seating area. In the event the City Manager determines that the amplified sound constitutes a nuisance as defined in this Subsection 20-3.6(V), the City Manager will impose additional conditions; in the event of a second offense, the City Manager will revoke the approval authorizing the use of amplified sound. Sound must be kept at a low volume so as to not disturb neighboring businesses, residences, or to be audible in

neighboring residential districts. Plans for amplified sound must be submitted with the site plan. Each establishment must sign an agreement in order to have amplified music.

- (n) A sidewalk café on public rights-of-way is restricted to the length of the sidewalk or public right-of-way immediately fronting the sidewalk café unless expressly authorized in writing by the City Manager. The utilization of space extending beyond the subject property frontage onto the immediately adjacent property may be authorized by the City Manager with the express written approval of the adjacent storefront owner; however, the seats and chairs in this location may not block the adjacent storefront windows. This expansion is subject to annual written consent provided by the property owners in front of whose properties the outdoor seating/dining service would occur. The annual written consent form must be provided to the City and must include an insurance policy naming the City as an additional insured and a hold harmless clause in favor of the City.
- (o) A sidewalk café must be at the same elevation as the adjoining sidewalk or public right-of-way unless expressly authorized in writing by the City Manager.
- (p) Carts and trays for serving food are permitted in the outdoor seating/dining area but must comply with the provisions of paragraph 9(a) and (b).
- (q) The maximum number of outdoor seats may not exceed eighty (80) percent of the number of indoor seating, except for restaurants with indoor seating of twenty-five (25) seats or less which may have outdoor seats not to exceed one hundred (100) percent of the number of indoor seats.
- (r) During the operating hours all outdoor furniture must be securely placed as shown on the approved site plan or as may be ordered by the City Manager in writing. After operating hours, outdoor furniture must be neatly stacked to a maximum height of five (5) feet without blocking the sidewalk. A City approved cover may be required by the City Manager for chairs left outside when stacked.
- (s) No person, property owner, lessee or restaurant may allow outdoor seating/dining without a permit. Each day that outdoor seating/dining or similar activity occurs without a permit or in violation of the site plan, constitutes a separate incident of violation and results in a fine for each day of continued violation. The continuing operation of a sidewalk café or any outdoor seating/dining activity without a permit as required by this ordinance after the receipt of a violation notice from the City Manager may also result in the revocation of the restaurant business tax receipt pursuant to Section 13-16 of the City Code.
- (t) Any violation of the regulations and standards set forth in this paragraph (5) constitutes a separate violation. The violator of a subsequent violation of any of the regulations and standards set forth in this paragraph (5) will be fined for each day of such continued violation as set forth in the City's schedule of fines. The continuing operation of an activity governed by this paragraph (5) without a permit or with a suspended permit or after the receipt of a violation notice from the City Manager and the failure to timely cure the violation, may result in the revocation of the business tax receipt of the person or entity responsible, pursuant to Section 13-16 of the City Code.
- (u) The City will issue twenty-four-hour warning notices for all non-life safety violations of this paragraph (5) which must be corrected with twenty-four (24) hours of receipt of such notice.
- (v) No warning notices are required prior to the issuance of a violation for failure to have a permit or for life safety violations and/or life safety or sidewalk café site plan violations and such violations must be corrected immediately. Life safety violations are defined as those conditions which, in the reasonable determination and judgment of the City Manager, involve serious danger and/or risk to the public health, safety or welfare (including, without limitation, blocking pedestrian

pathways and violations of the state accessibility code for building construction). Life safety outdoor seating/dining site plan violations are defined to include those instances where the permittee is operating outside of the permitted outdoor seating/dining use area (as approved pursuant to this code) such as where sidewalk café furniture is found outside the approved boundaries of the outdoor seating/dining use site plan; but will not be deemed to include instances where a chair or chairs are temporarily moved outside the approved boundaries of site plan by a sidewalk café patron(s) unless it remains in such unauthorized location for more than fifteen (15) minutes.

- (w) If City personnel finds a violation of this ordinance after a twenty-four-hour warning notice of such violation has been previously issued, then a notice of violation will be issued to the violator. No such warning notice is required for the failure to have a valid permit or for life safety violations of this paragraph (5) and for life safety outdoor seating/dining site plan violations, and a violation may be issued at any time.
 - (x) The City Manager or designee may order all furniture, including, but not limited to, seats, tables, and planters to be removed in the event of a pending storm, hurricane, or other declared emergency.
 - (y) Tables, chairs and other furniture on the sidewalk may be removed by the City, and a reasonable fee charged for labor, transportation, and storage as well as a fine which is initially set at two hundred fifty dollars (\$250.00) and which will be levied against the person or entity who owns and/or controls such furniture, should the responsible person or entity fail to remove said items within thirty-six (36) hours of receipt of the City's notice to do so for any reason under this paragraph (5). In the event of a pending storm, hurricane or other declared emergency, the City Manager may reduce the thirty-six (36) hour time frame. The City Manager will promulgate and review, as needed, regulations regarding the storage and disposition of sidewalk café furniture under this paragraph (5).
 - (z) An outdoor seating/dining permit may be temporarily suspended by the City Manager for public use/purpose, utility, sidewalk or road repairs, emergency situations. The length of suspension will be determined by the City Manager as necessary. Removal of all street furniture and related obstructions is the responsibility of the permittee as well as the owner/operator of the outdoor seating/dining area.
- (6) Outdoor Seating/Dining Within the Downtown SoMi (DS) Zoning District.
- (a) Outdoor seating and dining or a Sidewalk Café on private property within the Downtown SoMi (DS) district is permitted upon approval of an outdoor seating site plan filed with and subject to administrative approval by the City Manager and the issuance of an outdoor seating and dining permit. The application for such administrative site plan approval must include a layout (site plan) of the location of all tables, chairs (including number and type of chairs), benches, and other furniture; pedestrian ingress and egress; location of refuse containers; location of approved outdoor speakers; and other elements necessary to illustrate the proposed outdoor seating/dining use and area (all drawings must be titled, indicate orientation, and be at an acceptable scale). If applicable, the site plan must clearly indicate which tables, chairs, benches, and other furniture are on private property versus within a public right-of-way. Approval of outdoor seating/dining is subject to the availability of sufficient parking for said use and that accessibility and life safety standards are met, as based on adopted ordinances and building codes effective within the City. In addition, outdoor seating and dining within the DS district must comply with and is governed by Subsection (V) paragraph (3)(b)(i) through (v) and (vii) and paragraph (5)(m), (t), (u), (w) and (x).

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- (b) Outdoor seating/dining located within a public right-of-way that is adjacent to or within the DS district is required to comply with the provisions of paragraph (5) of this Subsection (V).
- (7) A business license/Business Tax Receipt (BTR) or a permit to operate outside of a structure may be revoked or suspended by the City Manager.
- (a) Suspension. The City Manager may suspend a permit or a BTR for up to 30 days upon a finding that one or more of these Subsection (V) regulations have been violated or, in the case of a sidewalk café (Café) or Outdoor Dining, the business is being operated in a manner that is inconsistent with the approved site plan or constitutes a nuisance as defined in this Subsection 20-3.6(V), or in any way constitutes an unreasonable risk of injury to persons or damage to property or potential liability to the City provided the following conditions are met;
 - (i) The City Manager is authorized to set the period of suspension, but it must be established by the City Manager as an administrative order that is consistently enforced against businesses that are similarly situated;
 - (ii) the City Manager has given the business and property owner a courtesy Notice of Civil Infraction (Citation) of the violation and a reasonable time to correct the violation if the violation cannot be immediately ceased;
 - (iii) A second violation of this Subsection (V);
 - (iv) The City Manager gives the business and property owner reasonable notice of the hearing by personal service or in the same manner as set forth in Chapter 48, Fla. Stat. for service of process, or certified mail delivery, or if the business or property owner have been communicating with the City by email, then service may be by email to which the owner either responds or in which the owner confirms receipt of the email, no later than ten (10) days prior to the date of the hearing;
 - (v) The business and property owner are given a reasonable opportunity to be heard and to present evidence and cross examine witnesses
 - (vi) The City Manager finds by competent substantial evidence that this Subsection (V) was violated (Substantiated Violation);
 - (vii) In lieu of a hearing held by the City Manager, the City Manager may suspend the permit or BTR if the owner of the property and/or business owner who conducts outside commercial activity has been found to have violated this Subsection (V) by the City's Special Magistrate (Substantiated Violation) in accordance with the procedure set forth in Section 2-25 of the City's Code of Ordinances.
 - (b) Revocation. The City Manager may revoke the BTR or permit after a hearing if there have been three (3) or more violations of this Subsection (V) within any one 90-day period of time and
 - (i) The City Manager gives the business and property owner reasonable notice of the hearing by personal service or in the same manner as set forth in Chapter 48, Fla. Stat. for service of process, or certified mail delivery, or if the business or property owner have been communicating with the City by email, then service may be by email to which the owner either responds or in which the owner confirms receipt of the email, no later than ten (10) days prior to the date of the hearing and an opportunity to show cause why the BTR or permit should not be revoked;
 - (ii) The business and property owner are given a reasonable opportunity to be heard, to present evidence and to cross examine witnesses.

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- (c) Appeal. A decision by the City Manager to suspend (including a suspension due to a noise violation governed by this Subsection (V) or to revoke a BTR or permit for failure to comply with these regulations may be appealed by the property or business owner to the City Commission pursuant to the appeal procedure set forth in Section 13-105 of the City's Code of Ordinances. Notwithstanding anything contained in Section 13-105 to the contrary, an appeal must be filed with the City Clerk within thirty (30) days of receipt of written notice of the City Manager's decision. An appeal of the City Manager's decision stays the implementation of the City Manager's decision unless the activity in question clearly meets the definition of a nuisance as defined in this Subsection 20-3.6(V) The City Commission must hear and enter a decision within sixty (60) days from the date the appeal is filed. The City Manager's decision must be in writing and indicate the grounds for this action and the provisions of the City's Code that have been violated, if any, and/or the nuisance that exists as defined in this Subsection 20-3.6(V).

(W) Solar Requirements.

- (1) Applicability. All new construction of single-family residences with living area greater than one thousand one hundred (1,100) square feet, townhouses, and any multi-story residential building where a section of roof can be reasonably allocated, as determined by the Director of the Building Department or the Planning and Zoning Department, to a separately metered dwelling unit (hereinafter referred to as "qualifying multi-story residential building"), and all alterations or additions made to existing residential structures that either increases by seventy-five percent or more the air-conditioned square footage of the structure, or that replaces seventy-five (75) percent or more of the existing sub-roof (any portion of the sub-roof that is necessarily replaced due to damage from a natural disaster shall not be included in the calculation of this percentage) must either
 - (a) Install solar collectors in the amount set forth in Subsection (W)(2) below, or;
 - (b) Pay a fee as set forth in Subsection (W)(3), to the City of South Miami Solar Trust Fund.
- (2) Solar Collectors.
 - (a) Design and construct the roof so as to withstand the combined weight of all product approved roofing material and the weight of solar collectors and install at least the minimum number of solar collectors required in Subsection (W)(2)(b).
 - (b) Minimum Required Installation. Either install:
 - i. A minimum of one solar panel with a rating of 2.75 kW nameplate photovoltaic capacity per one thousand (1,000) square feet of roof area or the maximum number for which there is sufficient space within the available roof top solar zone, whichever is less; or
 - ii. One hundred seventy-five (175) square feet of a solar thermal system per one thousand (1,000) square feet of roof area, or the maximum number for which there is sufficient space within the available roof top solar zone, whichever is less.
 - (c) Avoiding the Creation of Shade. Structures must be designed in such a way so as to maximize the available solar zone and the plans submitted must include a certificate from the architect certifying that the design of the structure has maximized the available solar zone. The available solar zone does not include areas that are obstructed by objects that are not located on the roof or another part of the same building, such as landscaping or a neighboring building.
 - (d) Minimum Specifications for Solar Collectors.
 - i. Solar photovoltaic systems: Photovoltaic collectors satisfying the requirements of this section shall be at rated at no less than ten (10) watts DC faceplate capacity per square foot.

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- ii. Solar thermal systems: Single-family residential solar domestic water heating systems shall be OG-300 System Certified by either the Solar Rating and Certification Corporation (SRCC) or the International Association of Plumbing and Mechanical Officials (IAPMO).
 - iii. Solar photovoltaic systems and solar thermal systems must be installed in accord with all applicable state code requirements, including access, pathway, smoke ventilation, and spacing requirements, all applicable local code requirements, and manufacturer's specifications.
- (e) Approval and Compliance. The issuance of a City building permit for the installation of a solar collector must be obtained before the installation of a solar collector. The plans must demonstrate that the requirements of the City code and the Florida Building Code are satisfied and the architect of record must sign and seal the plans indicating compliance. Subsequent review approval must be carried out through the standard review processes for residential construction. Inspection must be performed by the Building Department as per the City's permit requirements for solar power or water heating installations. Enforcement of this subsection will be carried out by the City including the Code Enforcement Division.
- (3) Payment-in-lieu. If solar panels are not installed as described above, then the property owner/applicant must pay a "Solar Collector Fee", in the amount set forth in the City's current Schedule of Fees and Fines. Said fee must be set at fifty (50%) percent of the cost, at market rate, to obtain the minimum amount of solar collectors that would otherwise be required.
- (4) Solar Collector Trust Fund.
- (a) Definitions. As used in this section, the following words shall have the following meanings:
Fund means the Solar Collector acquisition and development fund.
 - (b) Purpose. The fund is hereby created for the purposes of acquiring and developing Solar Collector Systems.
 - (c) Funding sources. City budgeted funds as well as federal, state, county and private funding, including the Solar Collector Fees charged in lieu of the installation of Solar Collectors on property to be developed and other similar sources.
 - (d) Use of funds. Any monies deposited into the Fund and their interest or investment earnings must be applied toward the acquiring and developing of Solar Collectors on City property.
 - (e) Each year as part of the city's annual budget process, the City Manager must submit a proposed spending plan for the Fund.
- (X) Bird-Friendly Design.
- (1) Glazing. In all zoning districts other than RS and RT, one hundred percent of the window and door glazing in the Bird Activity Zone must use Bird-Safe Glazing Treatment. Other glazed areas within the Bird Activity Zone that have unbroken glazed segments twenty-four square feet and larger must also be constructed using Bird-Safe Glazing Treatment. Areas above the Bird Activity Zone do not need to use Bird-Safe Glazing Treatment regardless of size.
 - (2) Lighting. Lighting shall be shielded. No up-lighting shall be used. Searchlights are prohibited.

20-3.7 Planned unit developments.

- (A) General Provisions.

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- (1) Planned unit development shall be so related to general development patterns and the objectives of the city's adopted Comprehensive Plan as to provide for the comfort and convenience of occupants, facilitate protection of surrounding neighborhoods and alleviate traffic congestion.
 - (2) Housing, commercial uses, service facilities and principal places of employment for and in planned unit developments shall be related either by physical proximity or by major street networks and rapid transit to promote these objectives.
 - (3) Where there are conflicts between the planned unit development regulations contained in this section and other sections of this Code, the regulations in this section shall apply to all planned unit developments approved as special uses after the effective date of this Code, unless the city commission determines in a particular case that:
 - (a) The regulation fails to serve public purposes to a degree at least equivalent to general city zoning regulations or other requirements; or
 - (b) Actions or other solutions proposed by the applicant, although not literally in accord with the regulations of this section, satisfy public purposes to an equal or greater degree.
- (B) Basic Requirements.
- (1) Unity of Title Required.²
 - (a) A Unity of Title as set forth in Section 20-5.16 shall be required for all Planned Development Projects.
 - (2) Density:
 - (a) The intensity in planned unit development districts shall be governed by those densities and intensities established for the zoning district or districts involved and the city's adopted Comprehensive Plan.
 - (b) If more than one (1) residential zoning district is involved, the maximum number of dwelling units shall be the combined amount permitted in all of the districts, with each district calculated separately according to its site area times the permitted density.
 - (3) Site Characteristics:
 - (a) The site shall be suitable for development in the manner proposed, without potential hazard to persons or property on or off-site, from flooding, erosion, subsidence or soil slippage, or other dangers, annoyances or inconveniences.
 - (b) Soil condition, ground water level, drainage and topography shall be appropriate for the type and pattern of use intended.
 - (c) The site shall meet all requirements for development under the Florida Building Code and other applicable city, county, state and federal regulations.
 - (d) Site division:
 - i. If appropriate to the form of planned unit development, lands to be included in the planned unit development may be divided by public or approved private streets, alleys, paths, bicycle paths, people movers, rights-of-way or easements.

²Editor's note(s)—Per instruction from the city, section 3 of Ord. No. 23-99-1697 has been added as 3.7(B)(1), and subsections (B)(1)—(B)(17) have been renumbered as (B)(2)—(B)(18).

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- ii. The site shall be located and arranged to permit unified planning and development, and to meet all requirements, as well as provide necessary protection against adverse relationships between or among uses in the planned unit development and uses in surrounding areas.
 - (4) Traffic Flow and Control:
 - (a) Traffic flow to and from the development shall be so designed that it will not intrude on local streets in nearby residential areas.
 - (b) Traffic flow to and from the development shall be designed to retain the major portion of such traffic on arterial and collector streets.
 - (c) Adequate ingress and egress to the development shall be required and shall be measured by acceptable traffic engineering projections, methods and standards in determining:
 - i. Safety and convenience of vehicle traffic entering and leaving the site.
 - ii. Safety and convenience of pedestrian movements in relation to vehicular traffic.
 - iii. General access of residents, employees and visitors to, from and within the site.
 - iv. Access to and within the site in the event of fire, crime or other emergency or catastrophe.
 - v. General traffic flow and control, with determinations to be based upon existing street patterns, or future improvements as they may be decided as a condition of approval.
 - (d) Where rapid or mass transit is a major consideration, the relationship of such facilities shall be a part of consideration of traffic flow and control.
 - (5) External Relationships.
 - (a) Scale shall be such that careful consideration be given to the relationship of the development to nearby uses and structures, and to the manner in which the development will impact the city and surrounding areas.
 - (b) Site planning shall protect surrounding areas from potentially adverse impacts and influences of the development.
 - (6) Screening and Buffering.
 - (a) Yards, fences, walls or vegetative screening shall be provided and maintained at edges of developments to protect occupants from undesirable views, lighting, noise or other deleterious off-site influences and to protect nearby residents and businesses from similar adverse influences.
 - (b) In particular, screening may be required for off-street parking and loading areas, refuse storage and collection areas and intensive recreational areas.
 - (7) Off-Street Parking and Loading.
 - (a) Off-street parking shall be provided in such locations and amounts that residents, visitors and employees of the development arriving by vehicle will not have to park in non-planned development-related parking facilities.
 - (b) Off-street facilities for the loading and unloading of goods and products shall be provided in locations and amounts that such activity can be conducted off public streets without inconvenience to vehicle flow into and from the development and without inconvenience to vehicular parking.
 - (c) Determinations as to the location and amount of off-street parking and loading shall consider:

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- i. Rapid or mass transit potential to and from the site and standard traffic engineering projections, principles and practices.
 - ii. The relationship of off-street parking and loading facilities to adjacent streets, as they presently exist or as they may be improved or patterns changed as a condition to granting approval.
 - iii. Pedestrian circulation and its relationship to proposed off-street parking and loading.
 - iv. Internal traffic flow and control.
 - v. Arrangement of such facilities in relation to fire, crime or other emergency or catastrophe.
 - vi. Screening or landscaping of parking or loading areas to minimize the visual impacts of such facilities.
- (8) Signs and Lighting.
- (a) The number, size, character, location and orientation of proposed signs and lighting shall be as necessary to ensure the safety of vehicular and pedestrian traffic.
 - (b) Lighting and signs shall be such as to provide for compatibility and harmony with nearby and adjacent properties and the general character of the surrounding area.
 - (c) Following final approval, the city shall erect and maintain all street name signs and traffic-control signs for public streets.
- (9) Service Areas.
- (a) Refuse and service areas for a planned unit development shall be designed, located, scaled and screened in a manner which minimizes impacts on surrounding properties or adjacent public rights-of-way.
 - (b) The manner and timing of refuse collection or other service delivery activities shall be arranged so as to minimize impacts on surrounding properties or adjacent public rights-of-way.
- (10) Control of Potentially Adverse Effects.
- (a) The use and occupancy of a proposed planned unit development shall be compatible and harmonious with other development in the area, to a degree which will avoid substantial depreciation of the value of nearby properties.
 - (b) As the case requires, special remedial measures to eliminate or reduce, to the maximum extent possible, adverse impacts shall be required.
 - (c) Such special remedial measures shall include, but shall not be limited to:
 - i. Screening or buffering;
 - ii. Landscaping;
 - iii. Control or manner of operation;
 - iv. Changes in proposed construction or design of buildings;
 - v. Change in building location;
 - vi. Relocation of proposed open space or alteration of use of such space;
 - vii. Changes in traffic patterns; or
 - viii. Improvement of streets.

(11) Streets.

- (a) Where improvements in existing street systems, including pavement widening, divider medians, signalization and the like are found by standard traffic engineering projections and methods to be required in connection with a proposed planned unit development, approval of a special use permit for a planned unit development shall be conditioned on arrangements satisfactory to the City and the applicant for the provision of such improvements.
- (b) Emergency access roads shall conform to standard engineering requirements for emergency vehicle use; utilize proper and sufficient signing and lighting; be designed to minimize interference with other access routes and pedestrian circulation; and, wherever possible, a separate, parallel pedestrian walkway system to all emergency entrances and exits shall be provided.
- (c) Unobstructed access roadways, easements and other facilities shall be provided in accordance with the requirements of the Miami-Dade County Fire Department.

(12) Uses.

- (a) Planned unit development uses shall form complementary and compatible groupings contributing to the efficiency, safety and convenience of the development and its surrounding area by its nature, location and design.
- (b) Applications for approval of a planned unit development may be denied if the proposed development does not contain facilities demonstrated to be completely compatible, or if a particular use or combination of uses proposed would not be appropriate in the location proposed because of the character of surrounding development, the city's adopted Comprehensive Plan or other uses permitted in the applicable zoning district.

(13) Building Heights.

- (a) In determining the height of buildings, where a proposed development is bounded by one or more public streets, plans for such development shall take into account:
 - i. The heights of existing structures surrounding the proposed development;
 - ii. The nature and character of development desired by the city in such areas; and
 - iii. The objectives of the city's adopted Comprehensive Plan for such areas.

(14) Pedestrian Amenities. The proposed development shall maximize pedestrian amenities along street fronts, such as providing for covered walkways, landscaping and appropriate street furniture.

(15) Transit Availability. Where the location of a development will reasonably relate to rapid or mass transit facilities, the development shall be planned to afford:

- (a) The fullest opportunities for convenient and safe access to such facilities; and
- (b) The greatest safety and convenience compared with other possible major points of access to and from the development.

(16) Spatial Relationships. The site plan for a proposed planned unit development shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities; for appropriate relationship of space inside and outside of buildings to intended uses and structural and architectural features.

(17) Open Space. Within every development, open space shall be permanently provided and maintained exclusively for leisure and recreational purposes as follows:

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- (a) Each residential development shall provide at least thirty (30) percent of its total site area as usable private or public open space.
 - i. At least one-half of the open space above shall be contiguous.
 - ii. Active open spaces shall be at least twenty-five (25) feet in width at their narrowest dimension.
 - iii. Passive open space may be of any size or shape.
 - (b) The following areas shall not be considered as usable open space:
 - i. Parking areas and driveways;
 - ii. Buildings and structures;
 - iii. Private ownership areas; and
 - iv. Street surface areas.
- (18) Sidewalks.
- (a) Any second level connector from the development to the MetroRail Station shall be constructed in accordance with the PUD agreement.
 - (b) To the greatest extent possible, all sidewalks shall be located at the right-of-way line.
 - (c) All sidewalks shall be modified to accommodate the handicapped.
- (C) Types of Planned Unit Developments.
- (1) Planned Unit Development — Residential (PUD-R)
 - (2) Planned Unit Development — Mixed Use (PUD-M)
 - (3) Planned Unit Development — Hospital (PUD-H)
- (D) Residential District (PUD-R).
- (1) General requirements.
 - (a) A PUD-R district may be established for planned residential development and redevelopment.
 - (b) Such development shall be subject to the general procedures of this Code applicable to all planned unit developments, as well as the requirements of this section.
 - (c) Establishment of a PUD-R district shall consider:
 - i. General housing needs and requirements in the City as a whole;
 - ii. Housing needs in the area in which the PUD-R district is proposed and;
 - iii. Housing needs of a particular type.
 - (2) Uses and structures.
 - (a) Principal and accessory uses and structures may be permitted in PUD-R developments, subject to the limitations and requirements herein.
 - (b) Uses and structures in a PUD-R district generally shall be permitted as follows:
 - i. Residential dwellings;
 - ii. Public and private schools;
 - iii. Houses of worship;

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- iv. Social, recreational and cultural facilities, such as neighborhood or community centers, game rooms, libraries, swimming pools, tennis courts and the like; and
 - v. Structures required for the operation of utility, performance of governmental functions, or performance of any function necessary for a PUD-R development.
- (c) In multi-family residential buildings or complexes of at least seventy-five (75) dwelling units, establishments may be permitted for the sale of convenience goods, eating and drinking places and professional services, provided that:
- i. The total floor area occupied by all such uses shall not exceed ten (10) percent of the residential floor area of such building or complex;
 - ii. Such establishments shall be designed, scaled, oriented and located so that they meet only the requirements of occupants of the development and their guests; and
 - iii. There shall be no signs or other evidence of such establishments when viewed from adjacent rights-of-way.
- (3) Minimum land area for PUD-R development shall be two (2) net acres.
- (4) When adjoining a single-family residential district, a landscaped buffer area of not less than twenty (20) feet in width shall be provided.
- (5) Except along boundaries where a PUD-R district adjoins a district permitting the same or greater heights within similar areas, no portion of any building in a PUD-R development shall project through imaginary planes leaning inward from the PUD boundaries at a forty-five (45) degree angle.
- (6) Walkways.
- (a) Walkways within the planned unit development shall form a logical, safe and convenient system for pedestrian access to all dwelling units, appropriate project facilities and principal off-site pedestrian destinations.
 - (b) Open air walking distances between dwellings and parking, delivery and refuse areas shall not exceed two hundred fifty (250) feet.
 - (c) If the planned unit development is primarily for elderly housing, such distances shall not exceed one hundred fifty (150) feet.
- (7) Bicycle paths.
- (a) Bicycle paths, if any, shall be coordinated with the local roadway system.
 - (b) Bicycle paths and pedestrian ways may be combined with other easements and used by emergency and service vehicles, but shall not be used by other vehicular traffic.
- (E) Mixed Use (PUD-M).
- (1) General Requirements.
- (a) A PUD-M district may be established for complementary and compatible combinations of commercial, office, hotel or motel, multi-family residential and similar uses directly located and related to the MetroRail station.
 - (b) Such planned unit developments shall be subject to the general procedures, standards and requirements of this Code applicable to all planned unit development, as well as the requirements of this section.

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- (c) The closest major pedestrian entrance to any proposed PUD-M development shall be less than twelve hundred (1,200) feet from the MetroRail station, as measured along the shortest route to accommodate the largest number of pedestrians.
- (2) Uses and Structures.
 - (a) Principal and accessory uses and structures may be permitted in PUD-M developments, subject to the limitations and requirements herein.
 - (b) Specific uses and structures in a PUD-M district shall be as follows:
 - i. Multi-family residential dwellings;
 - ii. Hotels and motels;
 - iii. Child care centers;
 - iv. Houses of worship;
 - v. Vocational schools, business colleges and similar uses;
 - vi. Private clubs and lodges;
 - vii. Professional and business offices, medical and dental clinics and offices and travel agencies;
 - viii. Banks and savings associations;
 - ix. Retail stores, except those dealing in used merchandise other than antiques;
 - x. Business and personal service and repair establishments;
 - xi. Eating and drinking places;
 - xii. Cultural or recreational facilities;
 - xiii. Parking lots and structures, subject to controls to insure parking integrity of the development;
 - xiv. Uses other than those listed above, required for the performance of government, except uses involving storage as the primary purpose; and
 - xv. Structures and uses relating to the operation of public utilities and required to serve the development and neighboring areas; transit or related facilities other than yards, storage, switching or repair shops.
- (3) The minimum site area for a PUD-M development shall be four (4) net acres.
 - (4) MetroRail Station Access.
 - (a) MetroRail station accessways may be required at second or third floor levels within the development where necessary to avoid pedestrian/vehicular conflicts.
 - (b) Consideration shall be given in designing such accessways for their possible use by buildings and activities in the general area, but not a part of the planned unit development.
 - (5) Approval of a PUD-M district shall not be given until arrangement for providing off-street parking and loading in specific amounts and locations are agreed upon by the city and the applicant.
 - (6) Uses in PUD-M developments shall be so arranged horizontally and vertically that:
 - (a) Retail and service uses shall be concentrated for maximum pedestrian convenience and be located for easy accessibility by visitors and employees working in the development;

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- (b) Residential access shall be separated from other access to the development;
 - (c) Office uses shall be located so as to prevent interruption from all other uses; and
 - (d) Loading zones shall be located so as to prevent interference with pedestrian movements.
- (F) Hospital District (PUD-H).
- (1) General Requirements. A PUD-H district may be established for complementary and compatible combinations of hospitals, medical offices, laboratories and related educational facilities and other support services. Such development shall be subject to the general procedures and requirements of this Code applicable to all planned unit developments, as well as the requirements of this Section.
 - (2) Uses and Structures.
 - (a) Principal and accessory uses and structures may be permitted in PUD-H developments, subject to the limitations and requirements herein.
 - (b) Specific uses and structures in a PUD-H shall be the following hospital and accessory uses:
 - i. Intermediate care facility;
 - ii. Extended care facility;
 - iii. Medical clinic;
 - iv. Medical offices;
 - v. Laboratory and research facility;
 - vi. Medical educational facilities;
 - vii. Hospital support facilities including a laundry, cafeteria, dietary services, child care, staff and offices and data processing;
 - viii. Convenience facilities for hospital staff, patients and visitors, including chapels, snack bars, gift shops and florists; and
 - ix. Any other uses determined as part of the PUD-H application, to be compatible with the existing and/or prospective character of the proposed development and surrounding area.
 - (c) Accessory uses, such as convenience facilities, which may provide services to members of the public not associated with the hospital and/or to members of the public not having any business at the hospital shall be so located and designed that there shall be no external features which shall indicate or otherwise draw attention to the existence of said uses.
 - (3) Minimum land area for PUD-H development shall be three (3) net acres.
 - (4) Approval of a PUD-H district shall not be given until arrangement for providing off-street parking and loading in specific amounts and locations are agreed upon by the city and applicant.
 - (5) Waste Handling Facilities.
 - (a) Storage and disposal of hazardous and non-hazardous waste shall be specifically addressed in the preliminary development concept plan.
 - (b) Provision shall be made and sufficient area must be provided to ensure that all waste material will be stored and disposed of safely and in a manner that will not detrimentally impact surrounding areas.

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- (6) The location and design of liquid oxygen and other chemical handling equipment shall be addressed in the preliminary development concept plan such that they will be compatible with the surrounding areas and shall present no hazard to adjacent properties.
 - (7) Uses in PUD-H developments shall be so arranged horizontally and vertically that:
 - (a) The location of specific hospital services are easily identifiable for the convenience and/or emergency needs of the hospital user;
 - (b) The amount of parking determined to be necessary to service a particular hospital function is located within a reasonable distance of said function and appropriate pedestrian linkages are provided;
 - (c) The arrangement of uses does not additionally complicate access and circulation routes for both vehicular and pedestrian traffic; and
 - (d) Service areas shall be located and arranged so as to avoid significant interference between pedestrian, vehicular and emergency vehicle movements.
 - (G) Staged Development.
 - (1) Nothing in this Code shall prevent an applicant from developing in stages or phases, provided that the requirements of this Code are met.
 - (2) Staged development shall be subject to the following:
 - (a) Proposed stages shall be delineated on plan;
 - (b) Data required for the project as a whole shall be given for each proposed stage;
 - (c) When any stage is developed, it shall conform to the plan of development as approved; and
 - (d) A time frame for each stage shall be established.
 - (3) Where time limits have been established for the initiation or completion of development stages, or where other requirements have been established for an approved planned unit development, and where such time limits or other requirements are not met, the director of building and zoning shall inform the developer and city manager in writing. The city manager shall promptly call the matter to the attention of the city commission with an account of the circumstances and the findings of the department. The city commission may refer the matter to the planning board for review and recommendation. The developer shall be afforded full opportunity to be heard in the matter. The city commission may take action:
 - (a) That the approval of the special use permit as previously granted be continued with revised time limits; or
 - (b) That approval be continued for part of the planned development with or without revised time limits, that appropriate steps be taken to correct any deficiencies in designated portions of the planned development that have not be developed, and that planned development approval be canceled for the remaining portions of the development as originally approved; or
 - (c) That planned development approval be revoked; or
 - (d) That such other steps be taken as will be equitable to the developer and to the protection of the city's interests.
 - (H) Official Zoning Map.
 - (1) Upon approval of a planned unit development, the boundaries of such development shall be placed upon the Official Zoning Map of the City of South Miami.

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- (2) Placement upon the map shall contain a reference in the margin to the effect of the following: "By Resolution No. _____ of the City Commission of South Miami, Florida, adopted on (date), a (indicate type) planned unit development was approved for this property by special use permit. The requirements applying to such permit are on file in the office of the city clerk."
- (I) Expiration of Planned Unit Development Approval. An approved planned unit development shall lapse after six (6) months if no building permit or certificate of occupancy has been issued for such use and if the city commission has not specified a longer approval period for good cause. Four (4) affirmative votes of the city commission may grant an extension for a previously approved planned unit development if a proper and timely request is made by the applicant prior to the expiration of the approval period.
- (Ord. No. 23-99-1697, § 3, 11-16-99; Ord. No. 04-05-1826, § 1, 2-15-05; Ord. No. 17-11-2090, § 1, 4-19-11)

20-3.8 Annexations.

All territory hereinafter annexed to the city shall continue to be subject to Miami-Dade County zoning regulations until such territory is rezoned by the city. The city commission shall, as soon as practical after annexation, establish permanent zoning of said territory pursuant to the procedures and provisions of this Code.

(Ord. No. 17-11-2090, § 1, 4-19-11)

ARTICLE VIII. TRANSIT-SUPPORTIVE ~~ORIENTED~~ DEVELOPMENT DISTRICT (TSDD ~~TODD~~)¹

20-8.1 Purpose.

The purpose and intent of this article is to maximize and support the presence of a dedicated mass transit center located within walking distance of the boundaries of the TSDD ~~TODD~~. The maximum utilization of that facility will be achieved by surrounding this major mass transit facility with a zoning district that is designed to encourage a mix of high-intensity uses, particularly multi-family residential, retail, service and office uses. While this district provides for the continuation of existing light industrial uses, redevelopment for mixed-use purposes is encouraged throughout the TSDD ~~TODD~~ through flexible and performance-oriented zoning and other regulations and incentives. The strategic and limited expansion of the TSDD ~~TODD~~ into portions of the City's Hometown District Overlay (HD-OV), will promote responsible in-fill redevelopment. The Transit-Oriented Development Area (TODA) located within the TSDD consists of the properties that are contiguous to or abutting the South Miami Metrorail Station. TODA properties are subject to TSDD regulations but may be eligible for additional development incentives or allowances as may be provided by law for transit-oriented districts.

The TSDD ~~TODD~~ is intended to meet multiple goals: Promote efficiency of land use; reduce the combined housing and transportation costs for households by providing diversity of housing options and alternatives to automobile travel; support healthier lifestyles by facilitating a pattern of development that encourages walking, biking and transit use as part of everyday travel behaviors; decrease vehicle miles traveled (VMTs) and the volume of vehicular traffic; reduce the costs of delivering public services by encouraging infill and redevelopment; capitalize on and facilitate public investments in transit infrastructure; and provide convenience by establishing a harmonious mix of uses within a pedestrian-scaled and multimodal transportation-friendly environment. The TSDD ~~TODD~~ regulations are designed to encourage a strong base of diverse residential development, coupled with provisions for complementary retail services and local employment opportunities, all within acceptable walking distances. To accomplish these goals, the code facilitates intense new development and redevelopment, combined with a high-quality pedestrian environment that is achievable through a series of development bonuses and the application of strict design standards.

20-8.2 Definitions.

Terms used throughout this article shall take their commonly accepted meaning unless otherwise defined in the Code. The definitions in this section shall only be used in this article. When there are conflicts between the Code and this section, this section shall control terms requiring interpretation specific to this article. The terms as used in this article shall have the following meaning:

Accessway: A street or driveway which traverses a parcel providing access to an abutting street, alley, or other vehicular use area.

Adult day care: Any non-residential facility, whether operated for profit or not, that supports the health, nutritional, social, and daily living needs of no less than three (3) adult persons in a professionally staffed, group setting. Adult day care facilities shall not offer overnight stays or medical treatment but provide basic services for

¹Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Modifications proposed by the Planning Board are shaded in grey. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline. Modifications made at second reading are shaded in dark grey.

part of the day only. Basic services include but are not limited to: Therapeutic programs; social and health activities and services; leisure activities; self-care training; nutritional services; and respite care.

Affordable Housing is defined in Section 20-2.3.

Alley: A twenty (20) feet to twenty-four (24) feet wide way providing access to the rear of lots and buildings.

Arcade/colonnade: A covered, open-air walkway at standard sidewalk level attached to or integral with the building frontage; structure overhead is supported architecturally by columns or arches along the sidewalk; may extend beyond the build-to-line. These standards permit encroachment by habitable spaces on upper floors over any arcade along a City street, or elsewhere if approved by the entity controlling the right-of-way. Arcades and colonnades may extend beyond the minimum building setbacks when expressly permitted by the Regulating Plan Graphics set forth in Section 20-8.17.

Artist studio: A space which is used by a maximum of two (2) individuals working on a professional basis in the fine or applied arts and in artisan-related crafts, such as painting, sculpting, pottery, small-scale metalworking, and similar activities. An artist is a person who is regularly engaged in and who derives a substantial portion of his/her annual income from the creation and sale of art.

Building depth: The absolute distance between the outer wall surface of the building frontage and the outer wall surface of the rear wall of the building.

Building frontage: The side of a building which faces the primary or main street.

Build-to line: An alignment established a certain distance from the curb line to a line, along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to line requirements, and must occur behind the property line.

Building height: Building height shall be calculated as the vertical distance from grade to the highest rooftop element or feature. For purposes of calculating building height, elements and features, including, but not limited to, vertical circulation elements (such as stairs and elevators), illumination elements, chillers, mechanical space, mechanical structures, architectural features, parapets, and solar panels, attached to or serving structures, may extend above the roof slab of the highest habitable floor and are to be counted toward the maximum permissible building height. Notwithstanding the foregoing, communications equipment regulated by other Sections of this Code and Federal Statutes shall not be included in the calculation of building height.

Fence line: The alignment along which fences, walls, or hedges shall be located.

Ground floor area: The area on the ground occupied by a building, excluding arcades and colonnades.

Historic building: A building that has been designated by the City of South Miami per the historic preservation portion of the Environmental Review and Preservation Board regulations.

Light industrial use: Uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution of such products. Light industry may include research and development activities as well as certain repair, restoration or refurbishing activities. Light industrial activities, as defined herein, do not produce noises, vibration, noxious fumes, or other hazardous byproducts perceivable beyond the property line, and it has limited auxiliary storage structures that are visually shielded from view from the street and from any residences.

Live-work unit: A mixed-use unit that includes both residential and flex space which may be used for commercial, office, or small-scale/light manufacturing work activity. Separate entrances may be available for the live and work portions of the unit.

Lot coverage: The percentage of the gross area of a given lot which contains buildings.

Lot frontage: The property line adjacent to the primary or main street right-of-way.

~~Micro unit: A small studio apartment, typically less than three hundred fifty (350) square feet, with a fully functioning kitchen and bathroom and purpose built to maximize the efficient use of space.~~

Neighborhood convenience store: An establishment occupying less than four thousand (4,000) square feet of space in a mixed-use building, primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies and hardware. There shall be no on-site preparation of ready-to-consume food or for consumption in the store. Neighborhood convenience stores may only be located on the ground floor of mixed-use buildings in the ~~TSDD TODD~~ (MU-5), ~~TSDD TODD~~ (MU-6), and ~~TSDD TODD~~ (MU-M) zoning sub-categories, and are for the convenience of the residents, employees and visitors of the building. A neighborhood convenience store does not have fuel pumps, nor does it offer fuel for motor vehicles, or automotive service items.

Open yard space: The portion(s) of a lot free of buildings or impervious surfaces.

Parking surface: An area designated for parking constructed with any of the following surfaces: turf block, gravel, brick, pavers, asphalt, or concrete.

Plaza, open to the public: A privately-owned parcel of land that functions as part of the public realm and is open to members of the public. The area of a plaza may be defined by building frontages, street frontages, landscaping or walls. To promote civic engagement, a plaza may contain outdoor seating, outdoor dining, fountains, sculptures, and bicycle parking. Given the South Florida climate, the design elements and programming within a plaza may be movable or retractable to accommodate changing weather conditions.

Small scale and custom manufacturing business: A business in which manufacturing, production and related services are done on a small or micro scale, with a dedicated production space of less than five thousand (5,000) square feet, using clean technologies and ten (10) or less employees, to meet specialized or individualized demands or cater to a small-volume market.

Story: The horizontal division of a building between the surface of a floor and the surface of the next floor above, or the next ceiling if there is no floor above. All stories will be counted towards the maximum building height, but there is no limit on the height of a story.

Transit-Oriented Development Area ("TODA"): The properties within the TSDD that are contiguous to or abutting the South Miami Metrorail Area. For purposes of this definition, "contiguous to" or "abutting" shall also include properties across a right-of-way.

Workforce housing is defined in Section 20-2.3.

20-8.3 Creation of ~~TSDD TODD~~ subcategories.

(A) For purpose of recognizing the existing patterns of land use, the need to encourage a logical mix of land uses, and the need to promote a higher density of uses together with practical development bonus opportunities, the following sub-categories (zones) are hereby created:

- (1) "~~TSDD TODD~~ (MU-4)" Mixed Use 4
- (2) "~~TSDD TODD~~ (MU-5)" Mixed Use 5
- (3) "~~TSDD TODD~~ (MU-6)" Mixed-Use 6
- (4) "~~TSDD TODD~~ (MU-M)" Mixed-Use Market. All development in this district must have adequate grocery store space to attract a full service grocery store and a minimum of twenty thousand (20,000) square feet, exclusive of back of house areas, loading area and common areas of the building, of ground floor devoted exclusively to a grocery store (Grocery Store Space).

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- (b) The term "grocery store," for the purposes of this subcategory, means a store retailing a general line of food and non-food grocery products, including dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation, consumption and utilization.
 - (c) Parking and Loading.
 - i. A minimum of three (3) parking spaces for every one thousand (1,000) square feet of gross Grocery Store Space must be provided and reserved for grocery store patrons.
 - ii. A development with Grocery Store Space shall be designed to include an internalized loading space for truck delivery and provides for a sufficient turning radius for delivery trucks given the size and the constraints of the abutting street.
 - iii. Paragraphs i. and ii. shall take precedent over other provisions in the TSDD ~~TODD~~ and Hometown District Overlay concerning parking.
 - (d) All garbage and trash containers must be maintained inside the building envelope.
 - (e) No use, other than a grocery store is allowed in the Grocery Store Space and until it is occupied by a grocery store it must remain vacant. However, the Grocery Store Space may be used for other commercial uses if the owner can prove to the satisfaction of a super majority of the City Commission by competent substantial evidence at a public hearing that such use is not if:
 - i. The Owner has used its best efforts to locate a grocery store; and
 - ii. No grocery store owner is ready, willing and able to lease the Grocery Store Space for a competitive grocery store rental
- (5) "TSDD ~~TODD~~ (PI)" Public/Institutional.
 - (6) "TSDD ~~TODD~~ (PR)" Parks and Recreation.
- (B) The boundaries of the Transit-~~Supportive~~ ~~Oriented~~ Development District (TSDD) and the sub-categories shall be indicated on the City's Official Zoning Map and also shown on the Regulating Plan Graphic, as presented in Section 20-8.17.
- (C) Permitted Uses:
- (1) There are five (5) use categories within the TSDD ~~TODD~~ district: Residential Uses, Commercial Uses, Light Industrial Uses, Public/Institutional and Parks and Recreation.
 - (2) The uses permitted in each TSDD ~~TODD~~ sub-category shall be as follows:
 - (a) TSDD ~~TODD~~ (MU-4): Residential Uses, Commercial Uses.
 - (b) TSDD ~~TODD~~ (MU-5): Residential Uses, Commercial Uses.
 - (c) TSDD ~~TODD~~ (MU-6): Residential Uses, Commercial Uses and certain Light Industrial Uses under specific conditions, including those existing (see Sections 20-3.3 and 20-8.7).
 - (d) TSDD ~~TODD~~ (MU-M): Residential Uses, Commercial Uses.
 - (e) TSDD ~~TODD~~ (PI): Public/Institutional which include schools, governmental facilities, utilities, churches and other similar uses, as well as all other uses permitted in the other TSDD ~~TODD~~ sub-categories. All uses in the TSDD ~~TODD~~ (PI), whether or not adopted from other TSDD ~~TODD~~ sub-categories, shall otherwise be in accordance with all the other development regulations of TSDD

~~TODD~~ (PI), unless the City Commission determines by special exception that the development regulations in the other ~~TSDU TODD~~ sub-category from which a permitted use was adopted should also apply to that use that was adopted in the ~~TSDU TODD~~ (PI).

- (f) ~~TSDU TODD~~ (PR): Public parks and open spaces.
- (3) Permitted uses are as expressly provided by this article, including those additional uses listed in the Permitted Use Schedule, Section 20-3.3(D). A description of the specific uses permitted in each of the major use categories is provided in Sections 20-8.4 through 20-8.7.
- (D) Permitted Building Heights:
 - (a) ~~TSDU TODD~~ (MU-4): Two-story maximum, with the overall maximum building height twenty-eight (28) feet.
 - (b) ~~TSDU TODD~~ (MU-5): Two-story minimum, four-story maximum; up to eight (8) stories with bonus per Section 20-8.10(A). Maximum height one hundred (100) feet.
 - (c) ~~TSDU TODD~~ (MU-6): Four-story minimum, eight-story maximum, and up to twelve (12) stories through bonus per Section 20-8.10(B). Maximum height of one hundred fifty (150) feet.
 - (d) ~~TSDU TODD~~ (MU-M): One story minimum, six (6) stories maximum, and up to nine (9) stories through bonus per Section 20-8.10(C). Maximum building height of one hundred twenty (120) feet.
 - (e) ~~TSDU TODD~~ (PI): Building height compatible with surrounding districts.
 - (f) ~~TSDU TODD~~ (PR): Public parks and open spaces.

20-8.4 Residential use.

The following residential uses are permitted in these zoning classifications that specify this category (Residential use) within the ~~TSDU TODD~~.

- (A) Floor Area. The minimum floor area requirements for residential units shall be as specified below:

Micro Units	290 square feet
Efficiency/Studio	400 square feet
Efficiency/Studio/One Bedroom	550 square feet
Two Bedroom	700 square feet
Three Bedroom	850 square feet

- (B) Density. As many units as can be provided with parking as required by Section 20-8.8. A minimum density of fifty (50) dwelling units per net acre shall be provided in the ~~TSDU TODD~~ (MU-5), ~~TSDU TODD~~ (MU-6), and ~~TSDU TODD~~ (MU-M) sub-categories.
- (C) Location. Residential uses are permissible on all floors as expressly illustrated in Section 20-8.17. While residential uses are permissible on the first floor of a vertically mixed-use building, their location is encouraged on upper floors. Pursuant to Section 20-8.9, residential uses are not permitted on the first floor of Large-Scale Developments within the portion of the building or development fronting on the main street.
- (D) All new residential, and mixed-use developments in the ~~TSDU TODD~~ (MU-5) and ~~TSDU TODD~~ (MU-6) subdistricts that include a residential component, must include Affordable Housing that is equal to or greater than ten percent (10%) of the new dwellings. The owner or the Developer shall record a covenant running with the land, the form of which must be approved by the City Attorney and City Manager, executed by the owner and binding upon the property owner, as well as all assigns and

successors in interest, which complies with the Affordable Housing requirements of Section 20-4.9 in order to gain a bonus floor pursuant to Section 20-8.10, for Affordable Housing rentals.

~~(E) Reserved. Where Affordable Housing is developed under this Code or pursuant to state law, the units designated for Affordable Housing shall be distributed among unit types in an equal proportion to the proportion of unit types in the overall development. By way of example, where a 100-unit building is comprised of 60 1-bedroom units and 40 2-bedroom units, and ten units are designated for Affordable Housing, the ten units shall consist of six 1-bedroom units and four 2-bedroom units.~~

- (F) The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or nonresidential mixed-use developments is allowed in the TSDD ~~TODD~~, but they must be well-integrated in terms of complementary uses, access and circulation, and compatible design.
- (G) Impact fees, as set forth in Section 7-3.2, shall be waived for the fraction of floor area devoted to Affordable Housing.

20-8.5 Commercial use.

Commercial uses are permitted within the TSDD ~~TODD~~ as set forth below:

- (A) Uses. All approved permitted and special uses, as indicated in Section 20-3.3(D) under the subheadings "Business & Professional Services" and "Retail and Wholesale Trade."
- (B) Location. Commercial uses are permitted on all floors as expressly illustrated in Section 20-8.17.

20-8.6 Special provisions.

- (A) All of the above uses are permitted on the first floor as well as successive floors.
- (B) No "drive-thru's" except for banks, are permitted.
- (C) Developments on lands zoned TSDD ~~TODD~~ (MU-M) shall be exempt from Section 20-3.6(X).

20-8.7 Light industrial use.

The following uses are permitted in this category provided they include the required parking for these uses:

- (A) All retail and wholesale trade uses as indicated in section 20-3.3.
- (B) Manufacturing and intensive uses, as indicated in section 20-3.3, provided that there is no outdoor storage of materials and products, all manufacturing, rebuilding, storing or renovating operations are carried on entirely within an enclosed building with appropriate ventilation, the operation does not produce any noises, vibration, noxious fumes or hazardous byproducts perceivable beyond the property line, and it has limited auxiliary storage structures that are visually shielded from view from the street and from any residences.
- (C) Special conditions.
- (1) Industrial uses are limited to the first floor of mixed-use buildings, and such floors shall have a height no greater than twenty (20) feet.
 - (2) Light industrial uses that include retail or showrooms may be built to the sidewalk if such areas are fronting on major pedestrian streets. Loading docks shall be oriented to the rear or side of the site.
 - (3) To minimize noise pollution of light industrial uses in mixed-use buildings, special attention must be given to wrapping pipes, sealing connections, shortening strategic floor spans, and using

products like cork board and baffling to minimize the transmission of sound vertically and through ducts and chases.

20-8.8 Parking.

- (A) ~~TSD~~ ~~DD~~ Parking Regulations. Parking in the ~~TSD~~ ~~DD~~ must be developed and managed primarily as an element of infrastructure critical to enhancing South Miami's tax base through economic success of the district. All required parking is subject to the standards provided in Sections 20-3.3 and 20-4.4, except as otherwise provided for in this section. The vehicular parking requirement for developments within the Hometown District Overlay (HD-OV) on lands zoned ~~TSD~~ ~~DD~~ shall be calculated using the vehicular parking requirements of Sections 20-3.3 and 20-4.4. Notwithstanding the foregoing, developments on lands zoned ~~TSD~~ ~~DD~~ within the HD-OV shall remain subject to the bicycle parking requirements of this section.
- (B) General Regulations.
- (1) All outside parking to be located at the rear of building if feasible, otherwise it must be located at the side of the building, in accordance with this section.
 - (2) Where appropriate, unimproved rights-of-way adjacent to business property may be improved by the abutting property owner for credit towards the required minimum spaces by written agreement approved by the City Manager. The City Manager will determine if the installation of parking meters is warranted and appropriate for the area.
 - (3) Properties that cannot provide the required number of spaces on-site or through the provision of off-site spaces pursuant to Section 20-8.8(B)(4) for a change to a use other than one that is medical in nature, shall purchase from the City monthly parking permits for the number of spaces that aren't provided on-site or through the provision of off-site spaces pursuant to Section 20-4.4(F). Proof of purchase of the permits shall be submitted at the time of application for and renewal of the Business Tax Receipt for the use(s) occupying the property. Failure to obtain the required permit(s) in any given month shall be treated as a violation of this Code pursuant to Section 20-6.3. New construction or expansions of the gross floor area of an existing building shall provide the required number of spaces pursuant to Section 20-3.3 and Section 20-4.4. The required number of off-street spaces may be reduced using either the Transit-Supportive Oriented Development Reduction or the Shared Parking Study approach identified in Sec. 20-12.12(D) and (E).
 - (4) Off-site parking is permitted in accordance with Section 20-4.4, except that the distance requirement shall be extended to any location within the boundaries of the ~~TSD~~ ~~DD~~ and a long-term lease may be substituted for the Unity of Title if the owner and the lessee, if any, agree to the revocation of any applicable business tax receipt if the lease expires or is terminated and no alternative and allowable off-site parking or on-site parking is provided for in accordance with this section.
 - (5) Parking fees shall be permitted under this section.
 - (6) No open-air storage of vehicles is permitted.
 - (7) Parking for bicycles shall be provided in safe, convenient, accessible locations, and protected from the elements, if possible. Accessible routes shall be provided between the required bicycle parking and any public bicycle lanes, paths, or routes on adjacent streets.
 - (8) In the case of a Large-Scale Developments (see Section 20-8.9), the City Commission may require space for bikeshare, rideshare, valet parking, shared parking, pick-up and drop-off by on-demand rides, and/or delivery services.

(C) Required Parking by Use.

Land Use Type	Min.	Max.
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Residential (per dwelling unit)		
Townhouse	1	2
Multifamily: Micro unit	0.50	1
Multifamily: Efficiency and one-bedroom apartment	0.75	1
Multifamily: 2+ bedrooms	1	2
Commercial/Retail (per 1,000 sq. ft. GFA)	*	*
Office (per 1,000 sq. ft. GFA)	*	*
Light Industrial (per 1,000 sq. ft. GFA)	*	*

* See Schedule Section 20-3.3 and 20-4.4 and special requirements below.

(1) Residential Use:

- (a) Developers are encouraged to unbundle residential parking spaces and make them available for sale or rent separately from the residential units, particularly Affordable Housing Units.
- (b) Bicycle parking for multifamily residential uses shall be provided as follows: One bicycle parking space for every fifteen (15) vehicular parking spaces required for residential units.
- (c) Live-Work Units: The residential component shall be provided parking according to the type of unit as specified in Section 8.8(C) above, plus one space per each four hundred (400) square feet of work area.

(2) Commercial/Retail Use:

- (a) In addition to vehicular parking:
 - i. For commercial/retail uses with gross floor areas up to twenty thousand (20,000) square feet, one bicycle parking space shall be provided for every one thousand (1,000) square feet of commercial/retail gross floor area.
 - ii. For commercial/retail uses with gross floor areas exceeding twenty thousand (20,000) square feet, one additional bicycle parking space shall be provided for every additional ten thousand (10,000) square feet of commercial/retail gross floor area or fraction thereof.
 - iii. Hotels and motels shall provide a minimum of one-half (½) and a maximum of one bicycle parking spaces per hotel room, plus ten (10) bicycle parking spaces per every one thousand (1,000) square feet of gross floor area dedicated to meeting, restaurant and/or banquet space.
 - iv. Adult day care facilities shall provide one bicycle parking space per every six (6) clients, up to five (5) bicycle parking spaces, thereafter one bicycle parking space per every ten (10) clients, plus a maximum of four (4) bicycle parking spaces per every one thousand (1,000) square feet of gross floor area dedicated to office use. In addition, one accessible passenger loading zone must be provided per every five thousand (5,000) square feet of gross floor area at these facilities.

(3) Medical Office: One (1) space per two hundred (200) square feet.

(4) Light Industrial:

- (a) No parking of vehicles in driveway at any time.
- (b) In any area with light industrial uses, any vehicle under repair must be stored inside buildings at all times.

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- (c) For light industrial uses, any garage areas must be totally enclosed and have garage doors closed immediately before and immediately after a person, vehicle or equipment is entering or exiting the building.
 - (5) Bicycle parking for commercial, office and light industrial uses:
 - (a) Bicycle parking shall be provided based on the number of employees at the following ratios:
 - i. Between zero (0) and five (5) employees: One (1) space.
 - ii. Between six (6) and twenty (20) employees: Two (2) spaces.
 - iii. Between twenty-one (21) and eight (80) employees: Six (6) spaces.
 - iv. Over eighty (80) employees: One (1) space per every twenty (20) employees over eighty (80) or fraction thereof.
 - (D) Garages in TSDD TODD (MU-5), TSDD TODD (MU-6), and TSDD TODD (MU-M).
 - (1) At the rear of the property the setback requirement for garages may be eliminated in these sub-categories only if the garage:
 - (a) Abuts an existing garage; or
 - (b) Abuts a permanent open space.
 - (2) May face a side street but must have some fenestration or architectural treatment similar to the rest of the building.
 - (3) Underground parking is defined as having more than sixty (60) percent of its structure below grade.
 - (4) Garage structures must be designed or landscaped so as to either appear to be a floor of the building or obstructed from street view.
 - (5) The ground floor on the sides facing any street may contain any uses indicated on the permitted ground floor uses in Sections 20-8.4 and 20-8.5 and as expressly illustrated in Section 20-8.17. Any exterior facing streets shall be designed to look similar to the facade of a commercial office building, unless amended by the City Commission via special use permit procedures.
 - (6) Freestanding garages may only be allowed in TSDD TODD (MU-5), TSDD TODD (MU-6), and TSDD TODD (MU-M) sub-categories and may not exceed six (6) levels in height.

20-8.9 Large-scale development special exception.

- (A) All Large-scale Developments in the Transit-~~Supportive~~ ~~Oriented~~ Development District (TSDD TODD) shall provide only one or more permitted uses in compliance with all the required TSDD TODD conditions and standards as well as the conditions and standards set forth in this section. Any alterations or additions to existing property or Development in the TSDD TODD that result in the Development meeting the definition of a Large-scale Development, shall conform to the provisions of this section. Existing heights of existing buildings and existing floors may remain in their current condition; however, additional floors, if authorized, may only be added if they are developed in accordance with this section.
- (B) A Large-scale Development is defined as the development of any building site that is more than forty thousand (40,000) square feet or any development, as defined in Section 380.04, Florida Statutes (hereinafter referred to as "Development"), that is in excess of four (4) stories. A Large-scale Development shall be reviewed by the Planning Board and shall require approval by the City Commission. The computation of the size of the Development to determine if it is a Large-scale Development includes the square footage of an alteration or addition to an existing site and the square footage of the existing site that is being altered or to which an addition is being proposed.

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- (1) The Site Plan of all Large-scale Developments must be reviewed and approved by the Environmental Review and Preservation Board ("ERPB") within eighteen (18) months of the City Commission's approval of the Large-scale Development Special Exception (the "Site Plan Review Initiation Period"). The City Manager or City Commission may extend the Site Plan Review Initiation Period for one additional year or for some other amount of time as appropriate under the circumstances. An application for extension of the Site Plan Review Initiation Period of a Large-scale Development Special Exception shall be filed sixty (60) days prior to the expiration of the Site Plan Review Initiation Period.
 - (2) A Large-scale Development Special Exception ("Special Exception") shall be valid for eighteen (18) months unless a greater period is approved by the City Commission during the approval process (the "Approval Term"). For purposes of calculating the Approval Term, the time period commences upon the date that a development order is rendered granting final Site Plan approval for the Large-Scale Development by the ERPB or the Planning and Zoning Department, whichever is later. A legal, administrative, or judicial challenge to the development order that approves a Special Exception or the Site Plan relating thereto shall toll the Approval Term until the conclusion of such challenge, including all appeals.

Notwithstanding the foregoing, the City Manager or City Commission may extend the Approval Term of a Special Exception for one additional year or for some other amount of time as appropriate under the circumstances. An application for extension of the Approval Term of a Special Exception shall be filed sixty (60) days prior to the expiration of the Approval Term.

- (3) Any property designated as a Large-scale Development may have residential uses on the first floor, however, residential uses are not permitted on the first floor within that portion of the building, or development fronting on the main street. The phrase "main street" means the street that abuts the property line of the building or development and which has the most traffic, as compared to any other street that abuts the property.

(C) General Requirements.

- (1) The owner of the land on which a Large-scale Development is to be constructed and the developer of the project shall enter into a development agreement with the City ("Development Agreement"). The Development Agreement shall require approval by the City Commission at a public hearing before the issuance of a building permit. The Development Agreement may include provisions to mitigate the impacts of the Large scale Development in addition to implementing any other requirements of this Land Development Code or the City Code, as may be amended.
- (2) The use for which the Large-scale Development is intended is specifically listed as a permitted use in the appropriate district column in the Permitted Use Schedule of the Land Development Code (Section 20-3.3(D), as may be amended),
- (3) The use complies with the general requirements and any other requirements that the City Commission may consider appropriate and necessary.
- (4) All such uses shall comply with all requirements established in the appropriate TSDD ~~TODD~~ subzoning use district, unless additional or more restrictive requirements are set forth below or by the City Commission.
- (5) All such uses must be of a compatible and complementary nature with any existing or planned surrounding uses. The City Commission ~~will~~ shall determine the overall compatibility of the development with the existing or planned surrounding uses.
- (6) If during the review process it is determined that the Development, as proposed, will potentially cause adverse impact, the Planning and Zoning Department may recommend, and the City Commission may require as a condition of approval, remedial measures to eliminate or reduce, to the extent possible,

these impacts. Development projects that are recommended for remedial measures will not be required to submit a new application unless it is determined by the Planning and Zoning Department that the remedial changes would have the effect of increasing the density, FAR, or height of the Development, or if there is a change to the mix of uses which increases project trip generation more than ten percent (10%). Remedial measures may include, but are not limited to:

- i. Additional screening or buffering;
- ii. Additional landscaping;
- iii. Building orientation;
- iv. Relocation of proposed open space, or alteration of the use of such space;
- v. Pedestrian and bicycle safety and access;
- vi. Changes to ingress and egress;
- vii. Addressing traffic flow to and from the development to avoid intrusion on local streets in nearby single-family residential areas; or
- viii. Improvement of the streets adjacent to the project, if applicable.

(D) Project Approval.

(1) Required Conditions. Prior to approving a Large-scale Development, the City Commission must find that the development meets the requirements set forth in subsection (C) above and that it:

- (a) Will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- (b) Will not be detrimental to the public welfare, property, or improvements in the neighborhood; and
- (c) Complies with all other applicable Code provisions.

(2) Additional Conditions. The City Commission may designate such additional requirements in connection with the approval of a Large-scale Development as will, in its opinion, assure that such development will conform to the foregoing requirements.

(E) Reapplication for Development Review. If the City Commission disapproves of a Large-scale Development, no reapplication for the same, or substantially the same, project may be made within six (6) months of the date of final disapproval by the City Commission of the original application unless evidence is submitted and accepted by the City Commission that justifies such reconsideration.

(F) No single Development within the ~~TSD~~ TSD shall contain a single permitted use, other than residential uses, that exceeds eighty thousand (80,000) square feet of gross floor area.

(G) Where there is no minimum distance between adjacent buildings, nor a minimum building setback from a property line, one (1) of the following conditions shall be met:

- (1) If the distance from the exterior wall to the property line is less than five (5) feet at any location, the applicant must provide the Planning Department with a copy of a maintenance easement in favor of the adjacent property; or
- (2) The structure shall be built on the property line and the owner shall give a maintenance easement to the adjacent property owner(s).

(H) In no instance shall a roof overhang extend beyond the property line, except in the front of the building.

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- (I) The City Commission shall have the discretion to condition the granting of a Special Exception and memorialize such conditions in a Development Agreement with the Applicant, in a form acceptable to the City. As set forth in Section 20-8.9(C), the Development Agreement may include provisions to mitigate the impacts of the Large-scale Development in addition to implementing any other requirements of this Land Development Code or the City Code, as may be amended. The Development Agreement, after it has been drafted by the City Attorney shall be subject to approval by the City Commission. A separate agreement or covenant ("Covenant") that provides for maintenance of common elements and any other condition specified as a prerequisite to approval of the Special Exception ("Maintenance Covenants") shall be signed by the owner of the property in question. The Maintenance Covenant shall be treated as a covenant running with and binding the land upon which the Development is situated, and it shall be recorded in the land records of Miami-Dade County and, at the option of the City and if allowed by law, the Maintenance Covenant may be re-recorded when necessary or required to maintain, uninterrupted, the effectiveness of the covenant running with the land. The Covenant shall provide that the owner and his/her/its grantees, heirs, successors, and assigns ("Owner") shall comply with the Maintenance Covenants at the Owner's expense and without any cost to the City.
- (1) In the event that any special exception condition includes the development of any common areas ("Common Areas"), the Maintenance Covenant shall include the following provisions:
 - (a) the Common Areas shall continue in existence, as part of the structure and those Common Areas shall be operated and maintained at the expense of the Owner of the property so long as the Development continues to exist, in whole or in part;
 - (b) the operation and maintenance of the Common Areas shall include a provision for landscaping in accordance with an approved site and development plan, approved by the City Commission and the Environmental Review and Preservation Board, or as amended from time to time with approval of the City Commission, ~~for~~ the maintenance of the landscape as well as other maintenance services and private security protection of the Common Areas;
 - (c) the Owner shall continue, operate, and maintain the Common Areas in such a manner as to keep such areas in good order, clean, attractive, fully functional (subject to interruption for maintenance, repair, restoration, and renovation) and, generally, so as not to create a nuisance to owners, occupants and users of the adjacent land and surrounding areas and to the general public.
 - (2) The Maintenance Covenant shall define the phrase "continue, operate and maintain", as it applies to landscaping, to include, but not be limited to, the following activities:
 - (a) The monitoring of the landscape areas by a recognized landscape expert, acceptable to the City, and the preparation of reports by such expert certifying that the landscaping is in compliance or is not in compliance with the approved Landscape Plan and all provisions included in such plan pertaining to pruning, fertilizing and general maintenance; the reports shall be prepared annually; and
 - (b) The replacing of plants, trees, shrubs, or the like, at the Owner's sole expense, as determined by the landscape expert to be necessary in order for the landscaping to perpetually be in compliance with the Landscape Plan.
 - (c) In the event that the City disagrees with the opinion of the landscape expert hired by the Owner, the City shall have the right to hire its own landscape expert whose decision shall be final. If the City's expert agrees with the expert hired by the Owner, the City shall pay the cost of its own expert, otherwise, the Owner shall pay the cost of the City's expert.
 - (3) The Development Agreement and the Maintenance Covenant shall contain the following provision:

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- (a) In the event the Owner breaches its agreement ("a Default") and fails to cure the default within thirty (30) days ("the Cure Period") after receiving written notice of the default or fails to use all due diligence in commencing the cure and in proceeding to effectuate the cure a fine will be assessed against the Owner as set forth below in this paragraph (a). If the Owner is unable to timely cure the default after receiving written notice, the Owner may request an extension of time from the City Commission which shall be granted ("Extended Cure Period") upon presentation of substantial competent evidence establishing the Owner's good faith and due diligence, justifiable reasons for the delay and the amount of time needed to cure the default. In the event that the Owner fails to cure the default within the Cure Period, or within the Extended Cure Period, whichever is greater, a fine shall be assessed against the owner in the amount of one hundred fifty dollars (\$150.00), or such amount as may be set forth in the City Fee Schedule, for each day the owner remains in default thereafter. If the Development is determined to be out of compliance for thirty (30) days after the Cure Period or Extended Cure Period, as applicable, the Development Agreement may be revoked by Resolution of the City Commission after a public hearing.
- (b) In the event that a fine is assessed against the Owner, or the City incurs any expense towards curing the default, the City shall have the right to file a lien, or a continuing special assessment lien, as may be applicable, against the property and file a lien foreclosure action for the full amount of money incurred by the City for said expense as well as for any fine that has been assessed. The City's lien shall be perfected upon being recorded in the land records in Miami-Dade County, Florida and shall be of equal rank and dignity as the lien of City's ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to, or against the land in question, unless in conflict with state statutes or Miami-Dade County code.
- (c) The City shall have the right to proceed against the Owner to collect the above-described costs and expenses without resorting to a lien and/or lien foreclosure. The City's remedies shall include all those available in law or in equity, including injunctive relief. The exercise of one available remedy shall not be deemed a waiver of any other available remedy.
- (d) Invalidation of any of the covenants identified in Section 20-8.9, by judgment of court shall not affect any of the other provisions, which shall remain in full force and effect. In the event of a violation of the Development Agreement or the Maintenance Covenant, in addition to any other remedies available, the City of South Miami is hereby authorized to withhold any future permits, and refuse to make any inspections or grant any approvals, until such time as the Development Agreement or the Maintenance Covenant are complied with. All rights, remedies and privileges granted pursuant to the Development Agreement and/or Maintenance Covenant shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies, or privileges.
- (J) The Development Agreement required by this Section 20-8.9 is not intended to mean a development agreement under F.S. §§ 163.3220—163.3243, as amended by the Florida Legislature (the "Development Agreement Statute"). Notwithstanding the foregoing, an applicant may seek that the Development Agreement be approved under the Development Agreement Statute provided the Development Agreement meets the requirements of this Section 20-8.9 and the Development Agreement Statute, is adopted pursuant to the Development Agreement Statute, and is subject to the requirements and remedies set forth in the Development Agreement Statute.

20-8.9.1 Administrative Approval of Minor Modifications to an Approved Development within the ~~TSD~~ TSD (MU-M) District

The purpose of this section is to secure the ability of a property owner to make minor modifications to a previously approved development in the ~~TSD~~ TSD MU-M district that was previously obtained through the public hearing process. The intent of this section is to establish the framework for a streamlined and expedited administrative approval process for specific minor modifications. Consistent with these stated intents and purposes, an application for a Minor Modification to an Approved Development may be reviewed and approved administratively in accordance with the procedures of this section.

- (A) Terms & Definitions. For purpose of this section the term “Approved Development” shall mean: A development within the ~~TSD~~ TSD MU-M district which has received both 1) Special Exception for a Large-Scale Development approval following public hearings by the Planning Board and City Commission; and 2) Final Site Plan approval from the Environmental Review and Preservation Board.
- (B) Administrative Approval. An administrative approval of a Minor Modification shall constitute a final development order approval. For clarity, no further public hearing review or public hearing approval shall be required for an Approved Development to obtain administrative approval for a Minor Modification.
- (C) Minor Modification. An applicant shall have the right to make a modification or a series of modifications to an approved Final Site Plan prior to the issuance of a building permit, provided the proposed modifications, either individually or cumulatively conform with the following criteria:
 - (1) Building Footprint. The ground floor building footprint shall not exceed the dimensions provided for in the approved Final Site Plan by more than three percent (3%) or five (five) feet in any horizontal direction, whichever is lesser.
 - (2) Vehicular Circulation. The vehicular circulation shall not be materially altered from that vehicular circulation approved in the Final Site Plan. Notwithstanding the forgoing, minimal adjustments to the location of driveways of less than three (3) feet shall be deemed a Minor Modification.
 - (3) Vehicular Parking. The number of on-site vehicular parking spaces provided may be modified so long as the total number of on-site vehicular parking spaces provided is consistent with all code requirements and is within five percent (5%) of the number provided in the approved Final Site Plan.
 - (4) Exterior Architectural Features & Material Selections. Exterior architectural features and material selections may be modified so long as they are generally consistent with the architectural character, materials, and color palette in the approved Final Site Plan.
 - (5) Building Height. The overall building height may be modified by up to 10% of the previously approved building height so long as the building height does not exceed the permitted maximum building height of one hundred thirty (130) feet.
 - (6) Residential Units. The number of residential units may be modified so long as the total number of residential units provided is within twenty percent (20%) of the number provided in the approved Final Site Plan.
- (D) Application & Approval Process. An applicant for a Minor Modification shall submit to the Planning and Zoning Department a proposed modified site plan and letter of intent outlining the proposed modifications. The Planning and Zoning Department shall review the modified site plan to the approved Final Site Plan for

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compliance with this section within thirty (30) days of submission. Following review, the Planning and Zoning Director (or his/her designee) shall submit a recommendation to the City Manager. Upon receipt of a recommendation of approval from the Planning and Zoning Department, the City Manager shall review and affix any conditions deemed expedient to further the intent of this Section 20-8.9 or to mitigate any additional impacts of the Minor Modification. If approved by the City Manager, the City Manager shall place a copy of the approved Site Plan with Minor Modification in the ~~TSDD TODD~~ TSDD MU-M district file. Notice of the administrative decision regarding the Minor Modification shall be posted on the City's website within ten (10) days of the transmission of the recommendation of approval to the City Manager.

- (E) No Impact on Approval Term. Neither the application for, or the issuance of, a Minor Modification shall extend Special Exception validity periods, including specifically the Approval Term, established in Section 20-8.9.

20-8.10 Bonus allocations.

- (A) ~~TSDD TODD~~ TSDD MU-5.

Action	Bonus
For every one floor of residential use	One additional floor of residential use provided the applicable parking requirement is met per Section 20-8.8
For providing a public plaza—Minimum five thousand (5,000) square feet of contiguous area functionally and visually connected to pedestrian walkway system, including seating, lighting, and art work in a plaza setting	One additional floor
For developing the full frontage of the property with streetscape design connected to and usable as part of the public pedestrian walkway system including pedestrian amenities. The maximum change in level between any portion of a sidewalk shall be one-half (½) inch, and must be beveled, with a slope no greater than 1V:2H (2:1).	One additional floor
For developing "cross-thru's" from an adjoining street to a public open space as part of the public pedestrian walk system, on owner's property (maintenance required in Section 20-8.15)	One additional floor

- (B) ~~TSDD TODD~~ TSDD MU-6.

Action	Bonus
For providing, in the residential component of a mixed-use building or in a stand-alone residential building (in addition to the minimum required ten percent (10%)), an additional five percent (5%) of Low-income Units or Very Low-Income Units and five percent (5%) Moderate-Income Units	Four (4) additional floors of residential, provided the applicable parking requirement is met per Section 20-8.8 and the covenant required by Section 20-8.4 includes the additional Affordable Housing. Affordable Housing units delivered for bonus floors are exempt from meeting the parking requirement.

For assembling a minimum of one acre of contiguous land to make up a larger redevelopment site and joined by a Unity of Title	One additional floor*
For buildings that have an office or commercial component that provide onsite bicycle amenities including at least three (3) of the following features: * secure bike parking room (in addition to bike racks that may be required); * bike repair stations (accessible to occupants and guests and may be outside if covered) or repair room (may be included in bike parking room); * bike wash stations (accessible to occupants and guests and may be outside if covered); * showers and locker/change room for employees and commercial invitees; * availability of loaner bicycles for building residents and employees	One additional floor*
For providing a public square, plaza or green space of at least seven thousand five hundred (7,500) square feet of contiguous area, functionally and visually connected to the pedestrian walkway system and designed with the following minimum amenities: Benches, shade (trees and structures), play and/or exercise areas, and water stations.	One additional floor*

* This bonus can be requested only once per project but may be requested in combination with the other two (2) listed in this section with an asterisk to obtain up to three (3) bonus floors.

(C) ~~TSD~~ ~~TO~~ (MU-M).

Action	Bonus
When the property is developed with Grocery Store Space, for every one floor of residential use with ten percent (10%) of the units dedicated to Affordable Housing of which one-half (½) are for Very-low to Low Income individuals and families and one-half (½) are for Moderate Income individuals and families.	One additional floor of residential use at market rate*
When the property is developed without Grocery Store Space, for every one floor of residential use with fifteen (15%) of the units dedicated to Affordable Housing of which one-half (½) are for Very-low to Low	One additional floor of residential use at market rate*

income individuals and families and one-half (½) are for moderate income individuals and families.	
For providing a plaza, open to the public of at least five thousand (5,000) square feet of contiguous area functionally and visually connected to pedestrian walkway system, including seating, lighting, and artwork. **	One additional floor
For developing the full frontage of the property with streetscape design connected to and useable as part of the public pedestrian walkway system including pedestrian amenities. The maximum change in level between the portion of a sidewalk shall be one-half (½) inch and must be beveled, with a slope no greater than 1V:2H (2:1). A building permit will not be issued for the extra floor without approval of the streetscape, walkway system and amenities by the ERPB	One additional floor
For assembling a minimum of one acre of contiguous land to make up a larger redevelopment site and joined by a Unity of Title.	One additional floor*
For buildings that have an office or commercial component that provide onsite bicycle amenities including one male and one female changing room and lockers to accommodate one commercial occupant and commercial employees for every one thousand (1,000) square feet of commercial gfa and to have at least three (3) of the following features:	One additional floor*
(a) Secure bike parking room with a minimum capacity (in addition to bike racks that may be required) to accommodate one bike for every five (5) residential units and one bike for every one thousand (1,000) square feet of commercial gfa.	
(b) Bike repair stations (accessible to occupants and guests and may be outside if covered) or repair room (may be included in bike parking room);	
(c) Bike wash stations (accessible to occupants and guests and may be outside if covered);	
(d) Availability of loaner bicycles for building residents and employees sufficient to meet the demand for loaner bicycles and such availability shall be posted in a location that is open and obvious to all occupants of the building.	

* This bonus can be requested only once per project but may be requested in combination with the other four (4) listed in this section with an asterisk to obtain up to three (3) bonus floors.

** No more than fifty percent (50%) of the first five thousand (5,000) square feet may be made available for outside seating allocated to the market or a restaurant use. If the owner wants to create a larger plaza, it may allocate one hundred percent (100%) that additional space to the market or a restaurant use.

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- (D) Buildings developed in the MU-6 subdistrict may be built up to twelve (12) stories without applying for bonuses if the entire building is devoted to Affordable Housing, as defined in Section 20-2.3.

20-8.11 Regulating plan—Intent.

The Regulating plan—Graphic set forth in Section 20-8.17 is a visual site-specific and site design representation of the TSDD ~~TODD~~ Regulations. For lots abutting each roadway and alleyway, information is shown graphically such as: Location and dimensions of build-to lines; locations where arcades over sidewalk are required, and representative locations where arcades are permitted but optional; locations for alleys or rear accessways, and curbs. For those properties that back up to public open space or an easement, buildings may be built to within five (5) feet of the rear property or easement line. A graphic representation of the regulating plan is presented in Section 20-8.17.

20-8.12 Architectural standards—Intent.

The Architectural Standards are pre-approved and are intended to provide a degree of predictability about the quality of building designs and to promote harmony among buildings without requiring an appearance before and approval by a review board for every project. Applicants with projects which conform to these standards may obtain approval from the Planning and Zoning Department staff without appearing before ERPB; however, the applicant may appear before ERPB, at the applicant's discretion. Every permissible architectural option is not described herein; other options may be approved by ERPB.

Wherever these Architectural Standards may conflict with the City of South Miami Land Development Code, these Architectural Standards must apply for properties within the TSDD ~~TODD~~.

The lists of permitted materials and configurations come from study of traditional buildings found in South Florida and have been selected for their appropriateness to the visual environment and climate.

A primary goal for the Architectural Standards is authenticity. The standards encourage construction which is straightforward and functional, and which draws its ornament and variety from the traditional assembly of genuine materials. Good site planning and street relationship; use of authentic materials; and contextuality of design elements and styles are some of the principles encouraged to ensure an attractive and tasteful aesthetic image for the neighborhood.

20-8.13 Architectural standards—General requirements.

All construction must comply with The Florida Building Code, the latest edition, as amended.

- (A) The general requirements shall be the same as those specified in sections 20-7.16 through 20-7.25.

- (B) Green Buildings.

- (1) Definitions. The following words, terms and phrases, when used in this Article, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning, or as may be amended from time to time:

Construction means any project associated with the creation, development, or erection of any structure required to comply with this article.

Enhanced stormwater quality and quantity improvements means projects that augment water quality and quantity by: Reducing polluted runoff; advancing groundwater recharge, soil infiltration and erosion control; and restoring habitat.

Environmental monitoring means periodic or continuous surveillance or testing to determine the level of compliance required by the Environmental Protection Agency (EPA),

Florida Department of Environmental Protection (DEP), or Miami-Dade County Department of Regulatory and Environmental Resources (RER) and/or pollutant levels in various media (air, soil, water) or biota, as well as to derive knowledge from this process. Examples of environmental monitoring include but are not limited to: Water quality sampling and monitoring, groundwater testing and monitoring, and habitat monitoring.

Environmental remediation means clean-up of, or mitigation for, air, soil or water contamination for which the City is legally responsible for environmental clean-up or mitigation.

Environmental restoration means the return of an ecosystem to a close approximation of its condition prior to disturbance.

FGBC means the Florida Green Building Coalition.

Green infrastructure means both the natural environment and engineered systems to provide clean water, conserve ecosystem values and functions, and provide a wide array of benefits to people and wildlife. Green infrastructure uses vegetation, soils, and natural processes to manage natural resources and create healthier urban environments. Examples of green infrastructure practices include but are not limited to: Right-of-way bio-swales, green roofs, blue roofs, rain gardens, permeable pavements, infiltration planters, trees and tree boxes, rainwater harvesting systems.

Green building means generally the resource efficient design, construction, and operation of buildings by employing environmentally sensible construction practices, systems and materials.

Green building certification agency means the United States Green Building Code (USGBC) or the International Living Future Institute, as may be selected by the eligible participants.

International Living Future Institute means a non-profit organization that created an international sustainable building certification program called The Living Building Challenge. Certification types include living building certification, petals certification and net zero energy building certification.

LEED means an effective edition of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System for Building Design and Construction or Homes, as applicable, of the United States Green Building Council (USGBC).

Project means any construction associated with the creation, development or erection of any building required to comply with this article.

Scorecard means a guide provided by the green building certification agency to assist in determining the total project score and achievable credits and level of certification at the inception of a green building, as provided under this article.

USGBC means the United States Green Building Council.

- (2) Intent and purpose. The purpose of this article shall be to promote sustainable development within the City of South Miami by supporting resilient design and construction practices. The City's intent is to establish a certification compliance schedule that incentivizes all qualifying projects to attain at a minimum FGBC Gold certification, or similar green building program recognized in this article. Sustainable building practices will promote the economic and environmental health of the City and ensure that the City continues to become environmentally resilient to combat sea level rise and help curb climate change. This article is designed to achieve the following objectives:

- (a) Increase energy efficiency in buildings;

- (b) Encourage water and resource conservation;
 - (c) Reduce waste generated by construction projects;
 - (d) Reduce long-term building operating and maintenance costs;
 - (e) Improve indoor air quality and occupant health;
 - (f) Contribute to meeting state and local commitments to reduce greenhouse gas production and emissions; and
 - (g) Encourage sound urban planning principles.
- (3) Sustainability requirements.
- (a) Mandatory compliance with the requirements of this article shall be required for all applicants with building permit applications that meet the following criteria (hereinafter "eligible participants"):
 - i. All new construction that proposes over seven thousand (7,000) square feet of construction of a structure; or
 - ii. Ground floor additions (whether attached or detached) to existing structures that encompass over ten thousand (10,000) square feet of additional floor area.
- (4) Standards. This article shall be administered using standards developed for and standards developed by the Florida Green Building Council, United States Green Building Council (USGBC) or the International Living Future Institute. All eligible participants who are certified as having satisfied all of the requirements of the green building certification agency, including, but not limited to, any monetary or certification requirements, are eligible for a partial or full refund of the sustainability fee identified in paragraph (7), herein based upon the level of compliance with the regulations in this article.
- (5) Generally. A sustainability fee will be assessed for all eligible participants. The calculation of the fee, provisions for refunding all or portions of the fee, its purpose, and eligible uses are detailed within this division.
- (6) Sustainability fee calculation.
- (a) In order to obtain a temporary certificate of occupancy (TCO), certificate of occupancy (CO), or certificate of completion (CC), whichever comes first, the eligible participant must first post a sustainability fee payment bond or issue full payment of the sustainability fee to the City. The sustainability fee shall be valued at five (5) percent of the total construction valuation of the building permit. However, the eligible participant may be entitled to a refund or partial refund, of the bond, or payment of the sustainability fee, based upon achieving the program certification levels in the compliance schedule below:

FGBC Florida Green High-Rise Residential Building
Standard Certification Compliance Schedule

Level of Certification Achieved	Sustainability Fee Reimbursement to Participant for Meeting Certain Green Building Certification Levels
Failure to obtain Certification	0% refund of bond or payment of Sustainability fee
Bronze Certified	50% refund of bond or payment of Sustainability fee
Silver Certified	66% refund of bond or payment of Sustainability fee
Gold Certified or International Living Future Institute Petals or Net Zero Energy Certified	100% refund of bond or payment of Sustainability fee

Platinum Certified or International Living Future Institute Living Building Challenge Certified	100% refund of bond or payment of Sustainability fee
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If the proof of green building certification is provided prior to the obtaining a TCO, CO, or CC, the "sustainability fee" shall be in the full amount identified above, minus the refund for the level of green building certification achieved identified in the certification compliance schedule.

- (b) The sustainability fee shall be valued upon the eligible participant's submittal at time of application for temporary certificate of occupancy (TCO), certificate of occupancy (CO), or certificate of completion (CC), whichever comes first, upon review by the Planning and Zoning Department during zoning review of the certificate. The sustainability fee bond or full payment shall be provided by participant prior to obtaining a temporary certificate of occupancy (TCO), certificate of occupancy (CO) or certificate of completion, whichever comes first.
 - (c) Refund of the sustainability fee or bond to the eligible participant may occur as provided for in subsection (a), above, provided the eligible participant complies with the certification compliance schedule within the timeframe identified in Paragraph (7)(b).
 - (d) The entirety of the sustainability fee shall be forfeited to the City based upon participant's failure to achieve the applicable green building certification levels identified paragraph(6)(a) within the timeframe identified in Paragraph (7)(b).
- (7) Review procedures.
- (a) Prior to obtaining a temporary certificate of occupancy, certificate of occupancy (CO) or certificate of completion (CC), whichever comes first, the qualifying projects shall post a bond with the City, or in the alternative, provide a payment to the City, in the amount of the "sustainability fee" identified in Paragraph (6)(a).
 - (b) Within one (1) year from the receipt of a certificate of occupancy (CO) or certificate of completion (CC), the owner shall submit proof of green building certification for the development from the green building certification agency.
 - i. The bond or payment provided, or percentage thereof, shall be refunded to program participants that have achieved a level of green building certification identified in the certification compliance schedule in Paragraph (6).
 - ii. The Planning and Zoning Department Director may approve, upon the request of the eligible participant, a one-time one-year extension, provided proof that the green building certification agency's review remains pending to determine final certification.
 - (c) Building permit applications for a green building project submitted or resubmitted for review shall be given priority review over projects that are not green building projects by the City's departments reviewing such applications.
 - (d) All building inspections requested for green building projects shall be given priority over projects that are not green building projects.
- (8) Deposit of funds; account.
- (a) The City shall establish a sustainability and resiliency fund. The revenue generated through the sustainability fee program shall be deposited in the sustainability and resiliency fund.

- i. Interest earned under the account shall be used solely for the purposes specified for funds of such account.
 - ii. Sustainability fees deposited and credited to the sustainability and resiliency fund account, and credited to the eligible participant, pursuant to Paragraph (7), shall be identified, within the City's sustainability and resiliency fund.
 - iii. Appropriation of deposited funds in the sustainability and resiliency fund shall not be permitted until the applicable refund period, established in Paragraph (7)(b), for those funds has lapsed.
 - iv. Should the eligible participant provide a bond, rather than pay the sustainability fee, then, the City shall safeguard the bond, to ensure compliance with this article. The City shall return the bond or make a claim for a portion of the bond, depending on the eligible participant's compliance with Paragraph (7)(b) and Paragraph (6)(a).
- (b) Earned fees in the sustainability and resiliency fund shall be utilized to provide public improvements that increase the sustainability and resiliency of the City. Expenditures from these funds shall require prior City Commission approval. Prior to any expenditure, the City Manager shall provide a recommendation to the City Commission.
- (c) Such improvements that increase the resiliency of the City may include:
- i. Environmental restoration projects;
 - ii. Environmental remediation projects;
 - iii. Environmental monitoring;
 - iv. Green infrastructure;
 - v. Enhanced stormwater quality and quantity improvements; and/or
 - vi. Sustainability planning efforts.

(Ord. No. 9-97-1630, § 1, 4-1-97; Ord. No. 17-11-2090, § 1, 4-19-11; Ord. No. 07-19-2320, § 2, 2-26-19)

20-8.14 Street standards.

(A) Landscaping and Utilities. All plant materials shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants" Part I, 1963 and Part II, State of Florida, Department of Agriculture, Tallahassee, or equal thereto. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Grass areas shall be planted in species normally grown as permanent lawns. Grass areas must be sodded. All new landscaping must incorporate the xeriscape principles provided in Section 20-7.17. Existing healthy plant material may remain and be incorporated into future streetscape projects.

(1) Tree requirements:

- (a) Tree Requirements for Lands Zoned TSDD ~~TODD~~ Within the Hometown District Overlay (HD-OV). Landscaping and tree protection requirements shall be subject to the provisions of Sections 20-4.5 and 20-4.5.1. Notwithstanding the foregoing, in recognition of the infill nature of lands zoned TSDD ~~TODD~~ within the HD-OV, an applicant may satisfy the requirements of this section with the following adjustments, credits, and mitigation.
 - i. Site Tree Adjustments. When the minimum number of trees required under Section 20-4.5 cannot be reasonably planted on the ground level of the subject property, the applicant may utilize one or more of the following adjustments:

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- a. Minimum Number of Site Trees Required. In order to promote safe, functional, and accessible public sidewalks and, at the same time, encourage the activation of public plazas and to encourage the improvement of the public realm with public seating areas while avoiding conflict with landscape features, where the minimum number of site trees cannot be reasonably accommodated within the development, the City Manager may designate (i) a location within the City for the planting of any remaining required trees or (ii) a payment to the City consistent with the costs of planting the deficient required trees.
 - b. Site Trees in the Public Right-of-Way. Site Trees may be planted within the public right-of-way so long as they are within ten (10) feet of the private property line and the trees do not unreasonably interfere with the activities of the right-of-way. Site Trees planted in the public right-of-way shall be in addition to any Street Tree requirement for a site and shall only count toward the Site Tree requirement for that site. When trees are requested by a property owner to be planted within the right-of-way, the requesting property owner shall execute a covenant provided by the City to provide for the maintenance of such trees subsequent to planting.
 - c. Upper Level Trees.. The applicant may plant thirty percent (30%) of the required Site Trees on upper levels such as open recreation areas, amenity areas or exposed decks. Trees placed on balconies attached to and serving private dwelling units shall not count as an Upper Level Tree for purposes of meeting the Site Tree requirement.
- (2) Utilities. Where feasible and permissible all electrical power utilities, cable television and telephone lines shall run underground.
- (B) Glare. In all districts, any lighting shall be arranged so as not to shine directly on any residential use. Direct or sky-reflected glare, when from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property.
 - (C) All permitted uses, accessory activities, and storage shall be confined within completely enclosed buildings with the exception of off-street parking spaces, off-street loading berths, dumpsters, and outdoor tables at restaurants.
 - (D) Balconies. Balconies shall be permitted encroachments into permitted setback areas, but not to exceed 6' 0". No storage or display of items other than furniture shall be permitted on balconies. Balconies may not be enclosed or screened.
 - (E) Service and loading areas shall not be visible from public streets and adjacent residential properties. All service areas shall be screened from the view of any pedestrian or vehicular path.

20-8.15 Public spaces.

- (A) A restrictive covenant for the perpetual maintenance for all public plazas and "cross-thru's" shall be recorded with the appropriate Miami-Dade County agency in a form approved by the City Attorney.
- (B) When necessary for public convenience or safety, the developer shall dedicate to the public access ways to pass through oddly shaped or unusually long blocks, to provide the networks or public paths creating access to parks, schools, mass transit facilities and community services.

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- (C) Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety. Lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Lighting shall not impact off-site uses or traffic on adjacent streets.
 - (D) Buildings shall abut the street-front sidewalk and orient the primary entrance of entrances toward the street. Buildings shall provide amenities to improve the climate along streets, with respect to excessive heat or sunlight, that will add to pedestrian comfort.
 - (1) Where appropriate, canopies or arcades can be provided along the street frontage of buildings; however, they should be carefully designed not to obstruct views and access between building entrances, the sidewalk, and the street.
 - (2) Shade trees may be planted to provide additional climate protection and contribute to an attractive pedestrian environment.
 - (E) Consistent with the purpose of this district in the areas so covered, all new construction and major reconstruction along certain street frontages must provide windows and entrances or other features meeting the requirements of the following section to afford interest to pedestrians and to enhance the urban quality and shopping environment of downtown.
 - (F) Along a frontage containing a required building line, at least seventy-five (75) percent of the width of any new or reconstructed first-story building wall facing a street shall be devoted to interest creating features, pedestrian entrances, transparent show or display windows, or windows affording views into retail, office, or lobby space.
 - (G) Street trees shall be planted on all street frontages in accordance with section 20-8.13.

20-8.16 Unity of title required.

- (A) A Unity of Title or Covenant In Lieu of Unity of Title, in a form acceptable to the City Attorney, as set forth in Section 20-5.16, is required for all platted lots in any development project within the TSDD TODD if any of the following conditions exist:
 - (1) If a development project is to be built on two (2) or more abutting platted lots;
 - (2) If the permitted density of a development project is based upon the averaging of two (2) or more platted lots either abutting or located on the opposite sides of a public right-of-way or alley;
 - (3) If the required parking for a development project is located on a lot other than on the site which is generating the required parking.
