ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE XII "DOWNTOWN SOMI DISTRICT REGULATIONS" OF THE LAND DEVELOPMENT CODE TO MODIFY LAND DEVELOPMENT REGULATIONS APPLICABLE TO THE "DS" DOWNTOWN SOMI DISTRICT BASED ON AN APPLICATION SUBMITTED BY MIDTOWN DEVELOPMENT, LLC; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

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

WHEREAS, the City Commission of the City of South Miami (the "Commission") finds it periodically necessary to amend its Land Development Code ("LDC") in order to update regulations and procedures to maintain consistency with state law and, through flexible and performance-oriented zoning regulations and incentives, to implement municipal goals and objectives; and

WHEREAS, pursuant to Ordinance No. 26-23-2477, the City Commission adopted comprehensive amendments to Article XII, "Downtown SoMi District Regulations" of the LDC, establishing the regulatory framework for the Downtown SoMi ("DS") District with provisions governing permitted uses, height regulations, residential density, floor area ratios, development standards, and site planning requirements; and

WHEREAS, the Sunset Place Property, located at 5701 SW 72nd Street, is the only property in the City zoned DS District and is owned by Midtown Development, LLC (the "Applicant"); and

WHEREAS, the Applicant has proposed amendments to Article XII based on its experience in planning development of the Sunset Place Property and the necessity to refine certain regulations to better facilitate development that provides enhanced public benefits to the City; and

WHEREAS, in exchange for modifications to certain height and dimensional standards within Article XII, Midtown Development, LLC has committed to providing significantly enhanced building setbacks from Sunset Drive and other frontages of the project; and

WHEREAS, the Commission finds that the enhanced setbacks will provide substantial public benefits including improved streetscape design, enhanced pedestrian connectivity and ground-level activation, reduced visual massing impacts on the Sunset Drive corridor and

surrounding properties, and a more compatible and pedestrian-friendly relationship between the development and the surrounding neighborhood; and

WHEREAS, the Commission finds that the proposed amendments will serve the City's interests by incentivizing superior site planning and urban design that prioritizes public realm improvements and pedestrian-oriented development while maintaining the original intent and purpose of the DS District to create vibrant, place-making, urban-scaled development compatible with rail-based rapid transit; and

WHEREAS, the proposed amendments to Article XII, "Downtown SoMi District Regulations" of the LDC, including modifications to certain height and dimensional standards, are necessary, compatible, and in the best interest of the City and community given the substantial offsetting public benefits provided by enhanced setbacks and site design improvements; and

WHEREAS, such proposed amendments were reviewed and revised by City officials and staff and, following appropriate revisions, the Applicant initiated a text amendment; and

WHEREAS, the Commission has reviewed the proposed amendments and determined that they are compatible with the City's Comprehensive Plan and other applicable regulations of the City; and

WHEREAS, the proposed amendments to Article XII, "Downtown SoMi District Regulations" of the LDC, as modified by City staff, are set forth in Exhibit "A," attached hereto; and

WHEREAS, the Planning Board, sitting as the City's local planning agency in accordance with Chapter 163, Florida Statutes, reviewed the proposed amendments set forth in this ordinance at a duly noticed public hearing on September 15, 2026, and recommended approval to the City Commission; and

WHEREAS, following Planning Board consideration of the proposed amendments, City staff further modified the proposed amendments to provide appropriate review criteria for site plans proposed under Article XII, "Downtown SoMi District Regulations" of the LDC; and

WHEREAS, the City Commission held its first public hearing on the proposed amendments to the LDC on _____, 2026, and, having complied with the notice requirements in the Florida Statutes, approved the proposed amendments on first reading; and

WHEREAS, the Commission conducted a second duly noticed public hearing on the proposed amendments to the LDC as required by law on _____, 202_, and further finds the proposed changes to the LDC are necessary, compatible, and in the best interest of the City and community.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1. **Recitals Adopted.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Land Development Code Amended. Article XII, "Downtown SoMi District Regulations," of the LDC is hereby amended as set forth in Exhibit "A" attached hereto.[1]

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

Section 4. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective upon the effective date of the accompanying ordinance amending the Comprehensive Plan.

PASSED AND ADOPTED on First Reading this ___ day of _____, 2026.

PASSED AND ADOPTED on Second Reading this ____ day of _____, 202_.

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 ON FINAL ADOPTION:

Mayor Javier Fernandez:
Vice Mayor Steve Calle:
Commissioner Lisa Bonich:
Commissioner Brian Corey:
Commissioner Danny Rodriguez:

First Reading:

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes following the Planning Board hearing are indicated with highlighted text. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

Moved By:
Seconded By:

Second and Final Reading:
Moved By: _____
Seconded By: _____