



CITY OF MIAMI SPRINGS, FLORIDA

Mayor Maria Puente Mitchell


**Vice Mayor Jacky Bravo
Councilman Walter Fajet, Ph. D.**

**Councilman Jorge Santin
Councilman Victor Vazquez, Ph.D.**

Decorum: "Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium."

**CITY COUNCIL WORKSHOP MEETING AGENDA
Monday, October 23, 2023 – 5:00 p.m.
City Hall, Council Chambers, 201 Westward Drive**

- 1. Call to Order/Roll Call**
- 2. Salute to the Flag: Audience participation**
- 3. Discussion of Gateway Overlay Ordinance**
- 5. Adjourn**

Please visit www.miamisprings-fl.gov for current meeting schedule or follow us on  Twitter @MIAMISPRINGSFL

Live streaming video of this meeting is available at <http://www.miamisprings-fl.gov/webcast>.

Anyone wishing to obtain a copy of an agenda item may contact the City Clerk at (305) 805-5006, download the complete agenda packet from www.miamisprings-fl.gov or view the materials at City Hall during regular business hours.

Pursuant to Florida Statute 286.0114, the City Council provides the public with a reasonable opportunity to be heard on all matters.

If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose 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 made (F. S. 286.0105), all of which the City does not provide.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: (305) 805-5006, no later than (7) days prior to the proceeding.

Pursuant to Sec. 2-11.1 (S) of the Miami-Dade County Code and Miami Springs Code of Ordinances Chapter 33 - §33-20, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk.



**CITY OF MIAMI SPRINGS
PUBLIC MEETING NOTICE**

The City of Miami Springs will hold a Council workshop on:
**Monday, October 23, 2023 at 5:00 p.m. at
City Hall, Council Chambers, 201 Westward Drive, Miami Springs, Florida
(Physical Meeting Location)**

The meeting agenda is available online at: <https://www.miamisprings-fl.gov/meetings>

Elected officials and City staff will participate from the physical meeting location. Members of the public may attend the meeting in person at the physical meeting location, or, alternatively, may watch or call in to the meeting by following these instructions:

ATTEND THE MEETING IN PERSON AT THE PHYSICAL MEETING LOCATION

The meeting will be held in person at the physical meeting location stated above. Due to COVID-19 and social distancing requirements, there will be limited space for members of the public to attend the meeting at the physical meeting location.

Admission to the physical meeting location is on a first-come, first-serve basis.

Doors will open 30 minutes prior to the meeting start time.

Facial coverings are required for admission to the meeting at the physical meeting location and must be worn throughout the entirety of the meeting in accordance with State and County Orders.

Social distancing requirements as set forth in State and County Orders must be adhered to.

WATCH THE MEETING

- **ZOOM: Meeting ID: 863-9512-4146**
- **YouTube:** <https://www.youtube.com/channel/UC2at9KNnqUxZRSw1UkhdHLQ/featured>
- **From your computer/mobile device:** <https://www.miamisprings-fl.gov/meetings>

CALL IN TO THE PUBLIC MEETING

Dial 305-805-5151 or 305-805-5152

(Alternatively, you may also dial the phone numbers below to join the meeting:

*1 (646) 558 8656, 1 (301) 715 8592, 1 (312) 626 6799, 1 (669) 900 9128, 1 (253) 215 8782,
1 (346) 248 7799) then input the Meeting ID: 863-9512-4146, followed by #.*

There is no participant ID. Press # again.

Any person requiring special accommodations to access this proceeding is asked to advise the City at least 2 days before the proceeding by contacting the City Clerk at cityclerk@miamisprings-fl.gov

PUBLIC COMMENTS WILL BE ACCEPTED BY THE FOLLOWING MEANS:

EMAILED COMMENTS: Members of the public may email their public comments to the City in advance of the meeting. Please email the City at cityclerk@miamisprings-fl.gov by 12:00 p.m. on the day of the meeting with the subject line "PUBLIC COMMENT" and the following information in the body of the email: Your Name, Address, if you are a hired Consultant or City Employee, and/or if you are engaged in Lobbying Activities and/or representing an organization. Please limit your comments to no more than 350 words. Public comments received via email may be read into the record during the public comment portion of the agenda, if any.

IN-PERSON COMMENTS: Subject to social distancing requirements, members of the public may attend the meeting at the physical meeting location stated above and deliver their public comments in person during the public comment portion of the agenda.

VIRTUAL COMMENTS: *Public comments will also be accepted during the meeting using the virtual meeting platform as follows:*

By telephone: To ask to speak during the meeting, call in to the meeting using the instructions above. Please press *9 from your telephone and you will be called on to speak during public comments and identified by the

last 4-digits of your telephone number.

During the meeting, when your name or the last 4-digits of your telephone number is called, you will be unmuted and you may deliver your comments.

Please be sure to be in a quiet area to avoid unnecessary noise. Please provide the following information before delivering your comments: Your Name, Address, if you are a hired Consultant or City Employee, and/or if you are engaged in Lobbying Activities and/or representing an organization.

A time limit may be imposed for each speaker during public comment.
Your cooperation is appreciated in observing the time limit.

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments when addressing the Council during public comments.

PUBLIC RECORDS

The meeting will be recorded for later viewing and is a public record. The virtual chat, if any, will be saved and is a public record. Minutes of the meeting will be taken and will be made available.

NOTICE PURSUANT TO §286.0105, FLORIDA STATUTES

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE OR SHE 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.

AMERICANS WITH DISABILITIES ACT

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the City at least 2 days before the proceeding by contacting the City Clerk's Office at 305-805-5006.

LOBBYING ACTIVITIES

In accordance with Section 33-01 of the City Code, adopting Section 2-11.1(s) of the Miami-Dade County Code, any person engaging in lobbying activities, as defined therein, must register at the City Clerk's Office before addressing the City Council on the agenda items or engaging in lobbying activities. Specifically, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk and online at: <https://www.miamisprings-fl.gov/cityclerk/lobbyist-registration-form-0>.

Have questions or need additional information?

Write: cityclerk@miamisprings-fl.gov

Call: 305-805-5006

Mail: 201 Westward Drive, Miami Springs, FL 33166



MEMORANDUM

To: Honorable Mayor and Council

From: Haydee Sera, Esq., Weiss Serota Helfman Cole & Bierman, P.L., City Attorney

Date: October 23, 2023

RE: 2nd Reading: Ordinance Amending Section 150-070.1, "Miami Springs Gateway Overlay District," of the City Code of Ordinances (the "Code")

I. Procedural History

On September 25, 2023, the City Council, sitting as the Local Planning Agency ("LPA"), recommended approval of an Ordinance amending Section 150-070.1 of the Code relating to permitted uses along road rights-of-way on first floor levels within the Miami Springs Gateway Overlay District (the "Overlay District"), subject to incorporation of certain amendments that are described in further detail below. At the Regular City Council meeting immediately after the LPA meeting, the City Council approved the proposed Ordinance amending the Overlay District at First Reading together with the LPA's recommendations. On October 9, 2023, after discussion, the City Council deferred the Ordinance at Second Reading and requested discussion of the Ordinance at a City Council workshop.

A City Council workshop has been scheduled for 5:00 p.m. on Monday, October 23, 2023, immediately prior to the regular Council meeting that begins at 7:00 p.m.

II. Proposed Ordinance.

This memorandum supplements the memorandum that was provided on September 25, 2023. Based on the discussion at the October 9, 2023, City Council meeting, the City Attorney, together with input from the City Planners and Staff, has prepared an alternate version of the Ordinance for Council's consideration on October 23, 2023.

The agenda packet for the October 23, 2023 Council meeting includes:

1. The Ordinance as presented on October 9, 2023 (the "Ordinance");
2. Alternative Ordinance, which includes recommended revisions to the Ordinance presented on October 9, 2023 (the "Alternative Ordinance"); and
3. A "clean" version of the Alternative Ordinance (labeled as "Alternative (Clean)", which is what the Ordinance would ultimately look like if the Alternative Ordinance were adopted by Council as presented.

Ordinance Presented on October 9, 2023

The Ordinance presented on October 9, 2023 incorporated the initial changes recommended by the City Council at the LPA on September 25, 2023. The changes between the September 25 hearing and the October 9, 2023 hearing are summarized as follows:

1. Recitals were clarified to provide that the primary reason behind the proposed text changes is to provide additional flexibility for businesses seeking to operate within the District, and that by providing increased flexibility, the City will promote a lively business atmosphere, ensure the success of the District, and encourage vibrant pedestrian activity and walkability.
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2. A definition to proposed Section 150-070.1(3)(c) of the Code was added to clarify what a Medical or Dental Office Use encompasses. Specifically, a Medical or Dental Office Use is defined as a small-scale office with a maximum floor area of 2,000 square feet that provides medical or dental treatment. The term does not include medical or clinical laboratories, urgent care centers, hospitals, emergency rooms, or other similar medium to large-scale medical office uses, which are specifically prohibited.
3. Section 150-070.1(3)(e) of the Code was amended to increase the distancing requirements between veterinarian uses within the District from 0.25 airline miles to 0.30 airline miles.
4. A scrivener's error was addressed at line 90 of the Revised Ordinance.

Alternative Ordinance for Second Reading on October 23, 2023

After considering the City Council's discussion and concerns from the October 9, 2023 Council Meeting, the City Attorney, with input from the City Planners and Staff, prepared an Alternative Ordinance for Second Reading. The primary differences between the Alternative Ordinance and the Ordinance presented on October 9 are as follows:

1. The Alternative Ordinance no longer limits the permissible locations for Medical or Dental Office, Personal Services, or Veterinarian first floor uses to particular street frontages within the District.
2. In keeping with the intent to create a more walkable and lively District, the Alternative Ordinance amends proposed Section 150-070.1(3)(c) of the Code to allow Medical or Dental Office Uses only. General office uses (e.g., offices for accountants, attorneys, architects, engineers, insurance agencies, etc.) would not be permitted as *first* floor uses. However, general office uses would continue to be permitted above the first floor.
3. The Alternative Ordinance amends proposed Section 150-070.1(3)(d) of the Code to make the description of Personal Services consistent with the description provided in the Central Business District, which is: "Personal Services (e.g., barbershops, beauty parlors, physical therapy clinics), with hours of business between 6:00 a.m. and 10:00 p.m." The parenthetical in this category of uses provides examples of uses that may be permitted as Personal Services, but is not intended to be an exhaustive list of Personal Services.

It is recommended that Council consider the Alternative version of the ordinance and make a motion to adopt the ordinance as presented in Alternative. If Alternative is passed on second reading, the Alternative Ordinance will become effective immediately.

1 **Sec. 150-070.1. Miami Springs Gateway Overlay District.**

2 (A) *Purpose.* The purpose of the Miami Springs Gateway Overlay District ("Gateway District"), located within the
3 Central Business District for the area abutting and/or adjacent to the outgoing/incoming vehicular bridges
4 to/from the City of Hialeah, as identified in the City's Future Land Use Map and herein, is to facilitate
5 placemaking by enhancing neighborhood character and authenticity through participatory design and
6 identifying projects such as architecturally significant buildings, entrance features, art in public places,
7 improved landscaping and signage, traffic calming features, and promotion of the City's history. The
8 foregoing will further the goals, objectives, and policies of the Central Business District, which are to foster a
9 suburban downtown that satisfy the business, service, dining, and entertainment needs of the community's
10 residents, as further detailed in the City's Comprehensive Plan and § 150.070 of the City Code.

11 (B) *Boundary.* As identified in the City's Future Land Use Map, the Gateway District shall be defined as that area
12 bounded by Canal Street, the alley southeast of Hook Square, South Royal Poinciana Boulevard, North Royal
13 Poinciana Boulevard and Nahkoda Drive. More specifically this area includes: Lots 24—26 Block 86; Tract A,
14 Block 85; Tract B, Block 85; Tract C, Block 85; Lot 9, Block 85; Lots 1—2, Block 66; Lot 6, Block 66; Lot 7, Block
15 66; Lot 8, Block 66 and Track G; Lots 10, 12-14 And Tracks E and F; Lot 16, Block 66; Track D, Block 66; Lots
16 21—22, Block 66; Lots 31—34, Block 66; Lots 28—30, Block 66; Lot 27, Block 66; Tract C, Block 66; and Lots
17 21—22, Block 66. For reference, the area is identified below.



18
19 (C) *Design Standards.* The City desires for new and existing buildings within the Gateway District to become
20 more aesthetically pleasing, have architectural elements that highlight the City's history, facilitate pedestrian
21 activity and walkability, and assist in traffic calming. As opposed to a mandate, the City desires to accomplish
22 these objectives through incentives in development standards that will encourage property owners to
23 improve their respective properties in a manner that results in cohesive building design and features
24 throughout the Gateway District. The standards are as follows:

- 25 1. *Building height limitations.* In keeping with the applicable requirement of the CBD, the maximum
26 building height shall be no more than 40 feet and no more than three stories. Rooftops may be
27 activated provided that no vertical construction exceeds the height restrictions stated herein.
- 28 2. *Setbacks.* The setbacks in the CBD shall remain in effect for the Gateway District, except as follows:
 - 29 a. All buildings shall be built to the front property line, but the first floor shall be recessed ten feet,
30 so as to facilitate expanded sidewalks or arcade for increased pedestrian activity; and
 - 31 b. No rear yard setback is required.
- 32 3. *Uses.* The uses in the CBD shall remain in effect for the Gateway District, except that hotels shall be
33 prohibited in the Gateway District. Additionally, first floor uses along road rights-of-way shall be limited
34 to restaurant and/or retail. The ground floor shall contain occupiable, air-conditioned space for
35 permitted commercial uses with a minimum depth of 40 feet from the building façade for those

36 portions of the building along road rights-of-way, except such features as, without limitation,
 37 driveways, utility infrastructure, colonnades and outside dining areas. Direct access to such uses and
 38 full storefront windows are encouraged. Upper floors may be commercial, office, residential, or a mix
 39 of residential, office, and commercial. The mixed-use ratio found in § 150.070 of the Code shall not
 40 apply to the Gateway District.

41 4. *Architectural design.* It is required that all new site development, structures, buildings, remodelings
 42 and renovations show proper architectural design concepts and be appropriate to their surroundings.
 43 All new construction and remodeling and renovation of existing buildings and structures within the
 44 Gateway District shall:

- 45 a. Exhibit elements of the Pueblo/Mission Revival architectural design standard. Examples of these
 46 styles will be available through the Office of the City Planner;
- 47 b. Be designed in such a manner as to create, improve, or connect pedestrian amenities in the
 48 subject property and surrounding area, giving specific consideration to such things as, without
 49 limitation, linkages in/between/among circulation patterns, relationships to architectural and
 50 urban design features, relationships to public and private spaces, and accessibility, usability and
 51 coordination with adjacent properties;
- 52 c. To the extent possible, install awnings or eyebrows for portions of the project that abut City
 53 sidewalks;
- 54 d. Be installed underground all on-site utilities. Large transformers shall be placed on the ground
 55 within pad amounts, enclosures or vaults;
- 56 e. Provide adequate landscaping to screen all aboveground facilities.
- 57 f. All satellite dishes, antennas, and or other telecommunications equipment must be appropriately
 58 screened such that it is not visible from the street.
- 59 g. Limit any residential elements to upper floors. Residential dwelling units in the upper floors shall
 60 be have an average square foot requirement of no less than 900 square feet, with an individual
 61 unit minimum requirement of no less than 800 square feet. Efficiencies, studio, and loft
 62 apartments are prohibited.

63 5. *Floor Area Limitations.* All buildings within the Gateway District shall be limited to a floor area ratio
 64 (F.A.R.) of 1.0, in keeping with the limitation of the CBD, except that properties may be
 65 developed/redeveloped up to an F.A.R. of 1.7 through the satisfaction of the creative excellence
 66 standards established in this section.

67 6. *Creative Excellence Standards.* For a property to take advantage of a project F.A.R. in excess of 1.0 as
 68 referenced in subsection 5 herein, a development or redevelopment project must incorporate a
 69 combination of elements from at least three of the Creative Excellence categories provided below,
 70 which shall be demonstrated by the property owner at the time of initial site plan review and
 71 considered by the City Council at the hearing for site plan approval. Notwithstanding the cumulative
 72 value of the Creative Excellence elements, no project may exceed an F.A.R. of 1.7. No single element
 73 may be counted towards the satisfaction of more than one standard. The schedule of Creative
 74 Excellence elements for projects in the Gateway District are as follows:

Category	Creative Excellence Element	Amount of F.A.R. (up to specified amount depending on

		degree of compliance)
A. Site Planning and Design	<p>a. Art in public places—Durable creations that can be original works of art designed specifically for the site including, but not be limited to, sculptures, monuments, fountains, stained glass, or ceramics and may include architectural designs, components or structures. The "art work" medium can include, but not be limited to, glass, steel, bronze, wood, stone and concrete. For purposes of the art program, "art work" does not include the following: (1) directional elements, such as signage or graphics; (2) objects that are mass-produced in a standard design; or (3) landscape gardening, unless substantially comprising durable elements defined as "art work" under this section. The art shall be placed in an exterior area on the property subject to the development or on public property within the Gateway District, which is easily accessible or clearly visible to the general public from adjacent public property such as a street or other public thoroughfare or sidewalk. At a minimum, the art work shall cost one percent of total construction cost as indicated on the Building Permit or \$25,000.00 whichever is greater. An independent appraisal or other evidence of the value of the proposed art, including acquisition and installation costs, shall be submitted at the time of initial site plan review. The design and placement of the art is subject to approval by the City during site plan review. This element may be satisfied with a decorative water features— Considering movement, sound, reflection, recreation, cooling effect, architectural effect, coordination with plaza or other special place, public-private transition, visual impact, and relation to overall project design. In the alternative, a property may elect to pay the City an amount equal to the value of the art that meets this element in lieu of art on the property, which the City shall use for public art and beautification improvements.</p>	0.2
	b. Community Entry Feature—A thematic architectural or landscape design elements that	0.20

	incorporates a special landmark feature or public art to identify the community, representative of the City character. The Feature shall be subject to approval by the City.	
	c. Directional Signage—A thematic, permanent sign incorporated into a right-of-way feature that orients pedestrians and drivers to facilities and other points of interest. The design of the signage will be subject to approval by the City.	0.20
B. Improvements: Rights-of-Way and On-Site Public Spaces	a. Alley improvements—Resurfacing and lighting in accordance with the specifications as established by the City Engineer. Includes the placement of all utility lines, transformers and related equipment underground and/or in vaults.	0.2
	b. Right-of-Way improvements—Improvements to crosswalks, sidewalks, canal banks, curbing, landscaping islands and other.	0.2
	c. Installation of trolley stops/bus shelter on the subject property or neighboring property.	0.15
C. Site Improvements	a. Lighting—Installation of decorative lighting (any combination building, landscape and site lighting).	0.1
	b. Landscape maturity—This bonus applies to landscaping that is a minimum 50% bigger than minimum standards for onsite plantings.	0.2
	c. Street trees, grates and irrigation—Landscaping on the public right-of-way shall occur for the entire street frontage of the property and shade trees shall be planted no further apart than 30 feet on center. Palms shall not be counted towards this elements. This bonus applies to landscaping that is a minimum 50% bigger than minimum standards for onsite plantings.	0.1
D. Green Buildings	Green Building Certification. LEED (New Construction or Major Renovation) Silver or greater, or certification by the Florida Green Building Council	0.5
	(a) The applicant must successfully register the project with the Green Building Certification Institute or the Florida Green Building Coalition, or other third party certifying agency as approved by the City Planner, and provide evidence of such registration	

	<p>(b) Applicant shall have a minimum of one LEED accredited professional, or other similarly accredited professional, on the design team. Applicant shall provide a copy of the LEED accreditation certificate or similar certification and describe the role of the LEED accredited professional on the design team</p>	
	<p>(c) The applicant must provide a copy of the pertinent credit checklist indicating which credits the applicant intends to achieve along with a written narrative and detailed drawings and plans illustrating the applicant's intent to meet the prerequisites as described in the applicable LEED Rating System or FGBC Designation for the specific building type</p>	
	<p>(d) Prior to the issuance of the first principal building permit the applicant shall post a performance bond equal to five percent of the total cost of the construction in order to secure performance and fulfillment of the applicant. In lieu of the bond required by this Section, the City may accept an irrevocable letter of credit from a financial institution authorized to do business in Florida or provide evidence of cash deposited in an escrow account in a financial institution in the State of Florida in the name of the applicant and the City. The letter of credit or escrow shall be in the same amount of the bond if it were posted. If the project fails to meet the criteria required for certification by the Green Building Certification Institute or other nationally recognized certifying agency within one year after receiving the City's certificate of occupancy, the applicant shall either request an extension or forfeit 100 percent of the bond. The applicant, for good cause shown, may request an extension of time of up to one additional year to achieve certification. Such extension may be granted at the sole discretion of the City Council after having considered the factors and improvements necessary to achieve the requisite certification. If certification is not achieved within two years after receiving the City's certificate of occupancy, the applicant shall forfeit 100 percent of the bond to the City</p>	

76 (D) *Parking Requirements.* The CBD parking requirements as provided in § 150.070(E)(1—3) shall apply to the
77 Gateway District, including, without limitation, the grandfathering of provided parking, if any, for existing
78 buildings and current uses. Additionally, because of the uniqueness of the buildings, configuration of parcels,
79 and road network in the Gateway District, the minimum parking space requirements and design for new
80 construction or alterations to existing structures that expand occupiable space, shall be determined on a
81 case-by-case basis. The City Planner shall have the authority to establish parking requirements for alterations
82 and new construction by counting a combination on-site and on-street parking and other elements identified
83 below. In establishing the required parking, the City Planner shall utilize a parking study prepared by a
84 licensed and qualified individual selected by the City, the actual cost of which shall be reimbursed by the
85 applicant. For any on-street parking space(s) counted towards the satisfaction of a property's requirement,
86 irrespective of whether such spaces are immediately abutting or adjacent to the subject property, or any
87 spaces otherwise waived as a result of one of the factors listed below, a fee shall be paid to the City for each
88 such parking space prior to the issuance of a building permit, in an amount set from time to time by
89 approved resolution of the City Council. The funds shall be used to fund parking and wayfinding
90 improvements in the Gateway District and the CBD. In determining the parking requirements for non-
91 grandfathered properties, the following factors shall be considered by the City Planner and City Council and
92 given their due weight in proportion to their overall effect on the property's parking requirement. No single
93 factor is dispositive.

- 94 1. Availability of on-site parking;
- 95 2. Availability of on-street parking;
- 96 3. Provision of bicycle parking;
- 97 4. Distance to, or inclusion of, bus and trolley stops;
- 98 5. Internal capture of peak traffic trips as a result of mix of uses;
- 99 6. Distance to public parking; and
- 100 7. Walking accessibility of the site.

101 All on-site parking shall be appropriately landscape to provide visual relief and, to the extent possible, shade.

102 (E) *Project Review Process.* The following formal approval process for the City shall apply to all new construction
103 and redevelopment projects within the Gateway District.

- 104 1. Optional informational and pre-application meeting with City Staff.
- 105 2. Mandatory application preliminary review meeting with City Staff.
- 106 3. Applications for variances, if any, shall be submitted to the City Board of Adjustment for review and
107 consideration in accordance with the procedures set forth in Code §§ 150-110 through 150-113.
- 108 4. The City Zoning and Planning Board will have the responsibility to review all site and development
109 plans and to make recommendations for modification, approval or denial to the City Council in
110 accordance with Code §§ 150-101 and 150-102.
- 111 5. The decisions and recommendations of the City Board of Adjustment and Zoning and Planning Board
112 will be reviewed for final approval by the City Council in accordance with the procedures set forth in
113 Code § 150-113.
- 114 6. The City Council shall authorize the preparation and issuance of a Development Order for each project
115 application that has completed the Development Review Process.

116 (F) *Site Plan Review.* Any development within the Gateway District shall be required to have the site and
117 development plans approved as provided herein before a building permit is issued to insure that
118 development is in accord with the intent of this district. Applications for site and development plan approval

119 shall be submitted to the Planning Office according to the provisions of the Zoning Code and the additional
120 requirements and procedures specified herein.

121 1. The application for site and development plan approval shall include but shall not be limited to:

122 a. Plans, maps, studies and data which may be necessary to determine whether the particular
123 proposed development meets the intent of the Gateway District, and the specific requirements
124 and standards contained in this subsection;

125 b. A survey showing property and ownership lines; existing structures, alleys, easements and utility
126 lines;

127 c. A traffic study providing such information as, without limitation, a location map showing the
128 project site in relation to proximate major road systems in and out the City, the anticipated peak
129 morning and evening trips to be generated by the proposed project, the current level of service
130 for roadways and intersections within 500 feet of the project, in and out of the City's jurisdiction,
131 inclusive of the following roads in the City of Hialeah: Okeechobee Road, Palm Avenue, Hialeah
132 Drive, and East 1st Avenue;

133 d. General nature of the proposed development, planned uses and activities and the name of the
134 developer;

135 e. A site plan showing setbacks, height, floor area ratio, orientation and all existing and proposed
136 site development as required by this ordinance. Landscaping Design may be incorporated into
137 the site plan or submitted as a separate plan.

138 f. Dimensioned floor plan(s) and cross sections;

139 g. To the extent sought, an explanation of how the project's design and/or amenities are meeting
140 the creative excellence standards and the proposed value attributed to each element;

141 h. Exterior colored elevations of each building facade (including, but not limited to, renderings,
142 sketches, and/or perspectives). Elevations must be mounted on 24-inch by 36-inch boards and
143 submitted to the City prior to public meetings;

144 i. One set of identical uncolored elevations shall be submitted in paper format. Elevations must
145 include all items affecting the appearance of the building including, but not limited to, site
146 amenities, street furniture, air-conditioning grilles, compressors, mechanical equipment, exterior
147 colors and material designations, exterior lighting, landscaping, and all signs. These drawings shall
148 be referenced to the color and/or material samples submitted with the application and on the
149 mounted drawings. Photographs and other similar documents which provide sufficient
150 information will suffice for small-scale projects where applicable;

151 j. Detailed drawings for all signs, (with color and text styles, referenced in the application), except
152 those which cannot be determined because the occupancy of the space is not known, in which
153 case, only the text shall be excluded;

154 k. A description of exterior material designations and surface treatments (with attached samples,
155 catalog specs, or colored brochures) including roofs and ground treatments. Sample materials
156 may be submitted as segments, catalog cuts, or photographic records attached to the
157 application. Large, bulky materials whose size or shape will not fit easily with the application file
158 will not be accepted;

159 l. Exterior façade color samples complying with the City of Miami Springs approved color palette
160 shall be submitted with the application (including that of signs);

161 m. All lighting proposed (i.e. fixture types and locations, materials, lamp design, illumination colors,
162 etc.) shall be included within a site photometric plan and fixture schedule;

-
- 163 n. Other information as may reasonably be required by the City Staff to provide information needed
164 to process the application;
- 165 o. One, professionally crafted, two-point perspective color rendering of the project and one
166 rendered landscaped site plan for review by City Staff. This shall be completed prior to public
167 meetings. Digital images of the plans and renderings must be submitted in JPG, JPEG, TIF, or TIFF
168 formats, resample at no greater than an 11-inch by 17-inch paper size, with a resolution of 200
169 dots per inch (dpi), for use in a Microsoft PowerPoint presentation at the City Council meeting;
- 170 p. Points of ingress and egress for vehicular and pedestrian traffic, circulation patterns within the
171 project, including location and design of east/west roadways, where required;
- 172 q. Location, character, and scale of parking and service facilities, including area and number of
173 parking spaces, character of structural parking, if any; location of loading areas and commercial
174 vehicle parking.
- 175 r. Any additional materials and information as may be required by the proper agencies of the City;
- 176 s. Where a proposed development is planned to be constructed in phases, the timing of the first
177 phase shall be indicated. The information concerning the nature of the development, uses,
178 location and floor areas to be developed shall also be supplied. The same information shall be
179 provided for succeeding stages. Initiation of succeeding stages shall be made dependent upon
180 the completion of earlier stages and the supplying of any information that may be required by
181 the proper City agencies;
- 182 t. When a proposed development contains provisions concerning the establishment and continuing
183 operation and maintenance of improvements and facilities for common use by the occupants of
184 the project and the general public, but which are not provided, operated, or maintained at
185 general public expense, the owner shall give assurance in a manner approved by the City Council
186 that such improvements and facilities will be maintained without future expense to the City, and
187 that the development will conform to approved site and development plans; and
- 188 u. Such other requirements as may be prescribed by the Code.
- 189 2. Exemptions. The following applications for development, redevelopment, or building permit will be
190 exempt from the application of this ordinance:
- 191 a. Any building or structure for which final site plan approval has been obtained prior to the
192 enactment of this section;
- 193 b. A project determined by the City Planner to be of a temporary nature such that meeting the
194 intent of the ordinance would not be practical.
- 195 c. The City Administrative Staff shall retain the authority to exempt any proposed development or
196 redevelopment project for this district that is being proposed for any existing structure or
197 structures from the application of any or all of the provisions of Code. This exemption shall not
198 be applicable to development or redevelopment projects in the Gateway District proposed for
199 vacant or "ground up" construction which retains the continuing availability of the City variance
200 process for specific relief from the provision of this code section.
- 201 3. Fees. Each application filed with the City shall be accompanied by the payment of a fee, as set by the
202 City Council, from time to time, to cover the expenses of the City, including but not limited to the
203 various costs incurred by the use of the City's outside technical and legal consultants, in processing and
204 reviewing the application for development. Applicants shall reimburse the City for the actual costs of
205 outside technical and legal consultants that may be incurred in excess of the application fee amount.

206 (Ord. 1107-2018, passed 6-25-18 ; amend. Ord. 1111-2019, passed 1-14-19 ; amend. Ord. 1125-2022, passed 8-22-
207 22)

208

38 (the “Primary Streets”) in order to facilitate and enhance lively pedestrian activity and
39 walkability along the main thoroughfares of the District; and

40 **WHEREAS**, the City desires to allow office uses, including medical and dental,
41 along street frontages except the Primary Streets to enhance the commercial viability of
42 the District; and

43 **WHEREAS**, the City Council further desires to allow personal services uses along
44 the Hook Square street frontage only to further enhance the commercial viability of the
45 District, while ensuring such uses do not become concentrated uses in the District; and

46 **WHEREAS**, the City Council also desires to allow veterinarian uses, along Hook
47 Square or Canal Street frontage only, provided that no veterinarian use may be located
48 within 0.25 airline miles of the front door of a proposed veterinarian use to the front door
49 of an existing veterinarian use within the District; and

50 **WHEREAS**, the City Council finds that the distancing limitations on veterinarian
51 uses are necessary to curtail and limit exposure to the potential negative effects of the
52 use, including the potential for increased biological waste and excess noise pollution; and

53 **WHEREAS**, on September 11, 2023, at a duly noticed public hearing in
54 accordance with law, the City Council, sitting as the Local Planning Agency, reviewed
55 and recommended approval of this Ordinance with the following recommendations: that
56 medical and dentist office uses be further defined and that the airline distancing
57 requirements between veterinarian uses within the District be increased from 0.25 airline
58 miles to 0.30 airline miles, and determined that it is consistent with the City’s
59 Comprehensive Plan; and

60 **WHEREAS**, the City Council finds that this proposed Ordinance serves to further
61 enhance the protection of the public health, safety and welfare.

62 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL**
63 **OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:**¹

64 **Section 1. Recitals.** That the above recitals are confirmed, adopted, and
65 incorporated herein and made a part hereof by reference.

66 **Section 2. Amending Code.** That Section 150.070.1 “Miami Springs Gateway
67 Overlay District” within Chapter 150, “Zoning Code,” of the Code of Ordinances of Miami
68 Springs, Florida, is hereby amended as follows:

69 **Chapter 150 – ZONING CODE**

70 * * *

71 **ARTICLE VII. BUSINESS DISTRICT**

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.

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Section 150-070.1. - Miami Springs Gateway Overlay District.

* * *

(C) Design Standards. The City desires for new and existing buildings within the Gateway District to become more aesthetically pleasing, have architectural elements that highlight the City's history, facilitate pedestrian activity and walkability, and assist in traffic calming. As opposed to a mandate, the City desires to accomplish these objectives through incentives in development standards that will encourage property owners to improve their respective properties in a manner that results in cohesive building design and features throughout the Gateway District. The standards are as follows:

* * *

3. Uses. The uses in the CBD shall remain in effect for the Gateway District, except that hotels shall be prohibited in the Gateway District. ~~Additionally~~ Notwithstanding, first floor uses along road rights-of-way shall be limited to:

- a. Restaurant (and lounge), café, cafeteria.
- b. and/or Retail Use.
- c. Office Use, including medical and dental, along any street frontage except Curtis Parkway and South and North Royal Poinciana Boulevards.
For purposes of this Section, a Medical or Dental Office Use shall mean a small-scale office with a maximum floor area of 2,000 square feet providing medical or dental treatment where patients are offered medical services, examinations, and treatments, but are not permitted to occupy the premises overnight. This does not include medical or clinical laboratories, urgent care centers, hospitals, emergency rooms, or other similar medium to large-scale medical office uses, which are specifically prohibited.
- d. Personal Services (e.g., barbershops, beauty parlors, physical therapy clinics, massage parlors), with hours of business between 6:00 a.m. and 10:00p.m., along Hook Square frontage only.
- e. Veterinarian Use (which may provide short-term boarding for medical purposes only, for no more than 48 hours), along Hook Square or Canal Street frontage only, provided that no Veterinarian Use may be located within ~~0.25~~ 0.30 airline miles of the front door of an existing Veterinarian Use within the Gateway District. The distance shall be measured from the front door of the proposed Veterinarian Use to the front door of the existing Veterinarian Use.

The ground floor shall contain occupiable, air-conditioned space for permitted commercial uses with a minimum depth of 40 feet from the building façade for those portions of the building along road rights-of-way, except such features as, without limitation, driveways, utility infrastructure, colonnades and outside dining areas. Direct access to such uses and full storefront windows are encouraged. Upper floors may be commercial, office,

111 residential, or a mix of residential, office, and commercial. The mixed-use ratio found in §
112 150.070 of the Code shall not apply to the Gateway District.

113 * * *

114 **Section 3. Conflicts.** All Sections or parts of Sections of the Code of
115 Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of
116 Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

117 **Section 4. Severability.** That the provisions of this Ordinance are declared to
118 be severable and if any section, sentence, clause or phrase of this Ordinance shall for
119 any reason be held to be invalid or unconstitutional, such decision shall not affect the
120 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but
121 they shall remain in effect, it being the legislative intent that this Ordinance shall stand
122 notwithstanding the invalidity of any part.

123 **Section 5. Codification.** That it is the intention of the City Council and it is
124 hereby ordained that the provisions of this Ordinance shall become and be made a part
125 of the City Code, that the sections of this Ordinance may be renumbered or relettered to
126 accomplish such intentions, and that the word Ordinance shall be changed to Section or
127 other appropriate word.

128 **Section 6. Effective Date.** That this Ordinance shall become effective
129 immediately upon adoption on second reading.

130 **PASSED ON FIRST READING** on the __ day of _____, 2023, on a motion
131 made by _____ and seconded by _____.

132 **PASSED AND ADOPTED ON SECOND READING** this ___ day of _____, 2023,
133 on a motion made by _____ and seconded by _____. Upon being put to a
134 roll call vote, the vote was as follows:

- 135 Vice Mayor Jorge Santin _____
- 136 Councilmember Jacky Bravo _____
- 137 Councilmember Dr. Victor Vazquez, Ph.D. _____
- 138 Councilmember Dr. Walter Fajet, Ph.D. _____
- 139 Mayor Maria Puente Mitchell _____

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143 _____
144 MARIA PUENTE MITCHELL
145 MAYOR

146 ATTEST:
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148 _____
149 ERIKA GONZALEZ, MMC

150 CITY CLERK

151

152 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

153 FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

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157 _____
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.

158 CITY ATTORNEY

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING SECTION 150-070.1, "MIAMI SPRINGS GATEWAY OVERLAY DISTRICT" WITHIN ARTICLE VII, "BUSINESS DISTRICT" OF CHAPTER 150, "ZONING CODE," OF THE CITY'S CODE OF ORDINANCES TO AMEND THE LIST OF USES PERMITTED ON FIRST FLOOR LEVELS ALONG ROAD RIGHTS-OF-WAY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miami Springs (the "City") finds it periodically necessary to amend its Code of Ordinances (the "Code") in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, on June 25, 2018, the City adopted Ordinance No. 1107-2018 to create the Miami Springs Gateway Overlay District (the "District") and provide regulations for the District, which were amended on January 14, 2019, pursuant to Ordinance No. 1111-2019 and on August 22, 2022, pursuant to Ordinance No. 1125-2022; and

WHEREAS, the District regulations currently restrict first floor uses along road rights-of-way to restaurant and retail uses (the "Existing Uses") only; and

~~**WHEREAS**, as a result of changing market demands since the District's creation in 2018, demand for traditional retail uses has decreased; and~~

WHEREAS, after review of the District's Existing Uses, the City Council has identified a need to amend the list of uses permitted on first floor levels to provide additional flexibility for businesses that wish to operate in the District; and

WHEREAS, the City Council finds that providing additional flexibility as it relates to the list of permitted first floor uses along road rights-of-way in the District will promote a lively business atmosphere. ensure the success of current and future developments in the District, and encourage vibrant pedestrian activity and walkability; and

WHEREAS, specifically, the City Council has identified that medical or dental offices, personal services, and veterinarian clinic uses along secondary streets in the District, subject to certain use restrictions and conditions, will enhance the commercial viability and vibrancy of current and future developments in the District while maintaining restaurant and retail uses as the primary uses in the District; and

WHEREAS, specifically, the City Council desires to continue allowing only the Existing Uses along Curtiss Parkway and South and North Royal Poinciana Boulevards

ALTERNATE VERSION - THIS IS AN ALTERNATE VERSION OF THE PROPOSED ORDINANCE INCLUDING REVISIONS MADE SUBSEQUENT TO THE OCTOBER 9, 2023 COUNCIL MEETING THAT ARE PRESENTED FOR COUNCIL'S CONSIDERATION ON OCTOBER 23, 2023

38 (the "Primary Streets") in order to facilitate and enhance lively pedestrian activity and
39 walkability ~~along the main thoroughfares of in~~ the District; and

40 **WHEREAS**, the City desires to allow medical or dental office uses, ~~including~~
41 ~~medical and dental, along street frontages except the Primary Streets~~ to enhance the
42 commercial viability of the District; and

43 **WHEREAS**, the City Council further desires to allow personal services ~~uses along~~
44 ~~the Hook Square street frontage only~~ to further enhance the commercial viability of the
45 District, while ensuring such uses do not become concentrated uses in the District; and

46 **WHEREAS**, the City Council also desires to allow veterinarian uses, ~~along Hook~~
47 ~~Square or Canal Street frontage only~~, provided that no veterinarian use may be located
48 within ~~0.25~~ 0.30 airline miles of the front door of a proposed veterinarian use to the front
49 door of an existing veterinarian use within the District; and

50 **WHEREAS**, the City Council finds that the distancing limitations on veterinarian
51 uses are necessary to curtail and limit exposure to the potential negative effects of the
52 use, including the potential for increased biological waste and excess noise pollution; and

53 **WHEREAS**, on September 11, 2023, at a duly noticed public hearing in
54 accordance with law, the City Council, sitting as the Local Planning Agency, reviewed
55 and recommended approval of this Ordinance with the following recommendations: that
56 medical and dentist office uses be further defined and that the airline distancing
57 requirements between veterinarian uses within the District be increased from 0.25 airline
58 miles to 0.30 airline miles, and determined that it is consistent with the City's
59 Comprehensive Plan; and

60 **WHEREAS**, the City Council finds that this proposed Ordinance serves to further
61 enhance the protection of the public health, safety and welfare.

62 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL**
63 **OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:¹**

64 **Section 1. Recitals.** That the above recitals are confirmed, adopted, and
65 incorporated herein and made a part hereof by reference.

66 **Section 2. Amending Code.** That Section 150.070.1 "Miami Springs Gateway
67 Overlay District" within Chapter 150, "Zoning Code," of the Code of Ordinances of Miami
68 Springs, Florida, is hereby amended as follows:

69 **Chapter 150 – ZONING CODE**

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 yellow highlighted double strikethrough and double underline. On October 9, 2023, the City Council discussed this Ordinance, but deferred the Ordinance for further consideration at a future date and time. Changes made subsequent to October 9, 2023 for consideration on October 23, 2023 are indicated with teal highlight and the corresponding underline or ~~strikethrough~~.

ALTERNATE VERSION - THIS IS AN ALTERNATE VERSION OF THE PROPOSED ORDINANCE INCLUDING REVISIONS MADE SUBSEQUENT TO THE OCTOBER 9, 2023 COUNCIL MEETING THAT ARE PRESENTED FOR COUNCIL'S CONSIDERATION ON OCTOBER 23, 2023

* * *

ARTICLE VII. BUSINESS DISTRICT

* * *

Section 150-070.1. - Miami Springs Gateway Overlay District.

* * *

(C) Design Standards. The City desires for new and existing buildings within the Gateway District to become more aesthetically pleasing, have architectural elements that highlight the City's history, facilitate pedestrian activity and walkability, and assist in traffic calming. As opposed to a mandate, the City desires to accomplish these objectives through incentives in development standards that will encourage property owners to improve their respective properties in a manner that results in cohesive building design and features throughout the Gateway District. The standards are as follows:

* * *

3. Uses. The uses in the CBD shall remain in effect for the Gateway District, except that hotels shall be prohibited in the Gateway District. Additionally Notwithstanding, first floor uses along road rights-of-way shall be limited to:

a. Rrestaurant (and lounge), café, cafeteria.

b. and/or Rretail Use.

c. Medical or Dental Office Use, including medical and dental, along any street frontage except Curtis Parkway and South and North Royal Poinciana Boulevards.

For purposes of this Section, a Medical or Dental Office Use shall mean a small-scale office with a maximum floor area of 2,000 square feet providing medical or dental treatment where patients are offered medical services, examinations, and treatments, but are not permitted to occupy the premises overnight. This does not include medical or clinical laboratories, urgent care centers, hospitals, emergency rooms, or other similar medium to large-scale medical office uses, which are specifically prohibited.

d. Personal Services (e.g., barbershops, beauty parlors, physical therapy clinics, massage parlors), with hours of business between 6:00 a.m. and 10:00 p.m., along Hook Square frontage only.

e. Veterinarian Use (which may provide short-term boarding for medical purposes only, for no more than 48 hours), along Hook Square or Canal Street frontage only, provided that no Veterinarian Use may be located within 0.25 0.30 airline miles of the front door of an existing Veterinarian Use within the Gateway District. The distance shall be measured from the front door of the proposed Veterinarian Use to the front door of the existing Veterinarian Use.

The ground floor shall contain occupiable, air-conditioned space for permitted commercial uses with a minimum depth of 40 feet from the building façade for those portions of the building along road rights-of-way, except such features as, without limitation, driveways,

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ALTERNATE VERSION - THIS IS AN ALTERNATE VERSION OF THE PROPOSED ORDINANCE INCLUDING REVISIONS MADE SUBSEQUENT TO THE OCTOBER 9, 2023 COUNCIL MEETING THAT ARE PRESENTED FOR COUNCIL'S CONSIDERATION ON OCTOBER 23, 2023

110 utility infrastructure, colonnades and outside dining areas. Direct access to such uses and
111 full storefront windows are encouraged. Upper floors may be commercial, office,
112 residential, or a mix of residential, office, and commercial. The mixed-use ratio found in §
113 150.070 of the Code shall not apply to the Gateway District.

114 * * *

115 **Section 3. Conflicts.** All Sections or parts of Sections of the Code of
116 Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of
117 Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

118 **Section 4. Severability.** That the provisions of this Ordinance are declared to
119 be severable and if any section, sentence, clause or phrase of this Ordinance shall for
120 any reason be held to be invalid or unconstitutional, such decision shall not affect the
121 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but
122 they shall remain in effect, it being the legislative intent that this Ordinance shall stand
123 notwithstanding the invalidity of any part.

124 **Section 5. Codification.** That it is the intention of the City Council and it is
125 hereby ordained that the provisions of this Ordinance shall become and be made a part
126 of the City Code, that the sections of this Ordinance may be renumbered or relettered to
127 accomplish such intentions, and that the word Ordinance shall be changed to Section or
128 other appropriate word.

129 **Section 6. Effective Date.** That this Ordinance shall become effective
130 immediately upon adoption on second reading.

131 **PASSED ON FIRST READING** on the __ day of _____, 2023, on a motion
132 made by _____ and seconded by _____.

133 **PASSED AND ADOPTED ON SECOND READING** this ___ day of _____, 2023,
134 on a motion made by _____ and seconded by _____. Upon being put to a
135 roll call vote, the vote was as follows:

- 136 Vice Mayor Jorge Santin _____
- 137 Councilmember Jacky Bravo _____
- 138 Councilmember Dr. Victor Vazquez, Ph.D. _____
- 139 Councilmember Dr. Walter Fajet, Ph.D. _____
- 140 Mayor Maria Puente Mitchell _____

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144 _____
145 MARIA PUENTE MITCHELL
146 MAYOR

ATTEST:

ALTERNATE VERSION - THIS IS AN ALTERNATE VERSION OF THE PROPOSED ORDINANCE INCLUDING REVISIONS MADE SUBSEQUENT TO THE OCTOBER 9, 2023 COUNCIL MEETING THAT ARE PRESENTED FOR COUNCIL'S CONSIDERATION ON OCTOBER 23, 2023

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150 ERIKA GONZALEZ, MMC

151 CITY CLERK

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153 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

154 FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

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158 WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.

159 CITY ATTORNEY

ALTERNATE VERSION - THIS IS AN ALTERNATE VERSION OF THE PROPOSED ORDINANCE INCLUDING REVISIONS MADE SUBSEQUENT TO THE OCTOBER 9, 2023 COUNCIL MEETING THAT ARE PRESENTED FOR COUNCIL'S CONSIDERATION ON OCTOBER 23, 2023

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING SECTION 150-070.1, "MIAMI SPRINGS GATEWAY OVERLAY DISTRICT" WITHIN ARTICLE VII, "BUSINESS DISTRICT" OF CHAPTER 150, "ZONING CODE," OF THE CITY'S CODE OF ORDINANCES TO AMEND THE LIST OF USES PERMITTED ON FIRST FLOOR LEVELS ALONG ROAD RIGHTS-OF-WAY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miami Springs (the "City") finds it periodically necessary to amend its Code of Ordinances (the "Code") in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, on June 25, 2018, the City adopted Ordinance No. 1107-2018 to create the Miami Springs Gateway Overlay District (the "District") and provide regulations for the District, which were amended on January 14, 2019, pursuant to Ordinance No. 1111-2019 and on August 22, 2022, pursuant to Ordinance No. 1125-2022; and

WHEREAS, the District regulations currently restrict first floor uses along road rights-of-way to restaurant and retail uses (the "Existing Uses") only; and

WHEREAS, after review of the District's Existing Uses, the City Council has identified a need to amend the list of uses permitted on first floor levels to provide additional flexibility for businesses that wish to operate in the District; and

WHEREAS, the City Council finds that providing additional flexibility as it relates to the list of permitted first floor uses along road rights-of-way in the District will promote a lively business atmosphere, ensure the success of current and future developments in the District, and encourage vibrant pedestrian activity and walkability; and

WHEREAS, specifically, the City Council has identified that medical or dental offices, personal services, and veterinarian clinic uses, subject to certain use restrictions and conditions, will enhance the commercial viability and vibrancy of current and future developments in the District while maintaining restaurant and retail uses as the primary uses in the District; and

WHEREAS, specifically, the City Council desires to continue allowing the Existing Uses in order to facilitate and enhance lively pedestrian activity and walkability in the District; and

WHEREAS, the City desires to allow medical or dental office uses to enhance the commercial viability of the District; and

ALTERNATE (CLEAN) VERSION - THIS IS AN ALTERNATE VERSION OF THE PROPOSED ORDINANCE AND REFLECTS WHAT THE TEXT OF THE CODE WOULD ULTIMATELY LOOK LIKE IF THE ALTERNATIVE VERSION WERE ADOPTED AS PRESENTED.

39 **WHEREAS**, the City Council further desires to allow personal services to further
40 enhance the commercial viability of the District, while ensuring such uses do not become
41 concentrated uses in the District; and

42 **WHEREAS**, the City Council also desires to allow veterinarian uses provided that
43 no veterinarian use may be located within 0.30 airline miles of the front door of a proposed
44 veterinarian use to the front door of an existing veterinarian use within the District; and

45 **WHEREAS**, the City Council finds that the distancing limitations on veterinarian
46 uses are necessary to curtail and limit exposure to the potential negative effects of the
47 use, including the potential for increased biological waste and excess noise pollution; and

48 **WHEREAS**, on September 11, 2023, at a duly noticed public hearing in
49 accordance with law, the City Council, sitting as the Local Planning Agency, reviewed
50 and recommended approval of this Ordinance with the following recommendations: that
51 medical and dentist office uses be further defined and that the airline distancing
52 requirements between veterinarian uses within the District be increased from 0.25 airline
53 miles to 0.30 airline miles, and determined that it is consistent with the City's
54 Comprehensive Plan; and

55 **WHEREAS**, the City Council finds that this proposed Ordinance serves to further
56 enhance the protection of the public health, safety and welfare.

57 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL**
58 **OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:**

59 **Section 1. Recitals.** That the above recitals are confirmed, adopted, and
60 incorporated herein and made a part hereof by reference.

61 **Section 2. Amending Code.** That Section 150.070.1 "Miami Springs Gateway
62 Overlay District" within Chapter 150, "Zoning Code," of the Code of Ordinances of Miami
63 Springs, Florida, is hereby amended as follows:

64 **Chapter 150 – ZONING CODE**

65 * * *

66 **ARTICLE VII. BUSINESS DISTRICT**

67 * * *

68 Section 150-070.1. - Miami Springs Gateway Overlay District.

69 * * *

70 (C) Design Standards. The City desires for new and existing buildings within the Gateway
71 District to become more aesthetically pleasing, have architectural elements that highlight
72 the City's history, facilitate pedestrian activity and walkability, and assist in traffic calming.
73 As opposed to a mandate, the City desires to accomplish these objectives through
74 incentives in development standards that will encourage property owners to improve their
75 respective properties in a manner that results in cohesive building design and features
76 throughout the Gateway District. The standards are as follows:

ALTERNATE (CLEAN) VERSION - THIS IS AN ALTERNATE VERSION OF THE PROPOSED ORDINANCE AND REFLECTS WHAT THE TEXT OF THE CODE WOULD ULTIMATELY LOOK LIKE IF THE ALTERNATIVE VERSION WERE ADOPTED AS PRESENTED.

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* * *

78 3. Uses. The uses in the CBD shall remain in effect for the Gateway District, except that
79 hotels shall be prohibited in the Gateway District. Notwithstanding, first floor uses along
80 road rights-of-way shall be limited to:

81 a. Restaurant (and lounge), café, cafeteria.

82 b. Retail Use.

83 c. Medical or Dental Office Use. For purposes of this Section, a *Medical or Dental*
84 *Office Use* shall mean a small-scale office with a maximum floor area of 2,000
85 square feet providing medical or dental treatment where patients are offered
86 medical services, examinations, and treatments, but are not permitted to occupy
87 the premises overnight. This does not include medical or clinical laboratories,
88 urgent care centers, hospitals, emergency rooms, or other similar medium to large-
89 scale medical office uses, which are specifically prohibited.

90 d. Personal Services (e.g., barbershops, beauty parlors, physical therapy clinics),
91 with hours of business between 6:00 a.m. and 10:00 p.m.

92 e. Veterinarian Use (which may provide short-term boarding for medical purposes
93 only, for no more than 48 hours), provided that no Veterinarian Use may be located
94 within 0.30 airline miles of the front door of an existing Veterinarian Use within the
95 Gateway District. The distance shall be measured from the front door of the
96 proposed Veterinarian Use to the front door of the existing Veterinarian Use.

97 The ground floor shall contain occupiable, air-conditioned space for permitted commercial
98 uses with a minimum depth of 40 feet from the building façade for those portions of the
99 building along road rights-of-way, except such features as, without limitation, driveways,
100 utility infrastructure, colonnades and outside dining areas. Direct access to such uses and
101 full storefront windows are encouraged. Upper floors may be commercial, office,
102 residential, or a mix of residential, office, and commercial. The mixed-use ratio found in §
103 150.070 of the Code shall not apply to the Gateway District.

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* * *

105 **Section 3. Conflicts.** All Sections or parts of Sections of the Code of
106 Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of
107 Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

108 **Section 4. Severability.** That the provisions of this Ordinance are declared to
109 be severable and if any section, sentence, clause or phrase of this Ordinance shall for
110 any reason be held to be invalid or unconstitutional, such decision shall not affect the
111 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but
112 they shall remain in effect, it being the legislative intent that this Ordinance shall stand
113 notwithstanding the invalidity of any part.

ALTERNATE (CLEAN) VERSION - THIS IS AN ALTERNATE VERSION OF THE PROPOSED ORDINANCE AND REFLECTS WHAT THE TEXT OF THE CODE WOULD ULTIMATELY LOOK LIKE IF THE ALTERNATIVE VERSION WERE ADOPTED AS PRESENTED.

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114 **Section 5. Codification.** That it is the intention of the City Council and it is
115 hereby ordained that the provisions of this Ordinance shall become and be made a part
116 of the City Code, that the sections of this Ordinance may be renumbered or relettered to
117 accomplish such intentions, and that the word Ordinance shall be changed to Section or
118 other appropriate word.

119 **Section 6. Effective Date.** That this Ordinance shall become effective
120 immediately upon adoption on second reading.

121 **PASSED ON FIRST READING** on the __ day of _____, 2023, on a motion
122 made by _____ and seconded by _____.

123 **PASSED AND ADOPTED ON SECOND READING** this ___ day of _____, 2023,
124 on a motion made by _____ and seconded by _____. Upon being put to a
125 roll call vote, the vote was as follows:

126	Vice Mayor Jorge Santin	_____
127	Councilmember Jacky Bravo	_____
128	Councilmember Dr. Victor Vazquez, Ph.D.	_____
129	Councilmember Dr. Walter Fajet, Ph.D.	_____
130	Mayor Maria Puente Mitchell	_____

131
132
133
134 _____
135 MARIA PUENTE MITCHELL
136 MAYOR

137 ATTEST:
138
139 _____
140 ERIKA GONZALEZ, MMC
141 CITY CLERK

142
143 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
144 FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

145
146
147 _____
148 WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
149 CITY ATTORNEY

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