

**ORDINANCE NO. 1108 – 2018**

**AN ORDINANCE OF THE CITY OF MIAMI SPRINGS,  
FLORIDA, AMENDING CHAPTER 150 OF THE CITY'S  
CODE OF ORDINANCES BY MODIFYING SECTION  
150.070, "CBD CENTRAL BUSINESS DISTRICT",  
REVISING PERMITTED, PROHIBITED, AND  
CONDITIONAL USES; UPDATING SECTION 105.002,  
"DEFINITIONS"; PROVIDING FOR IMPLEMENTATION;  
PROVIDING OF INCORPORATION INTO THE CODE;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR  
CONFLICTS; AND PROVIDING FOR AN EFFECTIVE  
DATE**

**WHEREAS**, staff for the City of Miami Springs (the "City"), on numerous occasions, has encounter inconsistencies and/or omissions in the Land Use Code of Ordinance, particularly where it relates to permitted/prohibited uses; and

**WHEREAS**, some municipal codes are permissive in that those uses that are not prohibited are otherwise allowed; while other codes are restrictive in that those uses that are not expressly permitted are disallowed;

**WHEREAS**, the City Code lists both permitted and prohibited uses, creating the circumstances where specific uses may not be mentioned in either permitted or prohibited and no default position for staff to take in reviewing applications for certificates of use;

**WHEREAS**, staff and the City Attorney's office have recommended that, to start, the uses in the Central Business District ("CBD") be updated to list only those uses permitted in the CBD—thereby making all other uses not mentioned prohibited—and creating a category of conditional uses—those recommended for approval where any

collateral effects have been mitigated, in an effort to improve the City Code and reduce liability; and

**WHEREAS**, to effectuate the goals and implement the policies of the City's Comprehensive Plan associated with the Gateway District, zoning regulations are required; and

**WHEREAS**, the City Council hereby finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS: <sup>1</sup>**

**Section 1. Recitals.** The above-stated recitals are hereby confirmed, adopted and incorporated herein and made a part hereof by this reference.

**Section 2. Amending Chapter 150 of the City Code.** The Code of Ordinances of the City of Miami Springs, Florida, is hereby amended by as follows:

#### CHAPTER 150 – ZONING CODE

\* \* \*

Sec. 150-070. - CBD central business district.

(A) *Purpose.* This purpose of land use is intended to foster a suburban downtown which will: satisfy the frequent retail, personal and professional service needs and desires of persons residing and/or working in Miami Springs and surrounding areas making up its market area and provide a specialty shopping/restaurant/entertainment destination for a large market area. This category may allow a wide range of convenience and comparison shopping facilities, restaurants, theaters and other compatible uses.

(B) *Allowed uses.*

~~Accounting, bookkeeping, law and other professional offices.~~

~~Agency (for employment, travel and/or services to be performed elsewhere).~~

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with ~~double strikethrough~~ and double underline.

Art or photographic studio (commercial).

~~Automobile rental agency, office use only.~~

Bank or other financial institution.

~~Business or commercial school.~~

~~Catering and delicatessen (including butcher shop) business.~~

Civic clubs, lodges and fraternal organization facilities.

Conference, meeting facilities or areas of public assemblage ~~for less than 20 people.~~

~~Dental care and doctor's offices.~~

Dry cleaning and laundry, drop-off/pick-up only.

~~Family restaurant/arcade; so long as the arcade use does not exceed 40 percent of the available business space, no alcoholic beverages are permitted on the premises, no gambling games/machines are permitted, no more than one pool table is permitted, the arcade area is continually supervised, and the family nature of the operation is maintained. No more than two family restaurant/arcades shall be permitted in the Central Business District.~~

### Food Stores

### Government Use

Gymnasium, health club, dance studio or other center where "physical activity" lessons are conducted.

~~Insurance agency.~~

Laundry ~~No more than two allowed in the Central Business District.~~

Medical marijuana dispensary (with a minimum distance of 500 feet from real property that comprises a public or private elementary school, middle school, or secondary school).

~~Mixed-use development of residential uses on upper floors above retail, office and related uses.~~

### Office Use, including medical and dental.

Package store — ~~No more than two allowed in the Central Business District.~~

Personal services (i.e.g., barbershops, beauty parlors, physical therapy clinics), with hours of business between 6:00 a.m. and 10:00 p.m. ,~~etc. No physical therapy clinic shall be open for business between the hours of 10:00 p.m. and 6:00 a.m.).~~

Pet Supply and Dog grooming only—Prohibiting the sale of live animals  
~~"pet shop" type business~~ or the boarding, maintaining or keeping of dogs  
on-premises anytime between 7:00 p.m. and 7:00 a.m.

Pharmacy.

~~Post office.~~

Residential uses on upper floors above retail, office and related uses.

~~Restaurant (and lounge), cafe, cafeteria, bar and grill.~~

Retail use.

School, including business, commercial, and arts

~~Small appliance sales and/or service.~~

~~Sporting goods store;~~

~~Stereo/video/electronics rental, sales and/or service.~~

Theater (live) or motion picture house.

Veterinary clinic (which may provide short-term boarding, for medical  
purposes only, for no more than 48 hours).

Other enterprises or businesses which are similar in character and impact  
to enterprises or businesses enumerated herein as determined by the  
City's administration, and which are consistent with the Comprehensive  
Plan. ~~adopted pursuant to Chapter 163, Florida Statutes. A final~~  
~~determination of similarity with listed uses and consistency with the~~  
~~Comprehensive Plan shall be made by the City Council, after obtaining a~~  
~~recommendation by the Zoning and Planning Board.~~

~~(C) *Prohibited uses.*~~

~~Adult bookstore;~~

~~Adult-related business;~~

~~Arcades, billiard and pool parlors;~~

~~Automotive auctions, sales and service facilities;~~

~~Bar;~~

~~Clinical laboratory;~~

~~Funeral home;~~

~~Gun range;~~

~~Gun shop;~~

~~Pawn shop;~~

~~Large-scale administrative offices, retail/wholesale sales operations and  
service and professional facilities;~~

~~Any large or medium-scale aviation or marine-related repair or service facilities;~~

~~. Open air, tented, or booth-operated flea markets or any retail/wholesale sales operation not contained within a business building, except as otherwise permitted by Florida State Statutes, §§ 110-01 through 110-03;~~

~~Any industrial or manufacturing operation or facilities.~~

(C) Conditional Uses.

Conditional Use request shall be reviewed by the Planning & Zoning Board and a recommendation transmitted to the City Council for a decision.

Adult day care

Day care center, nursery school or preschool facility.

Package Stores

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

~~including the sale of wWeapons and related products used for sporting and hunting activities., so long as all such merchandise is removed from the premises within 24 hours of delivery and receipt, and there are no store displays or merchandising activities; nNo more than one store allowed in the this district. that sell the described merchandise.~~

\* \* \*

Section 150-002. - Definitions

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(B) (23) Conditional use. A use, which when specifically listed as such within the use district regulations, may be permitted with certain stipulated conditions that will serve to insure that said use will assimilate properly into its surrounding neighborhood without deleterious effects.

(B) (58) Package store. A store that sells alcoholic beverages in sealed containers for consumption off-premises; a liquor store.

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**Section 3. Implementation.** The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

**Section 4. Incorporation into the Code.** The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Miami Springs. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 7. Effective Date.** This Ordinance shall become effective immediately upon adoption.

**PASSED ON FIRST READING** this 10th day of September, 2018, on a motion made by Councilman Best and seconded by Councilman Petralanda.

**PASSED AND ADOPTED ON SECOND READING** this 24th day of September, 2018, on a motion made by Councilwoman Mitchell and seconded by Councilman Best.

Vice Mayor Mara Zapata	<u>NO</u>
Councilwoman Bob Best	<u>YES</u>
Councilwoman Maria Mitchell	<u>YES</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>NO</u>

  
\_\_\_\_\_  
BILLY BAIN, MAYOR

ATTEST:

  
\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, MMC  
CITY CLERK

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

  
\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.  
CITY ATTORNEY