

ORDINANCE NO. 1107 – 2018

**AN ORDINANCE OF THE CITY OF MIAMI SPRINGS,
FLORIDA, AMENDING CHAPTER 150 OF THE CITY'S
CODE OF ORDINANCES BY CREATING SECTION
150.070.1, "MIAMI SPRINGS OVERLAY GATEWAY
DISTRICT"; PROVIDING FOR REGULATIONS
CONSISTENT WITH THE CITY OF MIAMI SPRINGS
COMPREHENSIVE PLAN; PROVIDING FOR
IMPLEMENTATION; PROVIDING OF INCORPORATION
INTO THE CODE; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, for many years, various aspects of a principal entrance into the City of Miami Springs (the "City")—the gateway to and from the City of Hialeah—have not met community standards; and

WHEREAS, enhanced buildings, landscaping, signage, architecture and other design standards and building regulations have been and continue to be needed to ensure an attractive and viable physical environment to retain and attract economic development and avoid unintended consequences resulting from current regulations; and

WHEREAS, pursuant to Chapter 163, Florida Statutes, the City has amended its Comprehensive Plan and Future Land Use Map to create of an overlay district, called the "Miami Springs Gateway Overlay District" (the "Gateway District") which establishes an area *within* the Central Business District ("CBD") land use category, that calls for enhanced buildings, landscaping, signage, architecture and other design standards and building regulations, in furtherance of achieving the aforementioned goals; 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: ¹

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

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ARTICLE VII. BUSINESS DISTRICT

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Sec. 150-070.1. – Miami Springs Gateway Overlay District

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

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 indicted with double-strikethrough and double underline.

entertainment needs of the community's residents, as further detailed in the City's Comprehensive Plan and Section 150.070 of the City Code.

- (B) Boundary. As identified in the City's Future Land Use Map, the Gateway District shall be defined as that area bounded by Canal Street, the alley southeast of Hook Square, South Royal Poinciana Boulevard, North Royal Poinciana Boulevard and Nahkoda Drive. More specifically this area includes: Lots 24-26 Block 86; Tract A, 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 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 21-22, Block 66; Lots 31-34, Block 66; Lots 28-30, Block 66; Lot 27, Block 66; Tract C, Block 66; and Lots 21-22, Block 66. For reference, the area is identified below.



- (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:

1. Building height limitations. In keeping with the applicable requirement of the CBD, the maximum building height shall be no more than forty (40) feet and no more than three (3) stories. Rooftops may be activated provided that no vertical construction exceeds the height restrictions stated herein.

2. Setbacks. The setbacks in the CBD shall remain in effect for the Gateway District, except as follows:
 - a. All buildings shall be built to the front property line, but the first floor shall be recessed ten (10) feet, so as to facilitate expanded sidewalks or arcade for increased pedestrian activity; and
 - b. No rear yard setback is required.
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, first floor uses along road rights of way shall be limited to restaurant and/or retail. Direct access to such uses and full storefront windows are encouraged.
4. Architectural design. It is required that all new site development, structures, buildings, remodelings and renovations show proper architectural design concepts and be appropriate to their surroundings. All new construction and remodeling and renovation of existing buildings and structures within the Gateway District shall:
 - a. exhibit elements of the Pueblo/Mission Revival architectural design standard. Examples of these styles will be available through the Office of the City Planner;
 - b. be designed in such a manner as to create, improve, or connect pedestrian amenities in the subject property and surrounding area, giving specific consideration to such things as, without limitation, linkages in/between/among circulation patterns, relationships to architectural and urban design features, relationships to public and private spaces, and accessibility, usability and coordination with adjacent properties;
 - c. to the extent possible, install awnings or eyebrows for portions of the project that abut City sidewalks;
 - d. be installed underground all on-site utilities. Large transformers shall be placed on the ground within pad amounts, enclosures or vaults;

- e. provide adequate landscaping to screen all aboveground facilities.
- f. All satellite dishes, antennas, and or other telecommunications equipment must be appropriately screened such that it is not visible from the street.

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

6. Creative Excellence Standards. For a property to take advantage of a project F.A.R. in excess of 1.0 as referenced in subsection 3 herein, a development or redevelopment project must incorporate a combination elements from the Creative Excellence categories provided below, which shall be demonstrated by the property owner at the time of initial site plan review. Notwithstanding the cumulative value of the Creative Excellence elements, no project may exceed an F.A.R. of 1.7. No single element may be counted towards the satisfaction of more than one standard. The schedule of Creative Excellence elements for projects in the Gateway District are as follows:

<u>Category</u>	<u>Creative Excellence Element</u>	<u>Amount of F.A.R.</u> <u>(up to specified amount depending on degree of compliance)</u>
<u>A. Site Planning and Design</u>	a. <u>Art in public places—Durable creations that can be original works of art design specifically for the site including, but not be limited to, sculptures, murals, monuments, frescoes, fountains, paintings, 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</u>	<u>0.2</u>

	<p><u>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 place 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. The design and placement of the art in 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.</u></p>	
	<p><u>b. Community Entry Feature—A thematic architectural or landscape design elements that incorporate 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.</u></p>	<u>0.20</u>
	<p><u>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.</u></p>	<u>0.20</u>
<u>B. Improvements: Rights-of-Way and On-Site Public Spaces</u>	<p><u>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</u></p>	<u>0.2</u>
	<p><u>b. Right of Way improvements – improvements to crosswalks, sidewalks, canal banks, curbing, landscaping islands and other</u></p>	<u>0.2</u>

	c. <u>Installation of trolley stops/bus shelter on the subject property or neighboring property</u>	<u>0.15</u>
C. Site Improvements	a. <u>Lighting—Installation of decorative lighting (any combination building, landscape and site lighting)</u>	<u>0.1</u>
	c. <u>Landscape maturity—This bonus applies to landscaping that is a minimum 50% bigger than minimum standards for onsite plantings.</u>	<u>0.2</u>
	d. <u>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.</u>	<u>0.1</u>

(D) *Parking Requirements.* The CBD parking requirements as provided in Section 150.070(E)(1-3) shall apply to the Gateway District, including, without limitation, the grandfathering of provided parking, if any, for existing buildings and current uses. Additionally, because of the uniqueness of the buildings, configuration of parcels, and road network in the Gateway District, the minimum parking space requirements and design for new construction or alterations to existing structures that expand occupiable space, shall be determined on a case-by-case basis. The City Planner shall have the authority to establish parking requirements for alterations and new construction by counting a combination on-site and on-street parking and other elements identified below. For any on-street parking space(s) counted towards the satisfaction of a property's requirement, or any spaces otherwise waived as a result of one of the factors listed below, a fee shall be paid to the City for each such parking space, in an amount set from time to time by approved resolution of the City Council. The funds shall be used to fund parking and wayfinding improvements in the Gateway District and the CBD. In determining the parking requirements for non-grandfathered properties, the following shall be considered:

1. availability of on-site parking;
2. availability of on-street parking;
3. provision of bicycle parking;

4. distance to, or inclusion of, bus and trolley stops;
5. internal capture of peak traffic trips as a result of mix of uses;
6. distance to public parking; and
7. walking accessibility of the site.

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

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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 11th day of June, 2018, on a motion made by Vice Mayor Zapata and seconded by Councilman Best.

PASSED AND ADOPTED ON SECOND READING this 25th day of June, 2018, on a motion made by Vice Mayor Zapata and seconded by Councilman Petralanda.

Vice Mayor Mara Zapata	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilwoman Maria Mitchell	<u>YES</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>YES</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