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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 REVISE THE CREATIVE EXCELLENCE STANDARDS AND AVAILABLE MAXIMUM FLOOR AREA RATIO, TO CLARIFY THE PARKING REVIEW PROCESS AND FEE APPLICABILITY, AND TO PROVIDE ADDITIONAL CLARIFICATIONS ON THE OVERALL DISTRICT PROJECT REVIEW PROCESS; 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. 1106-2018 to approve i) an amendment to the text of the City's Comprehensive Plan Future Land Use Element for a portion of the Central Business District by creating the Miami Springs Gateway Overlay District (the "District"), ii) provide for enhanced building requirements, and iii) approve a small-scale amendment to the City's Future Land Use Map (FLUM) in furtherance thereof; and

WHEREAS, also 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

WHEREAS, as a result of recent development, the City Council has had the opportunity to further review the District regulations (which are codified in Section 150.070.1 of the City's Code) and understand its effects; and

WHEREAS, the City's review has resulted in various recommendations to clarify the District regulations, as set forth herein, in order to further provide for the orderly, planned future development of lands in the District; and

WHEREAS, on August 22, 2022, at a duly noticed public hearing in accordance with law, the City Council, sitting as the Local Planning Agency, reviewed and recommended approval of this Ordinance, and determined that it is consistent with the City's Comprehensive Plan; and

WHEREAS, the City Council has reviewed this Ordinance at a duly noticed public hearing in accordance with law and determined that it is consistent with the City Code; and

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

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

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

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

Chapter 150 – ZONING CODE

* * *

ARTICLE VII. BUSINESS DISTRICT

* * *

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 as 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 entertainment needs of the community's residents, as further detailed in the City's Comprehensive Plan and § 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,

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.

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 40 feet and no more than three 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 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. 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, residential, or a mix of residential, office, and commercial. The mixed-use ratio found in § 150.070 of the Code shall not apply to the Gateway District.
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.
- g. Limit any residential elements to upper floors. Residential dwelling units in the upper floors shall have an average square foot requirement of no less than 900 square feet, with an individual unit minimum requirement of no less than 800 square feet. Efficiencies, studio, and loft apartments are prohibited.

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 5 herein, a development or redevelopment project must incorporate a combination of elements from at least three of the Creative Excellence categories provided below, which shall be demonstrated by the property owner at the time of initial site plan review and considered by the City Council at the hearing for site plan approval. 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:

Category	Creative Excellence Element	Amount of F.A.R. (up to specified
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		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, 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 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. <u>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.</u> 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
	<p>b. Community Entry Feature—A thematic architectural or landscape design elements that</p>	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
<u>D. Green Buildings</u>	<u>Green Building Certification. LEED (New Construction or Major Renovation) Silver or greater, or certification by the Florida Green Building Council</u>	<u>0.5</u>
	<u>(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</u>	
	<u>(b) Applicant shall have a minimum of one LEED accredited professional, or other similarly accredited professional, on the design team.</u>	

	<u>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</u>	
	<u>(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</u>	
	<u>(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</u>	

148 (D) *Parking Requirements.* The CBD parking requirements as provided in §
149 150.070(E)(1—3) shall apply to the Gateway District, including, without limitation, the
150 grandfathering of provided parking, if any, for existing buildings and current uses.
151 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. In establishing the required parking, the City Planner shall utilize a parking study prepared by a licensed and qualified individual selected by the City, the actual cost of which shall ~~to be paid~~ reimbursed ~~for~~ by the applicant. For any on-street parking space(s) counted towards the satisfaction of a property's requirement, irrespective of whether such spaces are immediately abutting or adjacent to the subject property, 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 prior to the issuance of a building permit, 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 factors shall be considered by the City Planner and City Council and given their due weight in proportion to their overall effect on the property's parking requirement. No single factor is dispositive.

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 landscaped to provide visual relief and, to the extent possible, shade.

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

1. Optional informational and pre-application meeting with City Staff.
2. Mandatory application preliminary review meeting with City Staff.
3. Applications for variances, if any, shall be submitted to the City Board of Adjustment for review and consideration in accordance with the procedures set forth in Code §§ 150-110 through 150-113.
4. The City Zoning and Planning Board will have the responsibility to review all site and development plans and to make recommendations for modification, approval or denial to the City Council in accordance with Code §§ 150-101 and 150-102.

191 5. The decisions and recommendations of the City Board of Adjustment and Zoning
192 and Planning Board will be reviewed for final approval by the City Council in
193 accordance with the procedures set forth in Code § 150-113.

194 6. The City Council shall authorize the preparation and issuance of a Development
195 Order for each project application that has completed the Development Review
196 Process.

197 (F) *Site Plan Review.* Any development within the Gateway District shall be required to
198 have the site and development plans approved as provided herein before a building
199 permit is issued to insure that development is in accord with the intent of this district.
200 Applications for site and development plan approval shall be submitted to the
201 Planning Office according to the provisions of the Zoning Code and the additional
202 requirements and procedures specified herein.

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

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

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

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

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

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

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

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

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

- i. One set of identical uncolored elevations shall be submitted in paper format. Elevations must include all items affecting the appearance of the building including, but not limited to, site amenities, street furniture, air-conditioning grilles, compressors, mechanical equipment, exterior colors and material designations, exterior lighting, landscaping, and all signs. These drawings shall be referenced to the color and/or material samples submitted with the application and on the mounted drawings. Photographs and other similar documents which provide sufficient information will suffice for small-scale projects where applicable;
- j. Detailed drawings for all signs, (with color and text styles, referenced in the application), except those which cannot be determined because the occupancy of the space is not known, in which case, only the text shall be excluded;
- k. A description of exterior material designations and surface treatments (with attached samples, catalog specs, or colored brochures) including roofs and ground treatments. Sample materials may be submitted as segments, catalog cuts, or photographic records attached to the application. Large, bulky materials whose size or shape will not fit easily with the application file will not be accepted;
- l. Exterior façade color samples complying with the City of Miami Springs approved color palette shall be submitted with the application (including that of signs);
- m. All lighting proposed (i.e. fixture types and locations, materials, lamp design, illumination colors, etc.) shall be included within a site photometric plan and fixture schedule;
- n. Other information as may reasonably be required by the City Staff to provide information needed to process the application;
- o. One, professionally crafted, two-point perspective color rendering of the project and one rendered landscaped site plan for review by City Staff. This shall be completed prior to public meetings. Digital images of the plans and renderings must be submitted in JPG, JPEG, TIF, or TIFF formats, resample at no greater than an 11-inch by 17-inch paper size, with a resolution of 200 dots per inch (dpi), for use in a Microsoft PowerPoint presentation at the City Council meeting;
- p. Points of ingress and egress for vehicular and pedestrian traffic, circulation patterns within the project, including location and design of east/west roadways, where required;
- q. Location, character, and scale of parking and service facilities, including area and number of parking spaces, character of structural parking, if any; location of loading areas and commercial vehicle parking.
- r. Any additional materials and information as may be required by the proper agencies of the City;

- 274 s. Where a proposed development is planned to be constructed in phases, the
275 timing of the first phase shall be indicated. The information concerning the
276 nature of the development, uses, location and floor areas to be developed
277 shall also be supplied. The same information shall be provided for
278 succeeding stages. Initiation of succeeding stages shall be made
279 dependent upon the completion of earlier stages and the supplying of any
280 information that may be required by the proper City agencies;
- 281 t. When a proposed development contains provisions concerning the
282 establishment and continuing operation and maintenance of improvements
283 and facilities for common use by the occupants of the project and the
284 general public, but which are not provided, operated, or maintained at
285 general public expense, the owner shall give assurance in a manner
286 approved by the City Council that such improvements and facilities will be
287 maintained without future expense to the City, and that the development will
288 conform to approved site and development plans; and
- 289 u. Such other requirements as may be prescribed by the Code.
- 290 2. Exemptions. The following applications for development, redevelopment, or
291 building permit will be exempt from the application of this ordinance:
- 292 a. Any building or structure for which final site plan approval has been obtained
293 prior to the enactment of this section;
- 294 b. A project determined by the City Planner to be of a temporary nature such
295 that meeting the intent of the ordinance would not be practical.
- 296 c. The City Administrative Staff shall retain the authority to exempt any
297 proposed development or redevelopment project for this district that is being
298 proposed for any existing structure or structures from the application of any
299 or all of the provisions of Code. This exemption shall not be applicable to
300 development or redevelopment projects in the Gateway District proposed
301 for vacant or "ground up" construction which retains the continuing
302 availability of the City variance process for specific relief from the provision
303 of this code section.
- 304 3. Fees. Each application filed with the City shall be accompanied by the payment
305 of a fee, as set by the City Council, from time to time, to cover the expenses of
306 the City, including but not limited to the various costs incurred by the use of the
307 City's outside technical and legal consultants, in processing and reviewing the
308 application for development. Applicants shall reimburse the City for the actual
309 costs of outside technical and legal consultants that may be incurred in excess
310 of the application fee amount.

311 * * *

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

Section 4. Severability. That 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 5. Codification. That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

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

PASSED ON FIRST READING on the 27th day of June, 2022, on a motion made by Councilman Best and seconded by Vice Mayor Fajet.


PASSED AND ADOPTED ON SECOND READING this 22nd day of August, 2022, on a motion made by Councilman Vazquez and seconded by Councilman Best. Upon being put to a roll call vote, the vote was as follows:

Vice Mayor Dr. Walter Fajet	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilwoman Jacky Bravo	<u>YES</u>
Councilman Dr. Victor Vazquez	<u>YES</u>
Mayor Maria Puente Mitchell	<u>YES</u>



MARIA PUENTE MITCHELL
MAYOR

ATTEST:



ERIKA GONZALEZ, MMC
CITY CLERK



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

359 
360

361 _____
362 WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
363 CITY ATTORNEY

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