

**ORDINANCE NO. 1134 – 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

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

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

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

**WHEREAS**, the City Council also desires to allow veterinarian uses, ~~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 a proposed veterinarian use to the front door of an existing veterinarian use within the District; and

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

**WHEREAS**, on September 11, 2023, 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 with the following recommendations: that medical and dentist office uses be further defined and that the airline distancing requirements between veterinarian uses within the District be increased from 0.25 airline miles to 0.30 airline miles, and determined that it is consistent with the City’s Comprehensive Plan; 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:**<sup>1</sup>

**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**

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### **ARTICLE VII. BUSINESS DISTRICT**

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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 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.

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

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(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:

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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. Medical or Dental Office Use, including medical and dental, along any street frontage except Curtiss 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 2,500 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, 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.

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**Section 3. Conflicts.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of 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 11th day of September, 2023, on a motion made by Councilman Vazquez and seconded by Councilman Fajet.

**PASSED AND ADOPTED ON SECOND READING** this 23rd day of October, 2023, on a motion made by Councilman Fajet and seconded by Councilman Vazquez. Upon being put to a roll call vote, the vote was as follows:

Vice Mayor Jacky Bravo	<u>YES</u>
Councilman Jorge Santin	<u>YES</u>
Councilman Dr. Walter Fajet, Ph.D.	<u>YES</u>
Councilman Victor Vazquez, Ph.D.	<u>YES</u>
Mayor Maria Puente Mitchell	<u>YES</u>

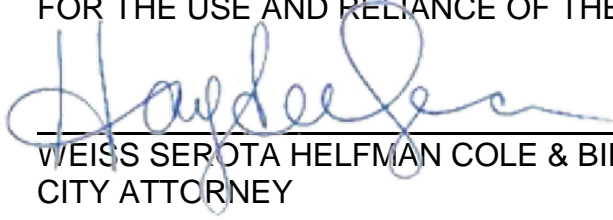
  
MARIA PUENTE MITCHELL  
MAYOR

ATTEST:

  
ERIKA GONZALEZ, MMC  
CITY CLERK



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

A handwritten signature in blue ink, appearing to read "Haydee", is written over a horizontal line.

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

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