

MEMORANDUM

To: Honorable Mayor and Council

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

Date: September 11, 2023

RE: 1st Reading: Ordinance Amending Section 150-070.1, “Miami Springs Gateway Overlay District,” of the City Code of Ordinances (the “Code”).

Recommendation: Adopt on first reading the proposed Ordinance amending Section 150-070.1, “Miami Springs Gateway Overlay District,” of the City Code.

Background:

Section 150.070.1, “Miami Springs Gateway Overlay District,” of the City Code establishes the Miami Springs Gateway Overlay District (the “Overlay District”), which encompasses the area graphically depicted below within the Central Business District (CBD):



The Overlay District regulations provide that restaurant and/or retail uses are the only permitted uses along road rights-of-way on first floor levels (the “Existing Uses”). Since the adoption of the Overlay District in 2018, the market’s demand for traditional retail uses has decreased significantly, which trend has accelerated since the COVID-19 Pandemic. Accordingly, the City Council has identified a need to amend the list of permitted uses along road rights-of-way on first floor levels by expanding the list of permitted uses in the District. By doing so, the Council seeks to ensure the success of current and future developments in the Overlay District.

The proposed Ordinance would amend the Overlay District regulations to permit the following additional uses along road rights-of-way on first floor levels (collectively, the “Proposed Uses”):

1. Office Use, including medical and dental, along any street frontage except Curtis Parkway and South and North Royal Poinciana Boulevards.
2. Personal Services (e.g., barbershops, beauty parlors, physical therapy clinics), with hours of business between 6:00 a.m. and 10:00 p.m., along Hook Square frontage only.

3. 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 airline miles of the front door of an existing Veterinarian Use within the Gateway District.¹

By limiting the location of the Proposed Uses to those areas fronting secondary streets (i.e., Hook Square, Nahkoda Drive, and Canal Street), the City maintains the Existing Uses as the primary uses in the Overlay District. Furthermore, keeping the Proposed Uses to secondary streets allows the City to continue emphasizing the Existing Uses in a manner that facilitates lively pedestrian activity and walkability along Curtis Parkway and South and North Royal Poinciana Boulevards in the Overlay District.

Second Reading: If the Ordinance is adopted by Council on first reading, it will be advertised for second reading and placed on the agenda for the September 25, 2023, Council Meeting.

¹ Distance shall be measured from the front door of the proposed Veterinarian Use to the front door of the existing Veterinarian Use.

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

WHEREAS, specifically, the City Council has identified that office, 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, the City desires to allow 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 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 _____, 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, 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: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

* * *

Section 150-070.1. - Miami Springs Gateway Overlay 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.

(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.

d. Personal Services (e.g., barbershops, beauty parlors, physical therapy clinics), 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 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.

* * *

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 __ day of _____, 2023, on a motion made by _____ and seconded by _____.

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

Vice Mayor Jorge Santin _____

Councilmember Jacky Bravo _____

Councilmember Dr. Victor Vazquez, Ph.D. _____

Councilmember Dr. Walter Fajet, Ph.D. _____

Mayor Maria Puente Mitchell _____

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:

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