



MEMORANDUM

To: Honorable Mayor and Council

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

Date: October 9, 2023

RE: 2nd Reading: Ordinance Amending Section 150-070.1, "Miami Springs Gateway Overlay District," of the City Code of Ordinances (the "Code").

On September 25, 2023, the City Council approved an Ordinance on First Reading to amend Section 150-070.1 of the Code relating to permitted uses along road rights-of-way on first floor levels within the Miami Springs Gateway Overlay District (the "Overlay District"). This memorandum supplements the memorandum that was provided on September 25, 2023, and addresses changes that have been made to the proposed Ordinance as recommended by the City Council, sitting in its capacity as the Local Planning Agency. The revisions to the Ordinance are summarized as follows:

1. We revised the Ordinance's recitals to clarify that the primary reason behind the proposed text changes is to provide additional flexibility for businesses seeking to operate within the District, and that by providing increased flexibility, the City will promote a lively business atmosphere, ensure the success of the District, and encourage vibrant pedestrian activity and walkability.
2. We added a definition to proposed Section 150-070.1(3)(c) of the Code to clarify what a Medical or Dental Office Use encompasses. Specifically, we have clarified that a Medical or Dental Office Use is limited to small-scale offices with a maximum floor area of 2,000 square feet that provide medical or dental treatment. The term 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.
3. We amended Section 150-070.1(3)(e) of the Code to increase the distancing requirements between veterinarian uses within the District from 0.25 airline miles to 0.30 airline miles.
4. At line 90, we corrected a scrivener's error.

Revisions to the Ordinance as directed at first reading are set forth in **highlight** and ~~double-strikethrough~~ for deletions and double underline for additions. If passed on second reading, the Ordinance will become effective immediately.

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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, the District regulations currently restrict first floor uses along road rights-of-way to restaurant and retail uses (the “Existing Uses”) only; 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, 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, 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 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 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: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

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.

* * *

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:

* * *

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~~s~~ 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 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 10:00p.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 __ 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

150 CITY CLERK

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152 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

153 FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

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WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.

158 CITY ATTORNEY