MEMORANDUM

Agenda Item No. 7(D)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	September 1, 2009
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance relating to zoning and other land development regulations; providing for the Bird Road Design and Industrial Zoning District creating Sections 33-278.5 through 33-278.9 of the Code

This ordinance was amended at the July 14, 2009 Budget, Planning and Sustainability Committee to identify the boundaries of the area in which the zoning district may apply and to correct scrivener's errors.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: September 1, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Relating to Zoning and Other Land Development Regulations; Providing for the Bird Road Design and Industrial Zoning District Creating Sections 33-278.5 through 33-278.9 of the Code

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The ordinance relating to zoning and other land development regulations; providing for the Bird Road Design and Industrial Zoning District creating Sections 33-278.5 through 33-278.9 of the Code, will not have a fiscal impact on Miami-Dade County.

Alex Munoz
Assistant County Manager

fis05109

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: September 1, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(D)
9-1-09

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE BIRD ROAD DESIGN AND INDUSTRIAL ZONING DISTRICT ("BRDI"); CREATING SECTIONS 33-278.5 THROUGH 33-278.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. Article XXXIIA (BIRD ROAD DESIGN AND INDUSTRIAL DISTRICT) and Sections 33-278.5 through 33-278.9 of the Code of Miami-Dade County, Florida are hereby created as follows:[1]

Sec. 33-278.5. Applicability.
The Bird Road Design and Industrial District (BRDI) District shall be applied only to those lands >>, in the area bounded on the north by S.W. 40th Street (Bird Road), on the south by S.W. 48th Street, on the east by S.W. 70th Avenue, and on the west by S.W. 74th Avenue,<<[2] that appropriately may be used and utilized to provide for uncommon commercial uses and other commercial uses with unusual [[~~sitting~~]]>>siting<< requirements in areas designated as "Industrial and Office" on the Comprehensive Development Master Plan Land Use Plan map that are of the nature, type and character commensurate with the public health, safety, comfort, convenience, and the general welfare of the County.

Sec. 33-278.6 Uses permitted.
No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

[2] Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

purpose in the Bird Road Design and Industrial (BRDI) District, except as provided in this article. The uses delineated herein shall be permitted only in compliance with the general requirements provided in this article.

(1) Antique and secondhand goods shops.
(2) Apparel stores.
(3) Art galleries.
(4) Artisanal use.
(5) Artists' studios.
(6) Bakeries.
(7) Banquet halls.
(8) Bars and lounges.
(9) Brewery.
(10) Cabinet shops.
(11) Card and stationery shops.
(12) Confectionery, ice cream stores.
(13) Custom woodworking.
(14) Dance studios.
(15) Decorative home items.
(16) Designing, making and assembling of art and craft products including sale of finished products, art and craft type products and curios designed, made and assembled in the district.
(17) Florist shops.
(18) Furniture stores less than ten thousand (10,000) square feet.
(19) Gift stores.
(20) Interior design shops.
(21) Ironworks.
(22) Jewelry stores.
(23) Lamps and lighting fixtures.
(24) Leather goods and luggage shops.
(25) Live-work units defined as follows: Single-family unit containing a maximum of two bedrooms in connection with one of the uses delineated in this section.
(26) Office uses.
(27) Paint and wallpaper stores less than ten thousand (10,000) square feet.
(28) Photograph studio and photo supply.
(29) Plant sales (no nurseries or fertilizer).
(30) Pottery shops.
(31) Religious facilities.
(32) Self-service mini-warehouse storage facility
(33) Shoe stores and shoe repair shops.
(34) Stained glass art and windows.
(35) Tobacco shops for hand rolling cigars and sale of tobacco products.

(36) Training schools for arts and crafts work.
(37) Restaurants and coffeehouses.
(38) Uses determined by the Director to be similar to those enumerated above. In determining similarity between a proposed use and the uses enumerated above the Director shall be guided by the intent of this Section and shall consider common characteristics including the nature of products offered for sale, the generation of pedestrian and vehicular traffic, and incompatibility with the primary uses permitted in this district.

Sec. 33-278.7. General requirements.

(a) *Building Placement and Design Parameters.* Each use shall comply with the building content, setback, area, height, and landscape requirements for the IU-1 zoning district set forth in Section 33-49 (Table of minimum widths, area of lots; maximum lot coverage, and minimum building sizes), Section 33-51 (Setbacks in business and industrial districts), Section 33-58 (Height of building limited to width of street in certain districts), and Section 33-261 (Minimum landscaped open space, greenbelts, trees, and maintenance).

(b) *Outdoor Display Areas.* Products sold on the premises may be displayed against the front façade of the bay or building.

(c) *Parking.*

(1) For all uses except for banquet halls, bars, lounges, breweries, restaurants, and coffeehouses, parking shall be provided at a minimum of 1.25 parking spaces for each 1,600 square feet of gross floor area in the building, or fractional part thereof. Live-work units shall provide an additional 1.75 parking spaces per unit.

(2) Parking for banquet halls, bars, lounges, breweries, restaurants, and coffeehouses shall be provided in accordance with Section 33-124 of this chapter. Notwithstanding the foregoing, if the required amount of parking is not available on the same lot, parcel, or premises as the banquet hall, bar, lounge, brewery, restaurant, or coffeehouse to be served, then parking may be provided on a lot or parcel of land that is in a BRDI, IU, or BU District and is within 300 feet from the site of the use to be served by submitting a covenant in accordance with Section 33-128(a) of this chapter. It is further provided that, if the availability of parking on the other lot or parcel is dependent on the hours of operation of the uses, then parking may be provided through such a covenant where the covenant specifies that the uses on the lot or parcel providing the parking are not in operation at the same time that the use to be served is in operation.

Sec. 33-278.8. Conflicts with other chapters and regulations.

This article shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of this code, or with the Miami-Dade Department of Public Works Manual of Public Works.

Sec. 33-278.9. Non-conforming structures, uses and occupancies.

Nothing contained in this article shall be deemed or construed to prohibit a continuation of a legal nonconforming structure, use, or occupancy in the Bird Road Design and Industrial (BRDI) District that either (1) was existing as of the date of the district boundary change on the property to BRDI District, or (2) on or before said date, had received final site plan approval through a public hearing pursuant to this chapter or through administrative site plan review or had a valid building permit. However, any structure, use, or occupancy in the BRDI District that is discontinued for a period of at least six months, or is superseded by a lawful structure, use or occupancy permitted under this chapter, or that incurs damage to the roof or structure to an extent of 50 percent or more of its market value, shall be subject to Section 33-35(c) of this code.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Carlos A. Gimenez