Memorandum

MIAMI-DADE COUNTY

Date:	January 12, 2010
To:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Proposed Zoning Ordinance Establishing the Model City Urban Center District Regulations.

BPS

Agenda Item No. 1G5

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance establishing the Model City Urban Center District Regulations (MCUCD).

Scope

The MCUCD portion of the proposed ordinance impacts the area of Model City/Brownsville in Commission District 3.

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor

The proposed ordinance would establish a new zoning district in the County's zoning code. The Department of Planning and Zoning would be in charge of monitoring the implementation of this ordinance.

Background

The purpose of the proposed ordinance is to establish the new Model City Urban Center Zoning District Regulations (MCUCD). In addition, this ordinance amends the MLK Corridor Subzone of the Fixed-Guideway Rapid Transit System -- Development Zone to provide that development and redevelopment at the Brownsville and Martin Luther King stations comply with the MCUCD regulations.

Through Resolution No. R-598-04, the Board accepted the Model City/Brownsville Charrette Report, including its plan and recommendations and directed the County Manager to present to the Board any amendments to the Code of Miami-Dade County to implement the Plan and its recommendations. Subsequent to this, the staff of the Department of Planning and Zoning developed the Model City Urban Center District (MCUCD) regulations.

The proposed Model MCUCD regulations implement the "Model City/Brownsville Charrette Area Plan" which is the citizens' vision for the future growth and development of the

unincorporated area of Model City/Brownsville in central Miami-Dade County. This vision resulted from the Model City/Brownsville Charrette held from May 17 to May 23, 2003. The proposed Model City Urban Center Zoning District regulations also further implement the policies of the County's Comprehensive Development Master Plan (CDMP).

Specifically the proposed MCUCD:

1. Addresses segments of the following CDMP designated major roadways:
    - The NW 27th Avenue corridor between NW 38 and NW 62 Streets.
    - The NW 22nd Avenue corridor between NW 38 and NW 62 Streets.
    - The NW 62nd Street corridor between NW 22 and NW 27 Avenues.
    - The NW 54th Street corridor between NW 22 and NW 27 Avenues.
2. Addresses the CDMP designated Community Urban Centers located around the following Metrorail stations:
    - The Martin Luther King Station
    - The Brownsville Metrorail Station
    - The Earlington Heights Station
3. Is located within the CDMP designated Urban Infill Area.
4. Implements the CDMP language on Urban Centers and Mixed-Use Corridors (major roadways). There are three designated community urban centers within MCUCD. They are centered at the Metrorail stations noted above.
5. Implements the CDMP vision that community urban centers are hubs of urban activity that are diverse in use, density and intensity in order to be transit and pedestrian supportive. The CDMP also provides that the maximum residential density within a community urban center shall be 125 dwelling units per acre.
6. Implements the CDMP vision that all designated major roadways shall be multi-modal, mixed-use corridors and eligible for a residential density of up to 36 dwelling units per acre.
7. Places the highest density and intensity at each of the aforementioned transit stations and transitions to the adjacent residential areas accordingly.
8. In accordance with the permitted densities and intensities, allows heights that transition from 15 stories at the core of the Metrorail stations/urban center (consistent with the stations' current Rapid Transit Zone) to 3 stories at the edge of the district. Thus, at the edge, the allowed heights are consistent with the height of 35' permitted

within low density residential areas.

9. Adheres to the County's Standard Urban Center District Regulations, the County's form based code.

The MCUCD was prepared in consultation with members of the community, the Model City/Brownsville Charrette Steering Committee, the North Central Community Council 8, the Planning Advisory Board and the Commissioner's Office. The Community Council and the PAB have both recommended adoption of the proposed regulations. Properties located within the boundaries of the new zoning district will become subject to the new MCUCD regulations upon approval of the rezoning application to be heard at a public hearing.

Alex Muñoz,
Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: December 15, 2009

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

SUBJECT: Agenda Item No. 4(E)

Please note any items checked.

_____ **"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**

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

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(E)
12-15-09

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE MODEL CITY URBAN CENTER DISTRICT; CREATING SECTIONS 33-284.99.40 THROUGH 33-284.99.46 OF THE CODE OF MIAMI-DADE COUNTY (CODE); AMENDING SECTION 33C-7 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-284.99.40 of the Code of Miami-Dade County, Florida, is hereby created as follows:

ARTICLE XXXIII (R)

MODEL CITY URBAN CENTER DISTRICT (MCUCD)

Sec. 33-284.99.40. Purpose, intent and applicability.

A. The regulations contained in this chapter and Chapter 18A, Landscape Code, Code of Miami-Dade County, Florida, shall apply to this article, except as otherwise added to or modified herein.

B. The Illustrative Master Plan (Figure 1) illustrates the citizens' vision and may be used to interpret this article. Where the Illustrative Master Plan conflicts with the provisions of this article, the provisions of this article shall govern.

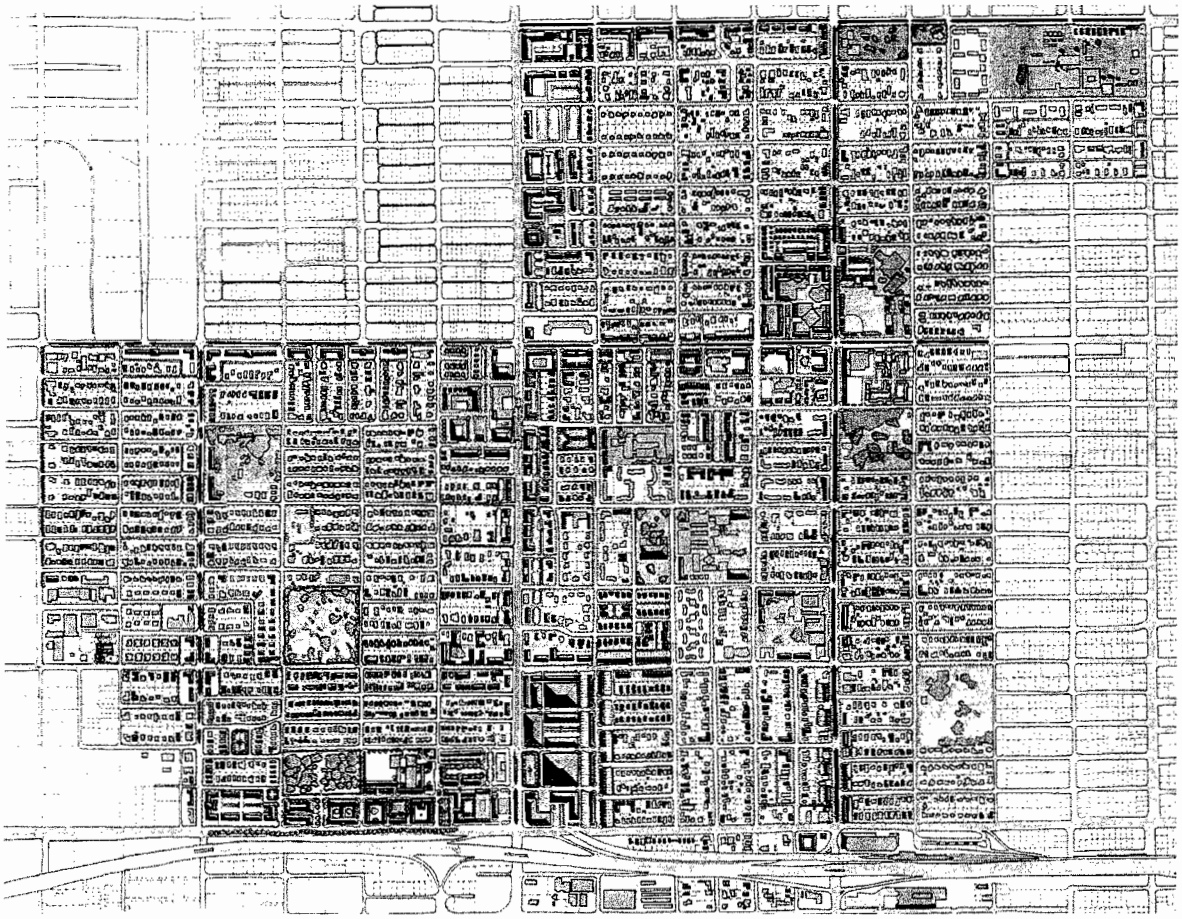
C. Figure 1 also shows the boundaries of the Model City Urban Center District (MCUCD), as well as the boundaries of the Designated Urban Center. The MCUCD's Designated Urban Center shall consist of the areas designated as being the Core and Center Sub-districts on the Sub-districts Plan in Sec. 33-284-99.43 of this code. As provided in Standard Urban Center District Regulations, the Workforce Housing requirement shall

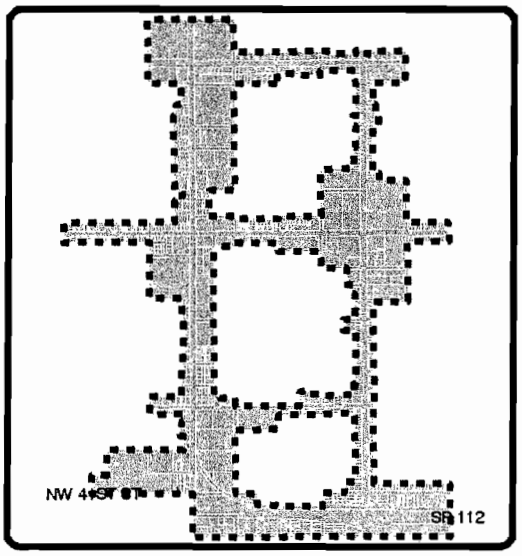
apply to the area included in the Designated Urban Center boundaries. The legal descriptions of the boundaries of the MCUCD and the Designated Urban Center are on file with the Miami-Dade Department of Planning and Zoning.

D. Full scale maps of the Illustrative Master Plan presented in Figure 1, as well as all the Regulating Plans and Street Development Parameters figures in this article, are on file with the Miami-Dade Department of Planning and Zoning.

E. No provision in this article shall be applicable to any property lying outside the boundaries of the MCUCD as described herein. No property lying within the boundaries of the MCUCD shall be entitled to the uses or subject to the regulations provided in this article until an application for a district boundary change to MCUCD has been heard and approved in accordance with the provisions of this chapter.

Figure 1: Illustrative Master Plan





Legend

Designated Urban Center Boundary

Section 2. Section 33-284.99.41 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284-99.41. Model City Urban Center District (MCUCD) Requirements.

Except as provided herein, all developments within the MCUCD shall comply with the requirements provided in Article XXXIII(K), Standard Urban Center District Regulations, of this code.

Section 3. Sec. 33-284.99.42 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.99.42. Uses.

Except as provided herein, all permitted, conditionally permitted, and temporary uses within the MCUCD shall comply with Section 33-284.83 of this code.

A. Permitted Uses. In addition to the uses provided in section 33-284.83(A), the following shall be permitted:

1. In the Mixed-Use Corridor Special (MCS) area, all uses provided in Section 33-284.83(A)(3) and the following uses:

a. Automobile and truck services and facilities including:

(1) Open lot car and truck sales new or used, including, as ancillary uses, automobile repairs, body and top work and painting, provided that no more than fifteen (15) percent of the gross building area is devoted to such ancillary uses, and subject to the following conditions:

(a) That attention attractive devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering,

spinning advertising devices (either mobile or stationary) are prohibited.

(b) That outdoor lighting shall be designed to avoid spilling beyond the site boundaries.

(c) That no vehicular test drives shall be conducted on residential local traffic streets (fifty-foot right-of-way or less).

(d) That the applicant obtains a certificate of use, which shall be automatically renewable yearly upon compliance with all terms and conditions.

(e) All outdoor paging or speaker systems are expressly prohibited. This provision shall also apply to all establishments in existence as of September 10, 1996.

(2) Open lot car rental

(3) Automobile parts, secondhand from store building only.

(4) Automobile body and top work and painting.

(b) Automobile self-service gas stations. When provided, gas stations shall be exempt from the provisions of this article and shall conform to the BU-1A development standards provided in Article XXV of this Code.

(c) Engines, steam and oil; sales and service.

(d) Garage or mechanical service, including automobile repairs, body and top work and

painting. All outdoor paging or speaker systems are expressly prohibited. This provision shall also apply to all establishments in existence as of September 10, 1996.

(e) Glass installation.

(f) Tire vulcanizing and retreading or sale of use tires.

(g) Truck storage, only within an enclosed building or an area enclosed by a CBS wall.

(h) Automobile washing.

(i) Self-service mini-warehouse storage facility in compliance with Section 33-255(23.1) of this Code.

2. In the Industrial District (ID) area, the following uses:

(a) MC uses at maximum residential densities shown on the Density Regulating Plan in Sec. 33-284.99.43 of this Chapter.

B. Conditionally Permitted Uses. Notwithstanding the provisions of Section 33-284.83(B), only the following conditional uses shall be permitted, subject to the administrative approval of a site plan pursuant to Section 33-284.88 of this code:

1. Liquor package stores only in the Core and Center Sub-districts, and only in compliance with Article X of this code.

Section 4. Sec. 33-284.99.43 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.99.43. Regulating Plans.

The Regulating Plans shall consist of the following controlling plans as defined and graphically depicted in this section.

A. The Land Use Plan, which delineates the areas where specified land uses and development of various types and intensities is permitted.

B. The Density Plan, which delineates areas where specified minimum and maximum residential densities shall be permitted.

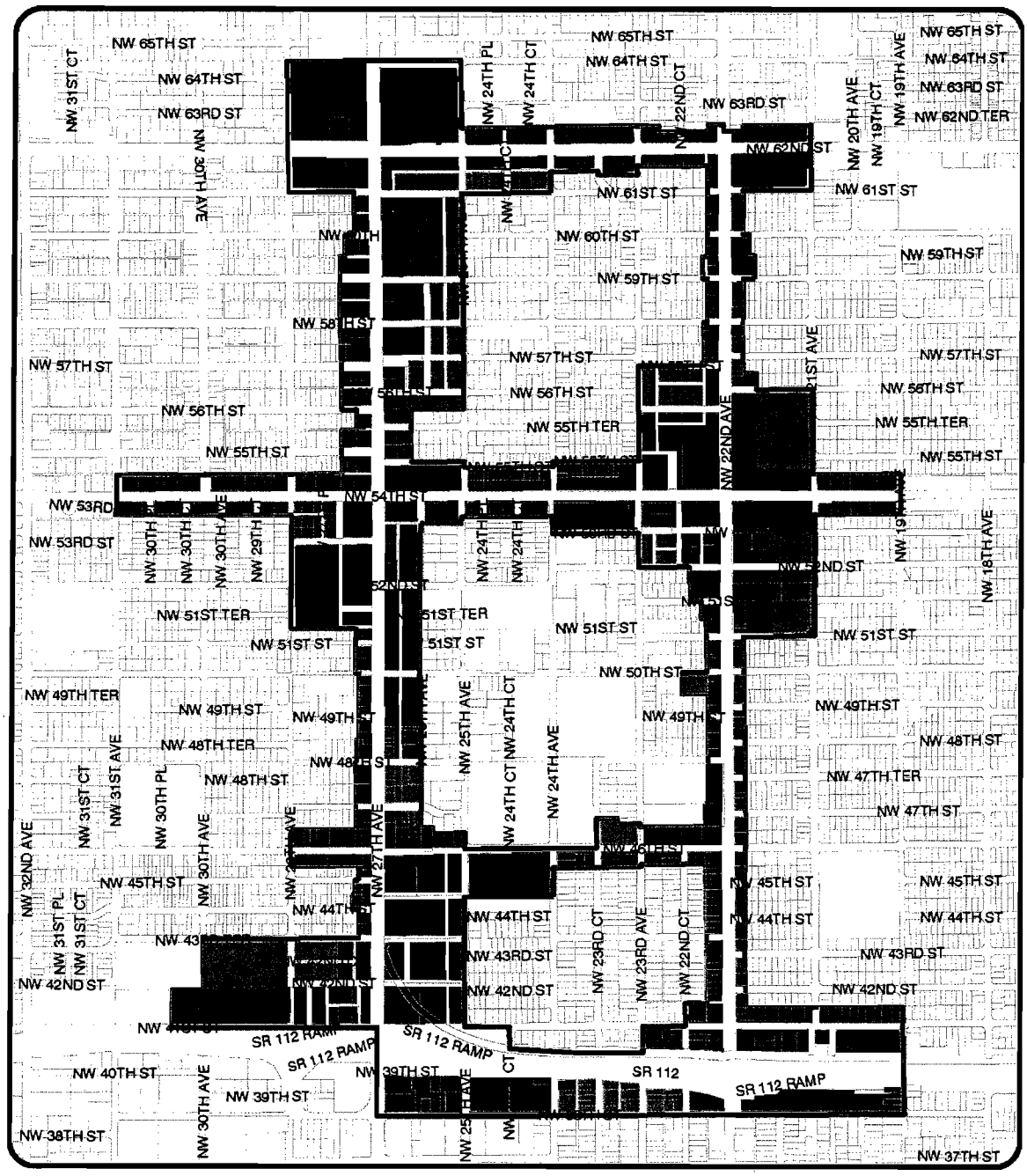
C. The Building Heights Plan, which establishes the minimum and maximum allowable number of stories.

D. The Sub-districts Plan, which delineates three (3) sub-districts: the Core, Center and Edge. These sub-districts regulate the allowable intensity of development in accordance with the Comprehensive Development Master Plan and this article.

E. The Designated Open Space Plan, which designates open spaces, which shall be shown in all development plans. The designated open spaces are controlled by anchor points.

F. The New Streets Plan, which shows the location and the number of new streets needed to create the prescribed network of streets within the MCUCD District. All new A streets shall be required in the same general location as shown on the New Streets Plan. All B streets shall be located as provided in section 33-284.86(F) of this code.

A. Land Use Plan



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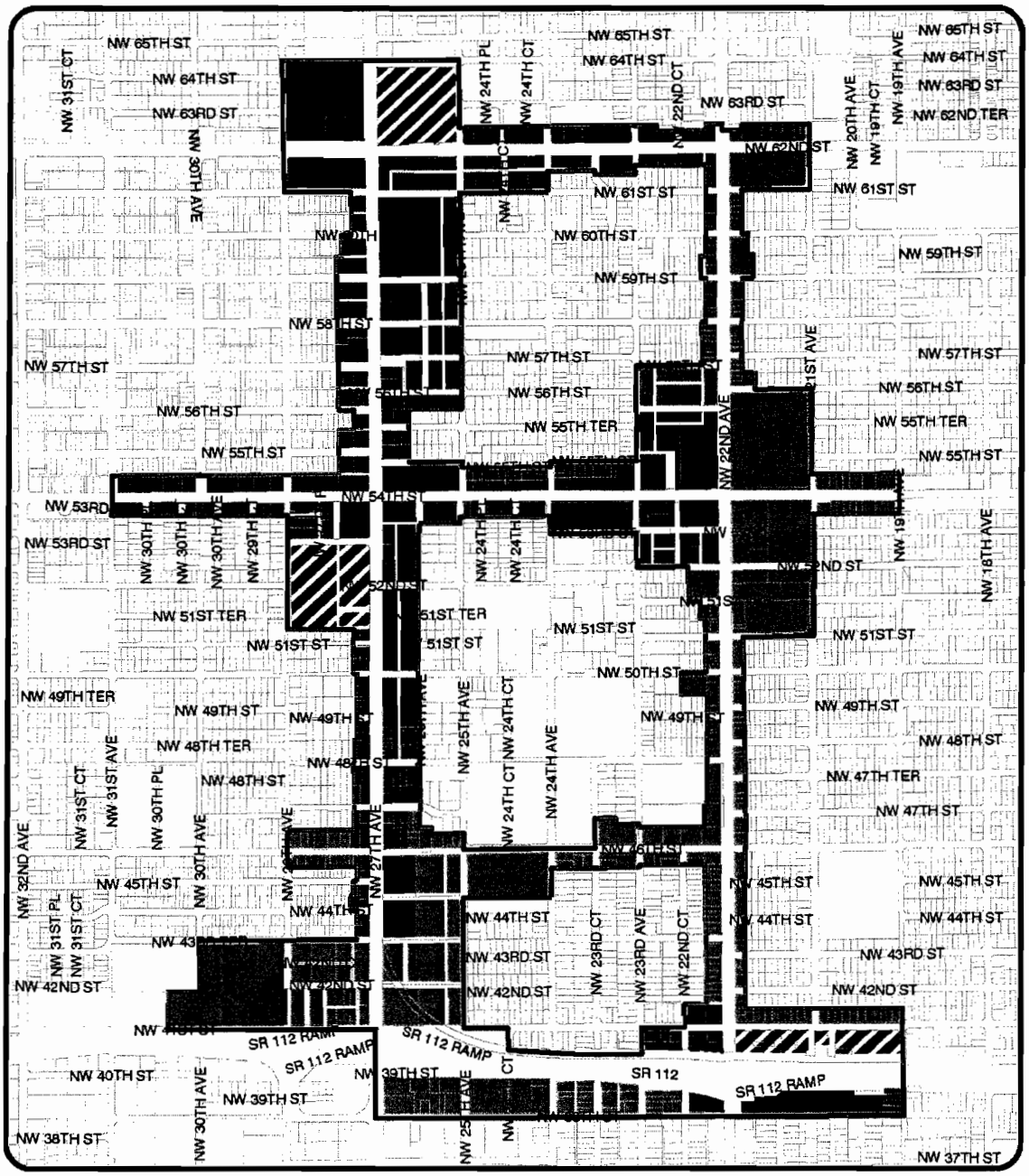
Legend

Land Uses

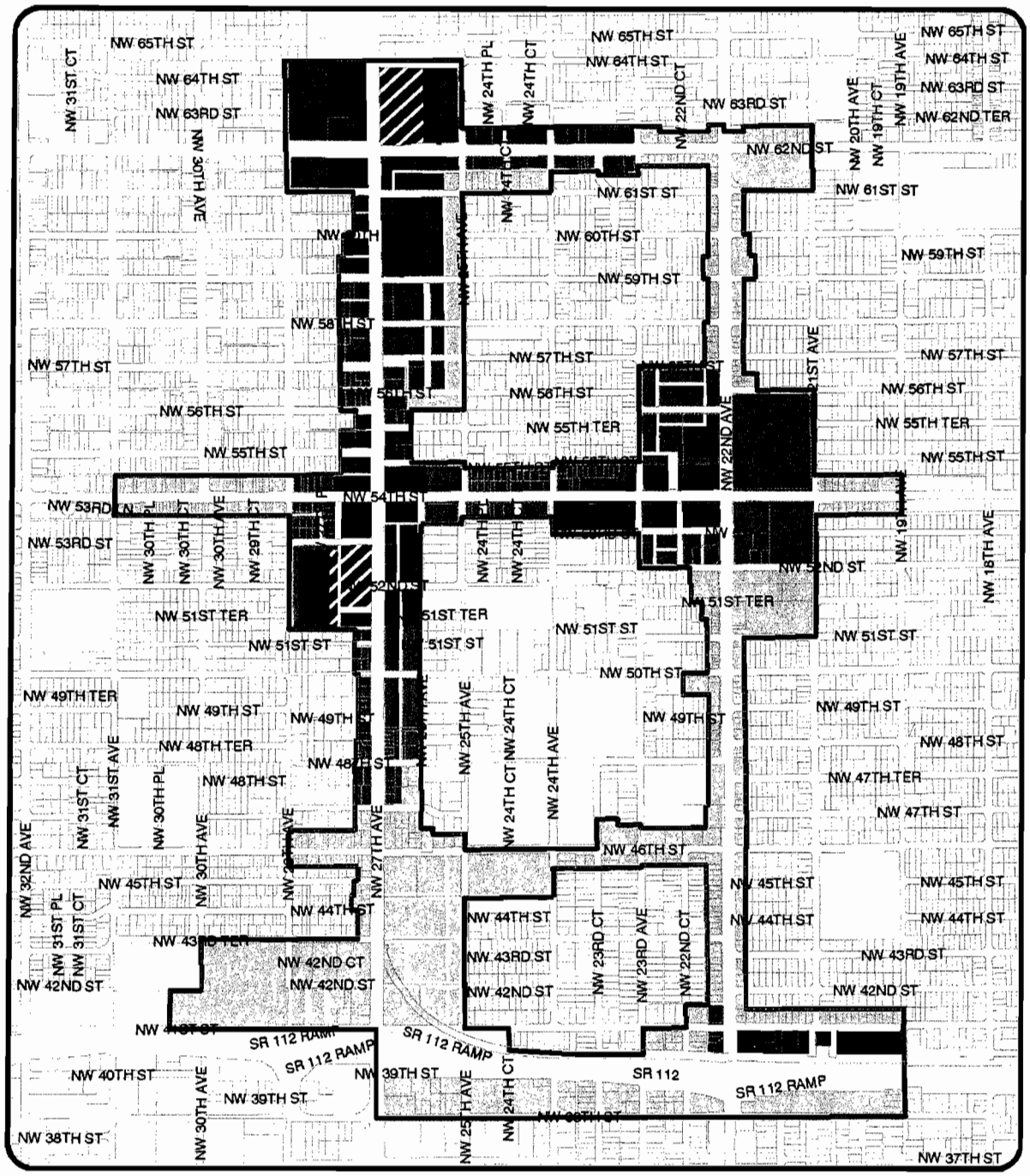
- MCS: Mixed-Use Corridor Special
- MC: Mixed-use Corridor
- RM: Residential Modified
- ID: Industrial District

Refer to Sec. 33-284.99.42 for specific permitted uses in each land use area

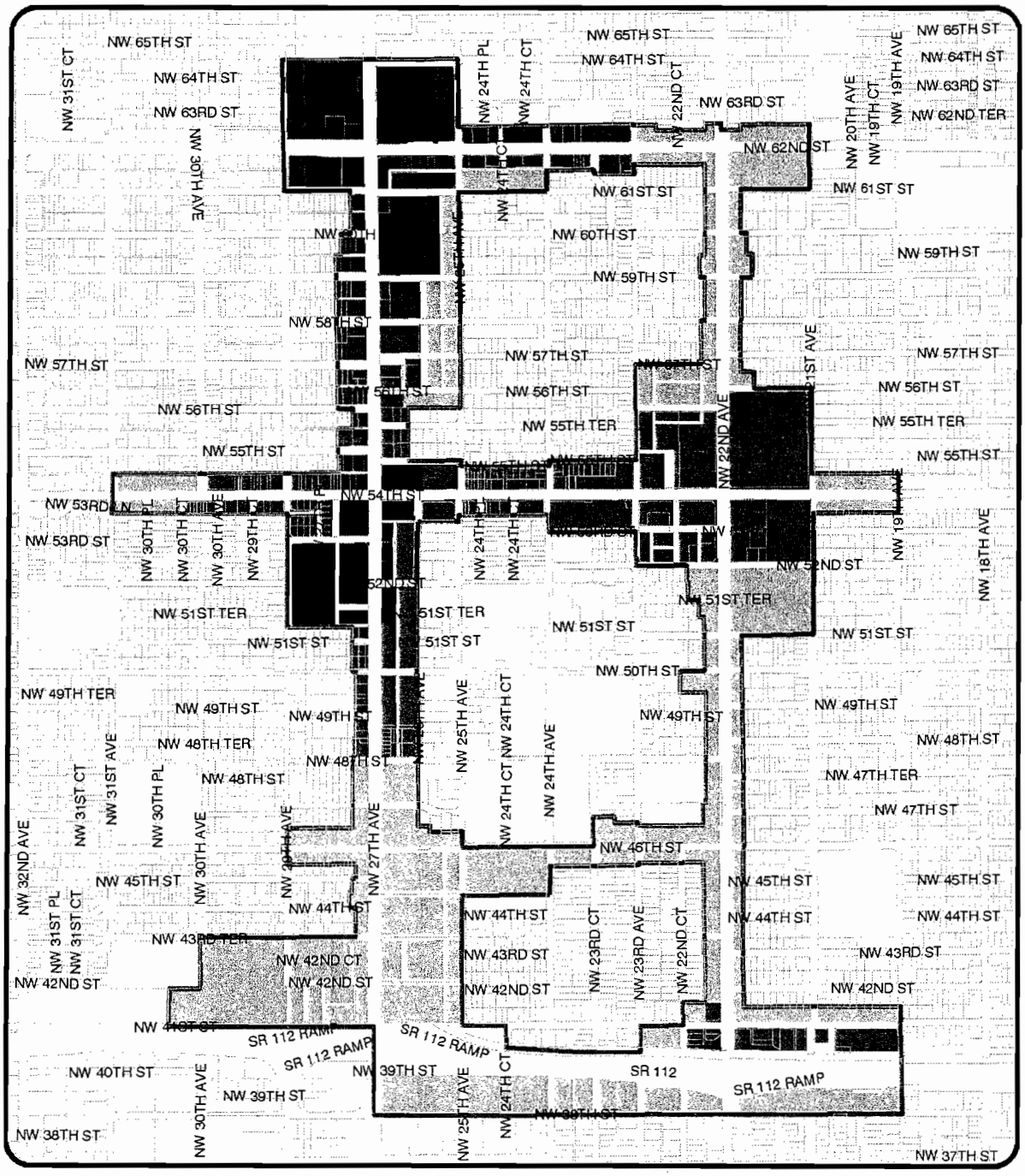
B. Density Plan



C. Building Heights Plan



D. Sub-districts Plan



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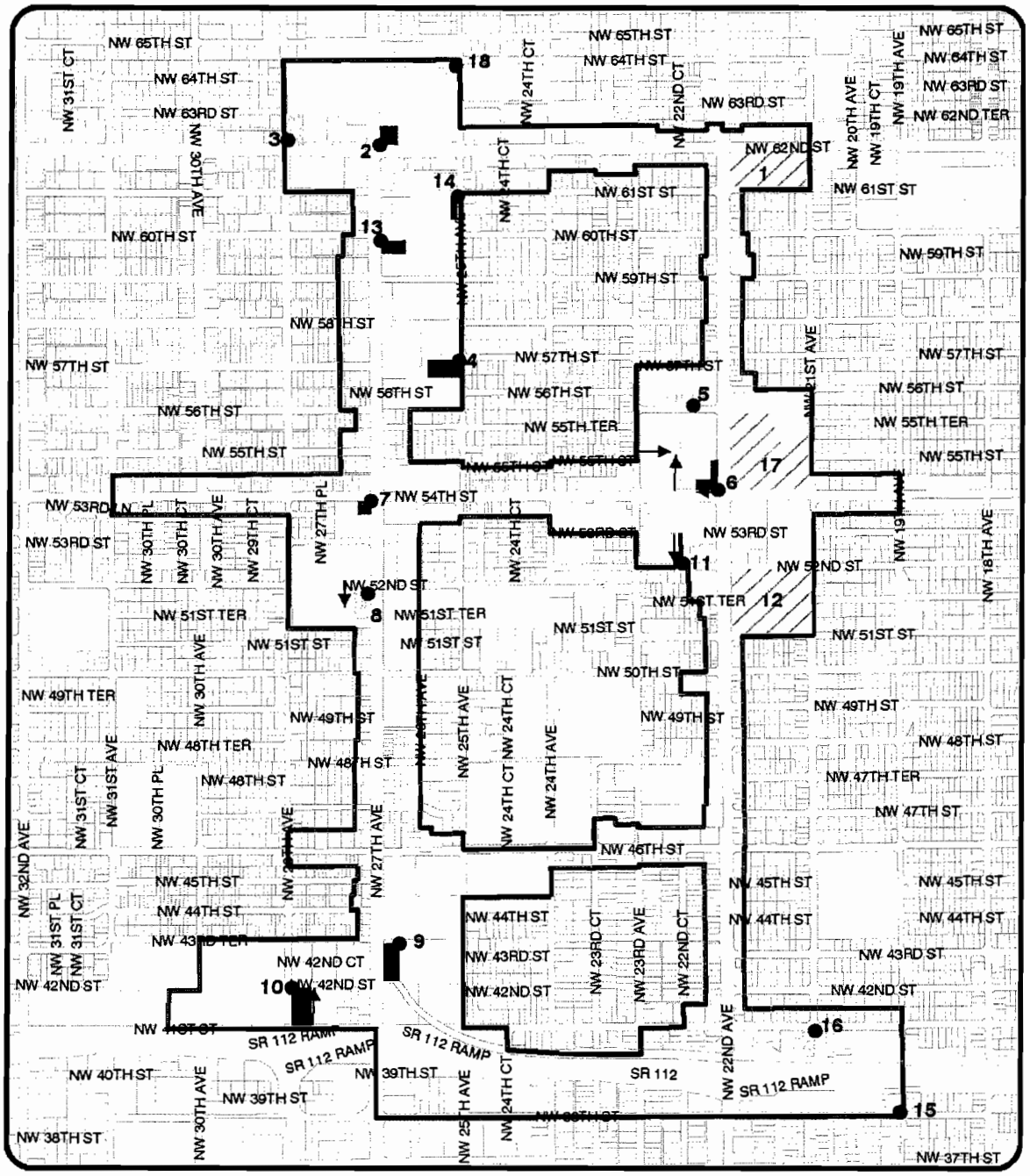
Legend

Sub-Districts

- Core
- Center
- Edge

15

E. Designated Open Space Plan



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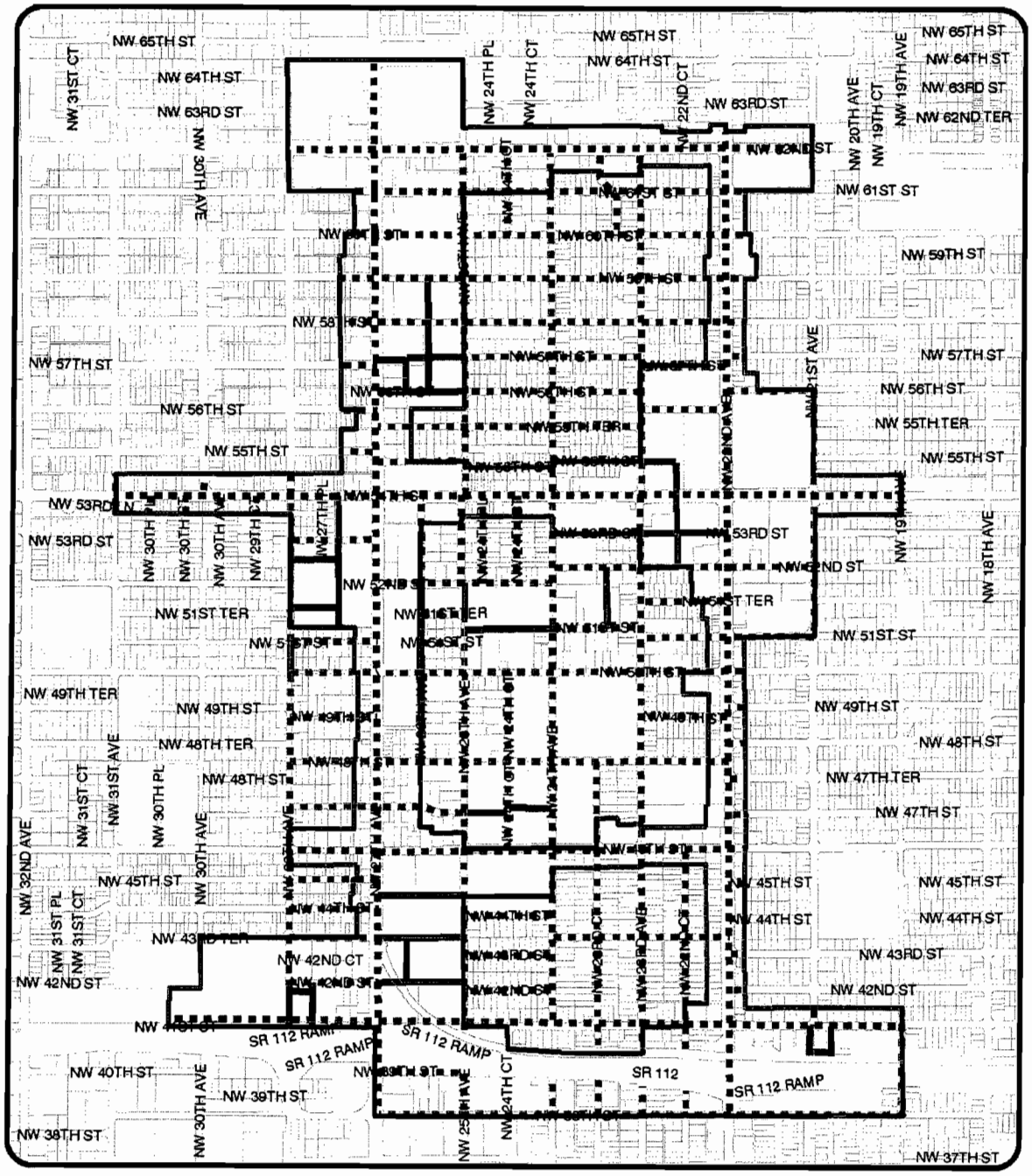
Legend

- Anchor Point
- StreetVista
- **Open Space**
  - Existing
  - Green
  - Plaza
  - Square

Number	Open Space Type	Size (Sq. Ft.)	Number	Open Space Type	Size (Sq. Ft.)
1	Existing	154,000	10	Square	43,000
2	Plaza	19,800	11	Square	6,900
3	Green	43,500	12	Existing	294,000
4	Square	33,100	13	Square	18,000
5	Green	18,300	14	Plaza	9,700
6	Plaza	22,800	15	Green	8,400
7	Plaza	10,200	16	Green	21,600
8	Square	25,100	17	Existing	295,600
9	Square	35, 800	18	Green	10,200

F. New Streets Plan



Section 5. Section 33-284.99.44 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-284.99.44. Development Parameters

A. Except as otherwise provided in this section, all new development and redevelopment within the MCUCD shall comply with the development parameters as set forth in Article XXXIII(K) of this code.

B. All new development and redevelopment in areas designated MCS shall comply with the development parameters for the MC area as set forth in Article XXXIII(K) of this code, except that self-service gas stations shall comply with the development parameters applicable to the BU-1A district.

C. At a minimum, streets within the MCUCD shall comply with the Street Type Parameters for Type 5, Minor Street, as provided in section 33-284.85 of this code.

Section 6. Section 33-284.99.45 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-284.99.45. 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.

Section 7. Sec. 33-284.99.46 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Section 33-284.99.46. 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 MCUCD that either: (1) was existing as of the date of the district boundary change on the property to MCUCD; 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 MCUCD 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 an extent of 50 percent or more of its market value, shall be subject to Section 33-35(c) of this code. However, a lawfully existing single-family home use that is discontinued for a period of at least six months or that incurs damage to the roof or structure to an extent of 50 percent or more of its market value, shall not be subject to Section 33-35(c) of this code.

Section 8. Sec. 33C-7 of the Code of Miami-Dade County, Florida, is hereby amended as follows :[1]

Sec. 33C-7. Dr. Martin Luther King, Jr. Corridor Subzone.

(1) *Boundaries.* Pursuant to the provisions of Section 33C-2(D)9(b), the Dr. Martin Luther King, Jr. Corridor Subzone (MLK Corridor Subzone) of the Rapid Transit Zone is hereby established; the boundaries of the Subzone include all portions of the Rapid Transit Zone located north of NW 51st Street and east of NW 32nd Avenue, as described in and incorporated into Section 33C-2(B) hereof; said boundaries shall be certified by the Clerk of the Board as a part of this section, and transmitted to the Department of Planning and Zoning for custody.

(2) *Development regulations.* The following development regulations shall apply within the MLK Corridor Subzone >>, except for the Brownsville and Martin Luther King Jr. Stations, which development shall comply with the Model City Urban Center District regulations set forth in Chapter 33, Article XXXIII(R) of this code<<:

(a) Mixed uses, as provided by Section 33C-2(D)(9)(a) shall be permitted, said uses including but not limited to, residential, office, hotel, clubs, restaurants, theatres, retail, etc.

[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.

* * *

(3) *Site plan review standards and criteria.* The purpose of the site plan review is to encourage logic, imagination and variety in the design process in an attempt to insure the congruity of the proposed development and its compatibility with the surrounding area. The following site plan review standards and criteria shall be utilized as a guide by the Developmental Impact Committee or the Department of Planning and Zoning and by the Board of County Commissioners in the consideration of requests for special exception for site plan approvals within the MLK Corridor Subzone >>, except for the Brownsville and Martin Luther King Jr. Stations, which development shall comply with the Model City Urban Center District regulations set forth in Chapter 33, Article XXXIII(R) of this code<<:

(a) All development shall conform foremost with the guidelines for development of Urban Centers contained in the Comprehensive Development Master Plan, and shall be reviewed for its compatibility with the Miami-Dade County Urban Design Manual, the Metrorail compendium of design criteria, and [[~~, as~~]] >>the<< applicable [[~~, the Brownsville Station Area~~]] >>station area<< design and development plan [[~~, the Northside Station Area design and development plan and the Dr. Martin Luther King, Jr. Station Area Design and Development Plan~~]].

* * *

Section 9. 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 10. It is the intention of this Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and made part of the Code of Miami-Dade County, Florida. The section 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 11. 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