MEMORANDUM

Agenda Item No. 7(I)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	July 7, 2011
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance relating to zoning and other land development regulations; providing for the North Central Urban Area District; creating sections 33-284.99.48 through 33-284.99.54 of the Code

The substitute differs from the original in that it updates the Boundary Map (Sec. 33-284.99.48, Figure 1) and the Regulating Plans (Sec. 33-284.99.51) to include the entire parcel of property owned by Miami-Dade Transit and located just north of 95th Street on 27th Avenue.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: August 2, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager

Subject: Ordinance relating to zoning and other land development regulations

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The proposed ordinance relating to zoning and other land development regulations; providing for the North Central Urban Area District (NCUAD); creating Sections 33-284.99.48 through 33-284.99.54 of the Code will not have a fiscal impact to the County.

Susanne M. Torriente
Sustainability Director

Fis4311

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: August 2, 2011

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

SUBJECT: Agenda Item No. 7(I)

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. 7(I)
8-2-11

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE NORTH CENTRAL URBAN AREA DISTRICT; CREATING SECTIONS 33-284.99.48 THROUGH 33-284.99.54 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 33-284.99.48 of the Code of Miami-Dade County, Florida is hereby created as follows:

ARTICLE XXXIII (S)

NORTH CENTRAL URBAN AREA DISTRICT (NCUAD)

Sec. 33-284.99.48. Purpose, intent and applicability.

A. The NCUAD regulating plans were guided by the three Urban Centers located within the boundary and the major roadways provisions of the Comprehensive Development Master Plan.

B. 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.

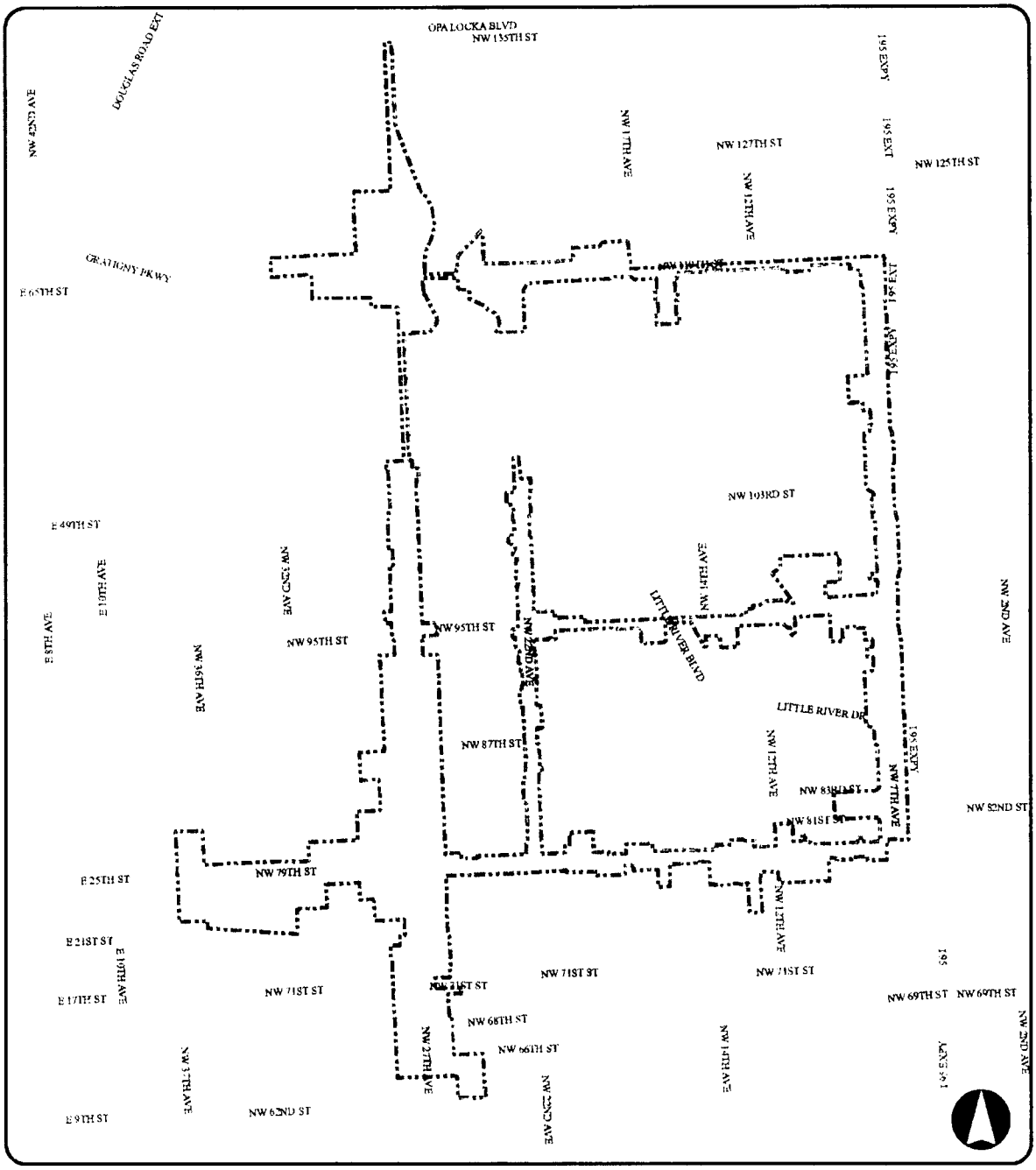
C. Figure 1 shows the boundaries of the North Central Urban Area District (NCUAD).

D. The NCUAD'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. 33-284.99.51 of this code. As provided in the Standard Urban Center District Regulations, the Workforce Housing requirement shall apply to the area included in the Designated Urban Center boundaries. The legal description of the boundaries of the NCUAD is on file with the Miami-Dade Department of Planning and Zoning.

E. Full scale map of the boundaries 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.

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

Figure 1: North Central Urban Area Boundary



Study Area Boundary

Section 2. Section 33-284.99.49 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-284.99.49. North Central Urban Area District (NCUAD) Requirements.

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

Section 3. Sec. 33-284.99.50 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.99.50. Uses.

Except as provided herein, all permitted, conditionally permitted, and temporary uses within the NCUAD 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 permitted in the Mixed-Use Corridor (MC) category and the following additional 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.

(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. 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 chapter.

(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.

(e) Glass installation.

(f) Tire vulcanizing and retreading or sale of used 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. Industrial uses. In the Industrial District (ID) area:

(a) MC uses at maximum residential densities shown on the Density Regulating Plan in Sec. 33-284.99.51 of this article.

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 as required by Section 33-284.88 of this code:

1. Liquor package stores, which shall only be permitted in the Core and Center Sub-districts, and only in compliance with Article X of this chapter.

Section 4. Sec. 33-284.99.51 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.99.51. Regulating Plans.

The Regulating Plans 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 shall be permitted.

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

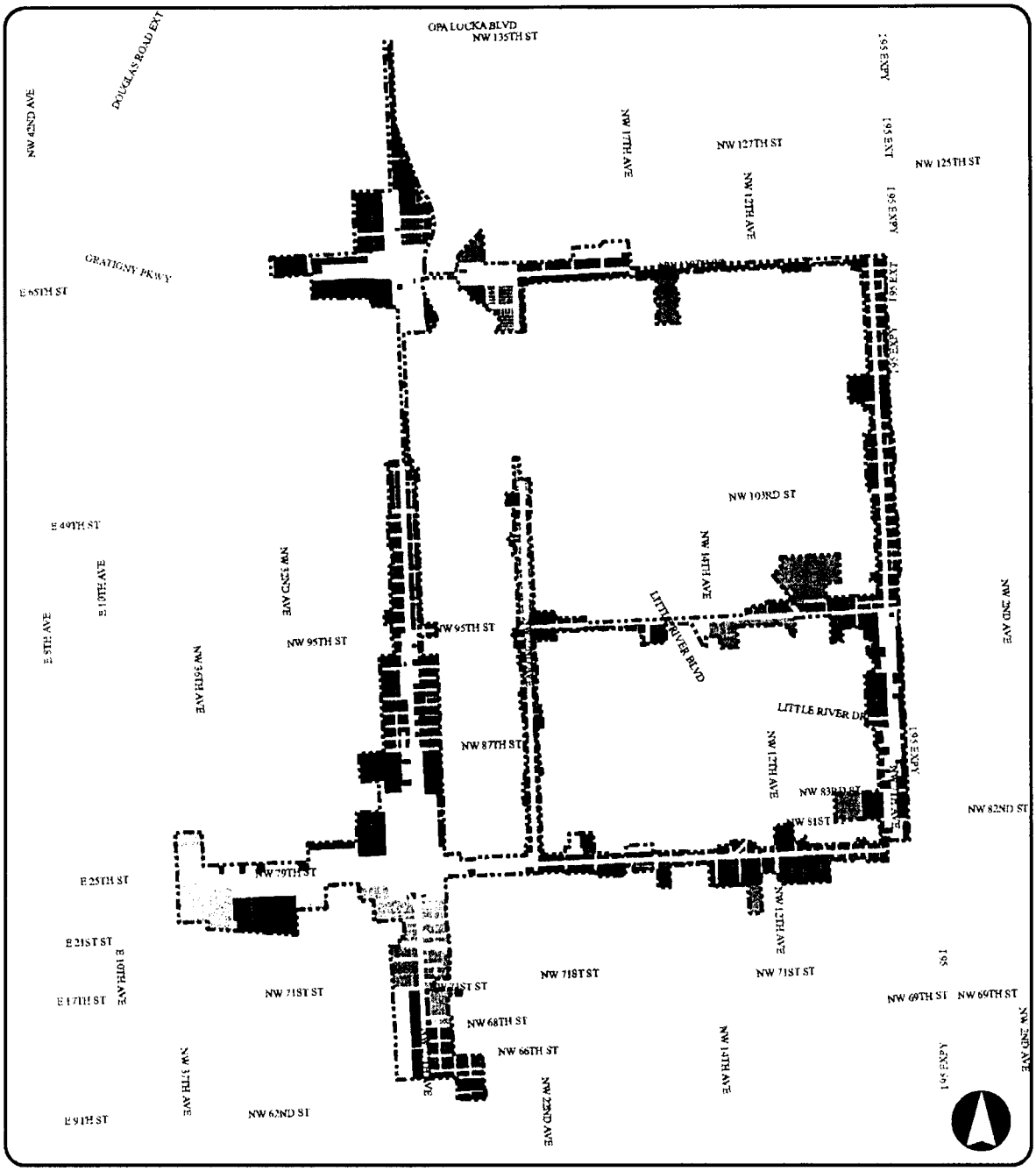
C. The Building Heights Plan, which establishes the minimum and maximum allowable number of stories.

D. The Sub-districts Plan, which delineates three (3) sub-districts: the Core, Center and Edge. These sub-districts shall 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. Designated open spaces 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 NCUAD. 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.

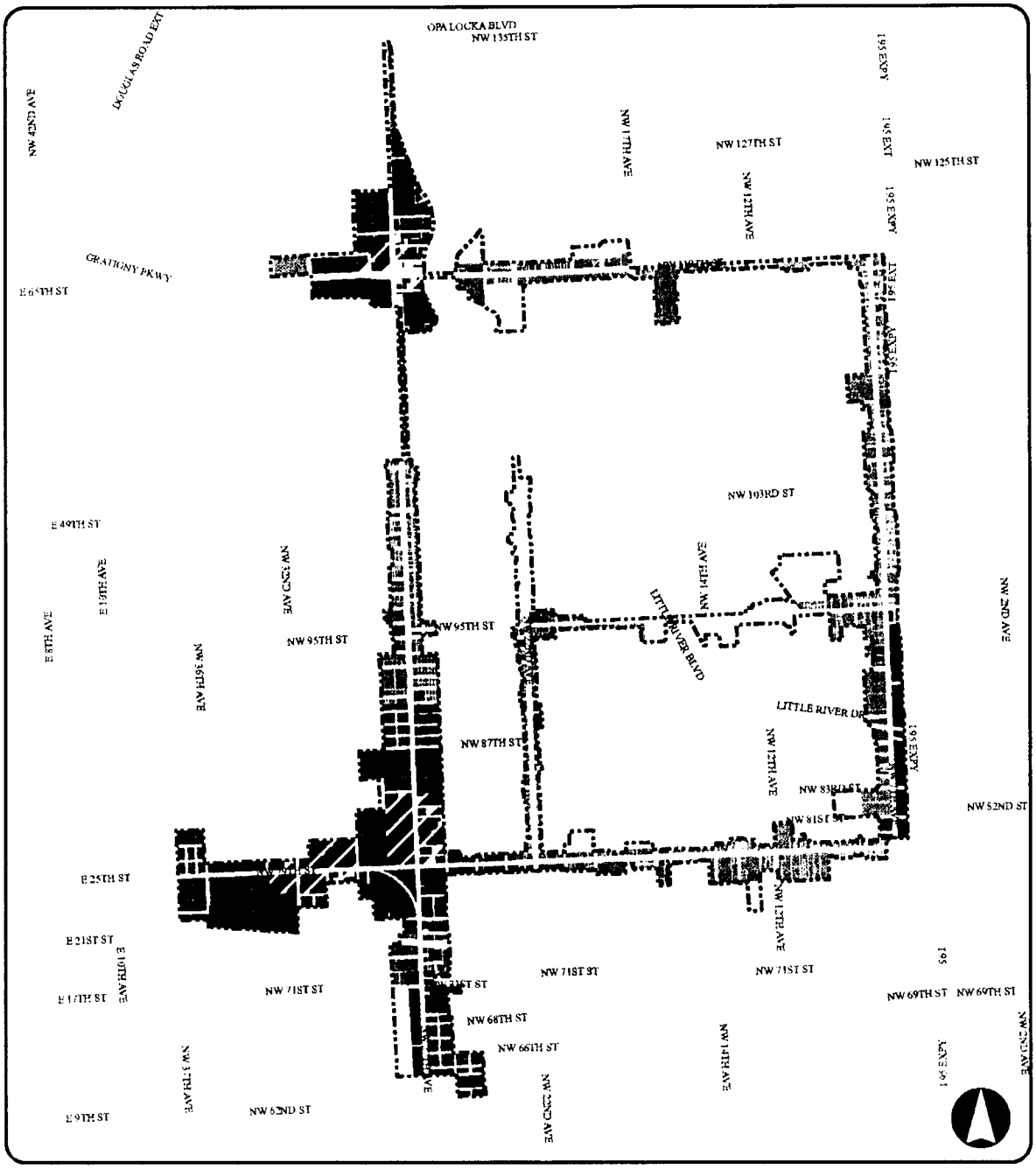
A. Land Use Plan



Land Use

- MM: Mixed Use Main Street
- MCS: Mixed-Use Corridor Special
- MC: Mixed-Use Corridor
- RM: Residential Modified
- R: Residential
- ID: Industrial District
- I: Institutional

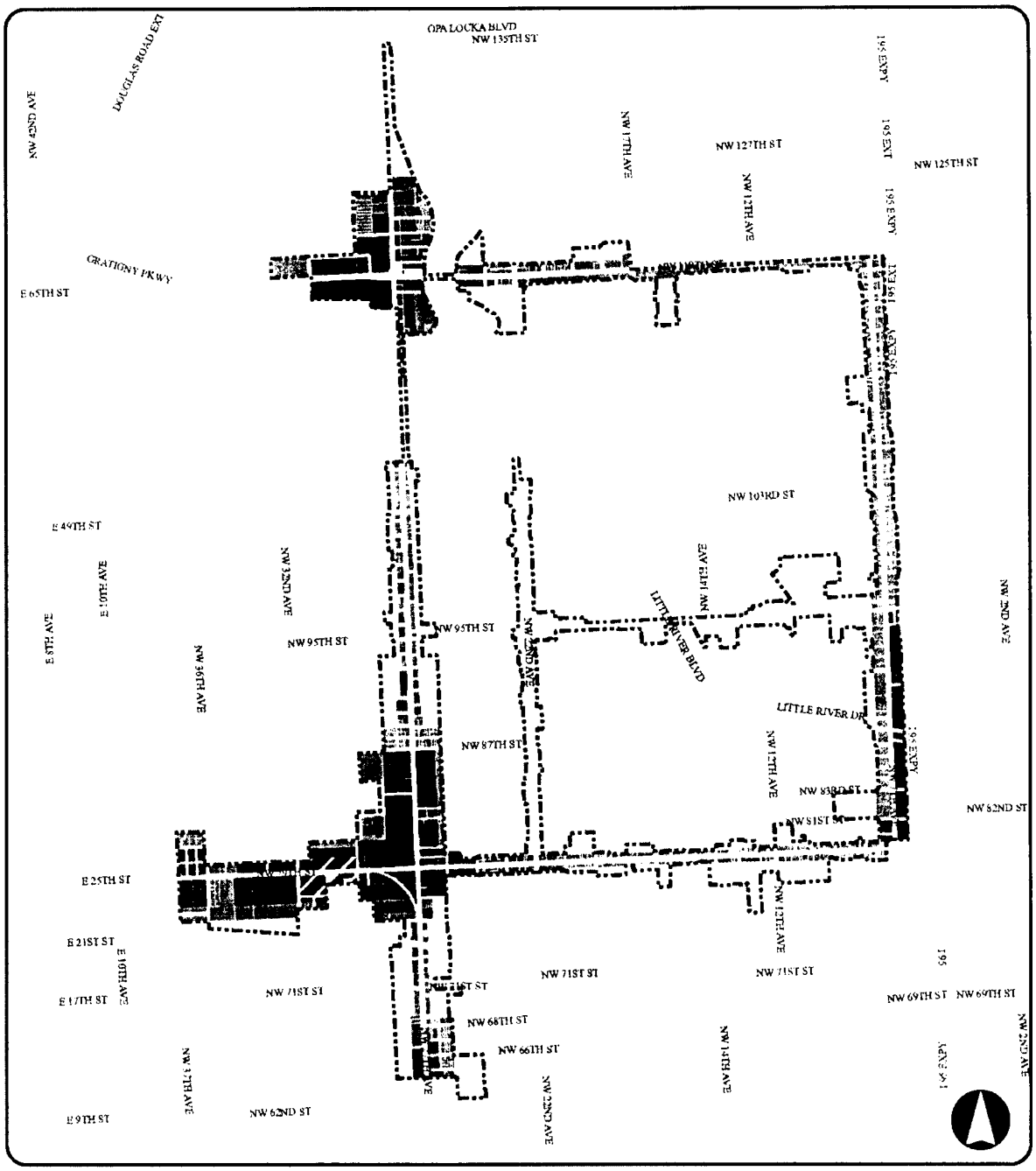
B. Density Plan



Residential Density

- Max 125 units/acre
- Max 90 units/acre
- Max 60 units/acre
- Max 41 units/acre
- Max 36 units/acre
- Max 25 units/acre
- Max 18 units/acre
- Max 6 units/acre
- Residential As Per Sec. 33.284.99.16(A)(5)

C. Building Heights Plan

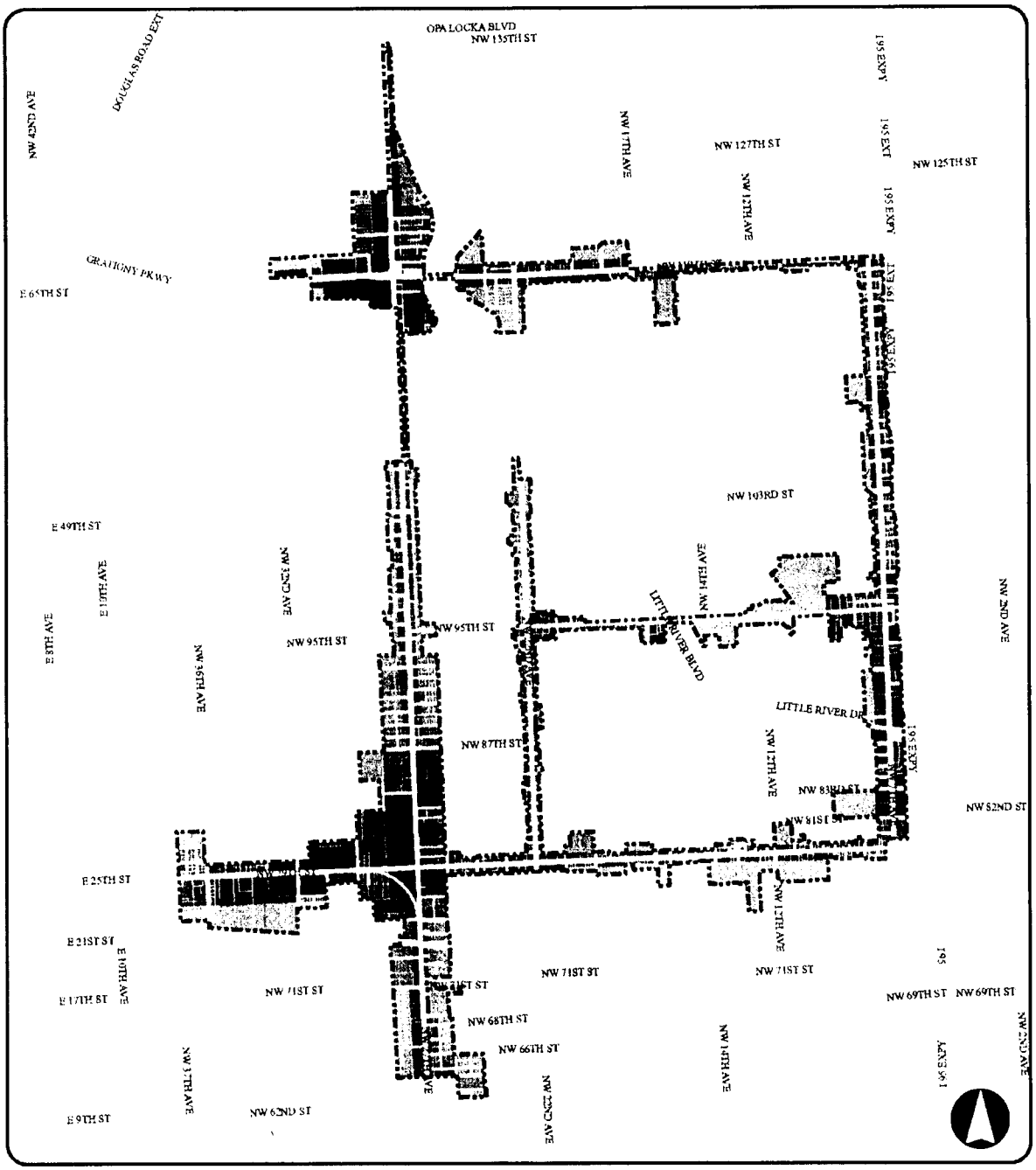


Building Height (Stories)*

- Min 4 to Max 15
- Min 3 to Max 12
- Max 6
- Max 4

* Note: Where a proposed development abuts an area designated for single-family residential on the Future Land Use Map, the height of the proposed development along the abutting property line, for a minimum depth of 50 feet, shall be no greater than three stories. See Section 33-284.99.52(D) of this code.

D. Sub-districts Plan



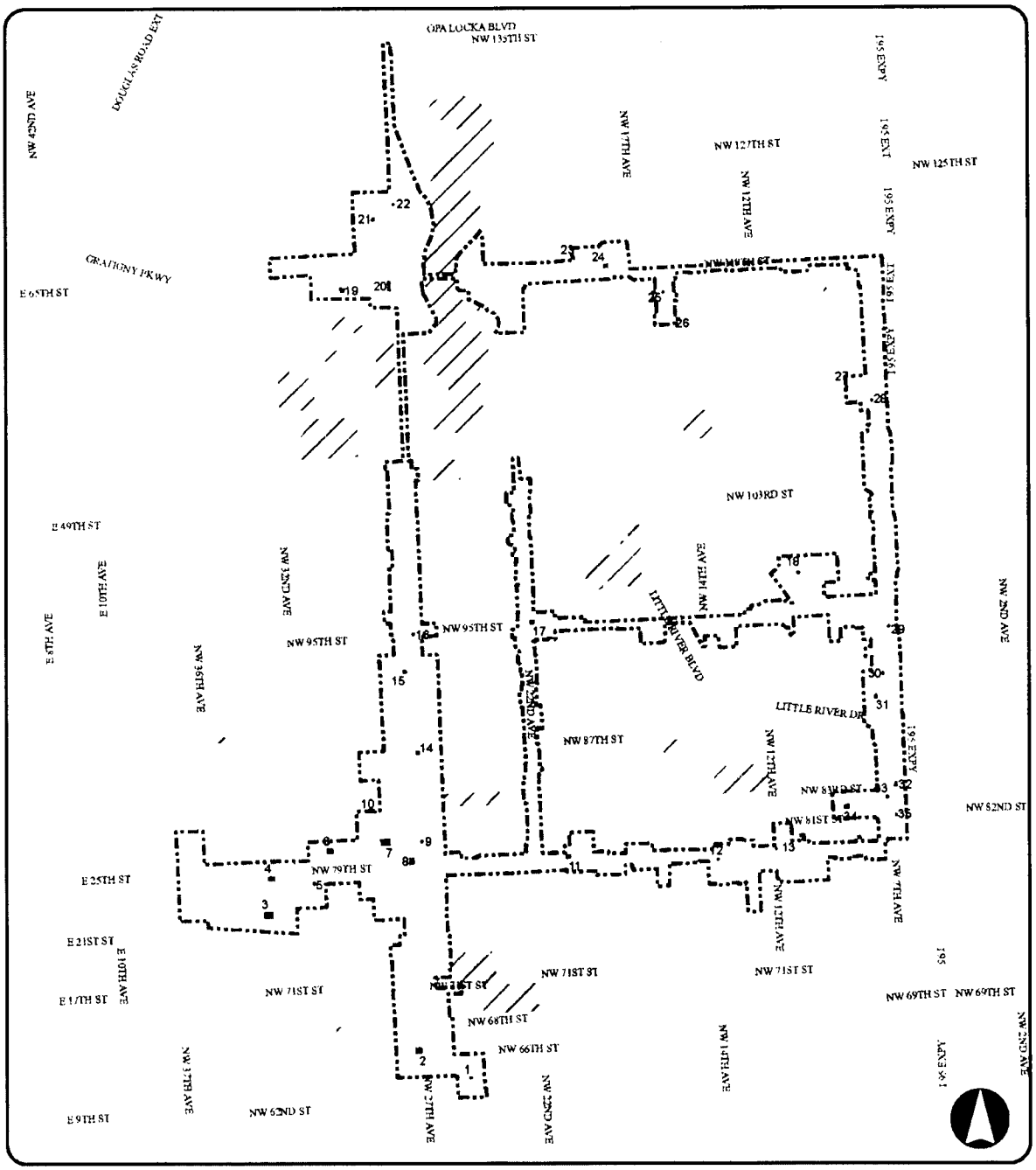
Subdistrict

CORE

CENTER

EDGE

E. Designated Open Space Plan

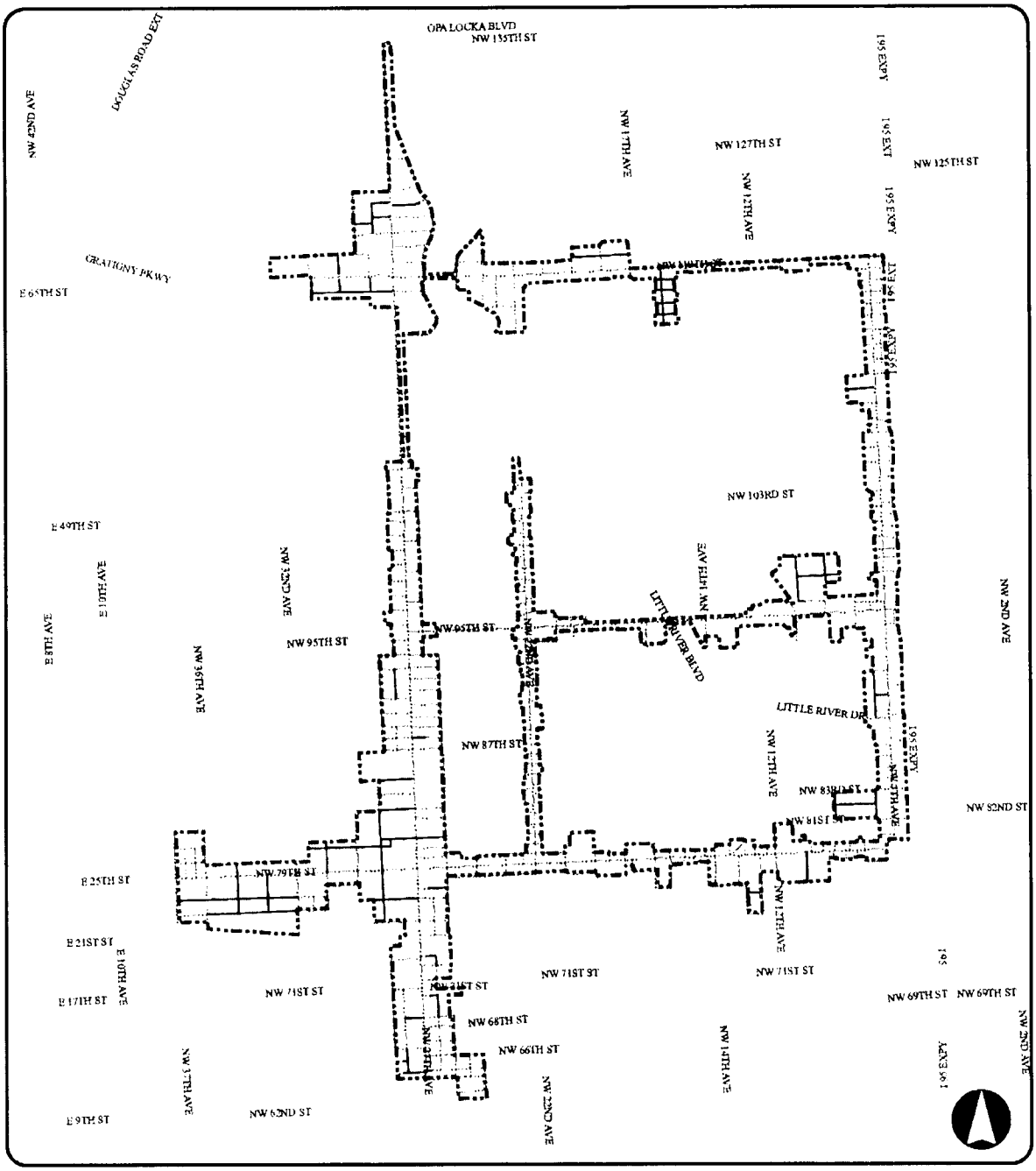


Open Space

- Existing: 349.0 Acres
- Green: 4.0 Acres
- Plaza: 4.0 Acres
- Square: 2.0 Acres
- Open Space Anchor

Number	Open Space Type	Size (Sq Ft)	Number	Open Space Type	Size (Sq Ft)	Number	Open Space Type	Size (Sq Ft)	Number	Open Space Type	Size (Sq Ft)
1	Green	12192	10	Green	12885	19	Square	89926	28	Green	19920
2	Plaza	25710	11	Plaza	18935	20	Plaza	22177	29	Green	15711
3	Square	34426	12	Green	43551	21	Square	5217	30	Plaza	5931
4	Plaza	22491	13	Green	21596	22	Green	8717	31	Square	7322
5	Green	7597	14	Plaza	12897	23	Green	56654	32	Plaza	12821
6	Square	16094	15	Plaza	19555	24	Plaza	13104	33	Plaza	6864
7	Square	35184	16	Green	11236	25	Green	263777	34	Square	3561
8	Plaza	25349	17	Plaza	15617	26	Green	26996	35	Green	9561
9	Green	24195	18	Green	34752	27	Green	13410			

F. New Streets Plan



New Streets

Existing "A" Streets

Existing "B" Streets

New "B" Streets

Section 5. Section 33-284.99.52 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-284.99.52. Development Parameters.

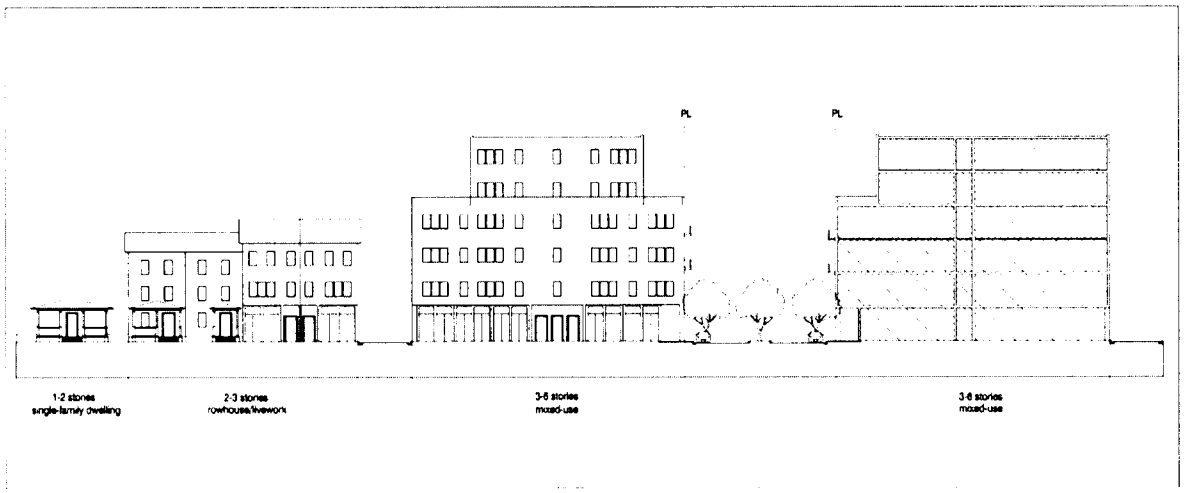
A. Except as otherwise provided in this section, all new development and redevelopment within the NCUAD shall comply with the development parameters as set forth in Article XXXIII(K) of this chapter.

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 chapter, except that self-service gas stations shall comply with the development parameters applicable to the BU-1A district as set forth in Section 33-247.

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

D. Buffering between dissimilar land uses shall be in accordance with Section 18A-6(H) of this code.

E. Where a proposed development abuts an area designated for single-family residential on the Future Land Use Map of the CDMP, the height of the proposed development along the abutting property line, for a minimum depth of 50 feet, shall be no greater than three stories. Examples of the required height transition are shown below.



Example of building heights transition from mixed-use to single-family

Section 6. Section 33-284.99.53 of the Code of Miami-Dade County, Florida is hereby created as follows:

> **Sec. 33-284.99.53. 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. 33-284.99.54 of the Code of Miami-Dade County, Florida, is hereby created as follows:

> **Sec. 33-284.99.54. 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 NCUAD that either (1) was existing as of the date of the district boundary change on the property to NCUAD 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 NCUAD 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. It is further provided, however, that no lawfully existing single-family home use or mobile home park use shall be subject to Section 33-35(c) of this code, even if it is discontinued for a period of six months or more or incurs damage to the roof or structure to an extent of 50 percent or more of its market value.

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

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[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.

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 >>, and except for the Northside Station, which development shall comply with the North Central Urban Area District regulations set forth in Chapter 33, Article XXXIII(S) 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.

* * *

(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 >>, and except for the Northside Station, which development shall comply with the North Central Urban Area District

regulations set forth in Chapter 33, Article XXXIII(S) 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 the applicable 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 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 a 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 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

Prime Sponsor: Commissioner Jean Monestime