Memorandum

MIAMI-DADE COUNTY

Date: March 4, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

Substitute
Agenda Item No. 5(D)

From: Carlos A. Gimenez
Mayor

Subject: Proposed Zoning Ordinance Amending the Palmer Lake Metropolitan Urban Center Zoning District

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This substitute ordinance differs from the original in that it corrects a scrivener's error on the Sub-Districts Plan map that inadvertently re-designated certain parcels within the Core sub-district. This substitute corrects the error and the remainder of the ordinance is unchanged.

Recommendation
It is recommended that the Board adopt the attached ordinance amending the Palmer Lake Metropolitan Urban Center zoning district.

Scope
The proposed ordinance impacts the unincorporated area around Palmer Lake in Commission Districts 5 and 6.

Fiscal Impact/Funding Source
The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor
Eric Silva, Assistant Director of Development Services in the Department of Regulatory and Economic Resources, will be responsible for implementation of the proposed ordinance.

Background
The proposed ordinance amends the Palmer Lake Metropolitan Urban Center (PLMUC) zoning district to modify development limitations on certain properties adjoining Palmer Lake. On October 2, 2013 the Board of County Commissioners adopted amendments to the Comprehensive Development Master Plan (CDMP) based on recommendations made in the 2010 Evaluation and Appraisal Report (EAR); among these amendments was a change to a map in the Port of Miami River Sub-Element designating certain areas in the vicinity of the Miami River for water-dependent uses. This map was amended to remove this designation for properties adjoining Palmer Lake due mainly to the inability of marine vessels to access the lake. The amendments in this ordinance will make the PLMUC district standards consistent with the above-mentioned changes to the CDMP and permit development on properties adjoining Palmer Lake as would otherwise be allowed elsewhere in the PLMUC Center Sub-District.

Jack Osterholt
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 4, 2014

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

Substitute

SUBJECT: Agenda Item No. 5(D)

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 Mayor'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**

Substitute
Agenda Item No. 5(D)
3-4-14

Approved _____ Mayor
Veto _____
Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; UPDATING THE PALMER LAKE METROPOLITAN URBAN CENTER DISTRICT REGULATING PLANS; AMENDING SECTIONS 33-284.99.58 AND 33-284.99.60 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, on May 7, 2013 the Board of County Commissioners adopted an ordinance establishing the Palmer Lake Metropolitan Urban Center (PLMUC) zoning district; and

WHEREAS, on October 2, 2013 the Board of County Commissioners adopted amendments to the Comprehensive Development Master Plan based on recommendations made in the 2010 Evaluation and Appraisal Report (EAR), some of which relate to the Palmer Lake area; and

WHEREAS, the PLMUC district contains regulating plans and development standards derived directly in part from policies established in the Comprehensive Plan that have been subsequently amended; and

WHEREAS, it is necessary to amend the PLMUC district to properly reflect the Comprehensive plan policies now in effect,

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

Section 1. Section 33-284.99.58 of the Code of Miami-Dade County, Florida is hereby amended as follows: [1]

Sec. 33-284.99.58. Regulating plans.

[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.

(A) The Regulating Plans establish three (3) Sub-Districts, five (5) street types, and bicycle and greenway facilities, as set forth below:

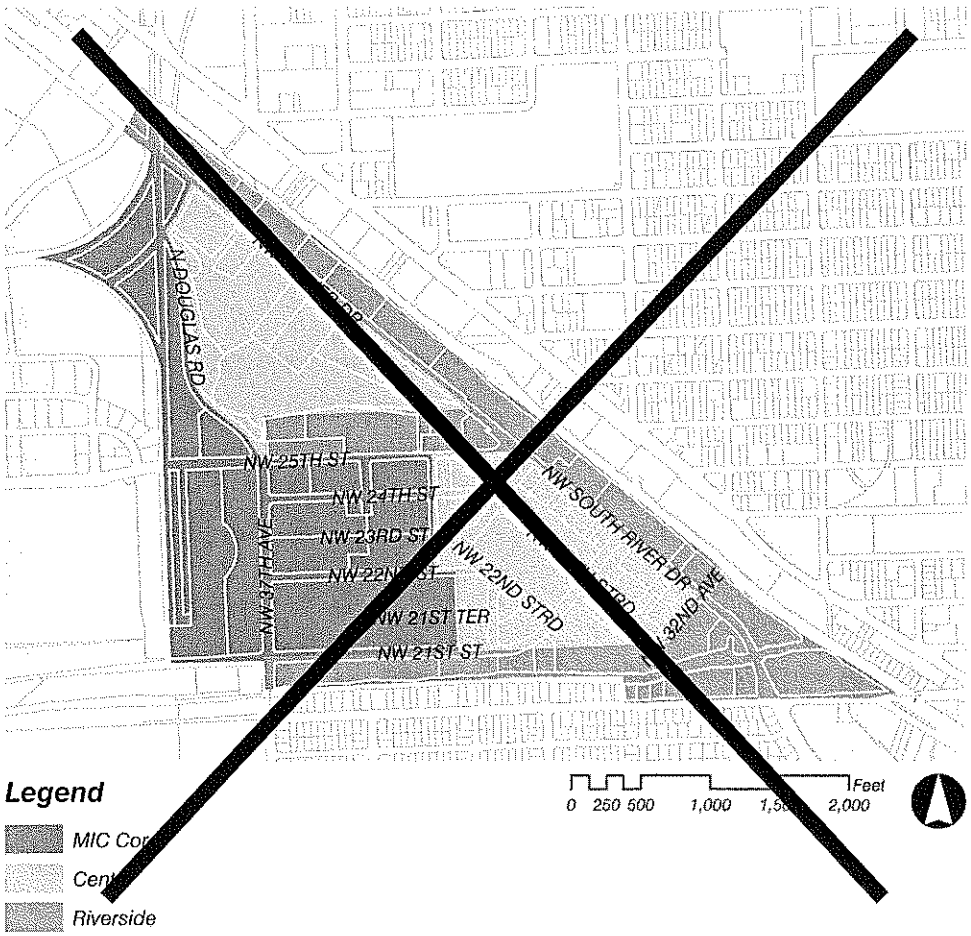
(1) The Sub-District Plan delineates three sub-districts, the MIC Core, the Center, and the Riverside. These Sub-Districts control land use and intensity of development in accordance with the County's Comprehensive Development Master Plan.

(2) The Street Frontage Plan establishes a hierarchy of street types in existing and future locations, which shall be provided in all future development. The five (5) street types, in descending order of pedestrian activity, are lettered 'A' through 'E.' An 'A' street is the most important street to accommodate pedestrian activity.

(3) The Greenway and Bicycle Plan establishes the location of bicycle and greenway facilities within the PLMUC.

(B) Sub-District Plan

[[



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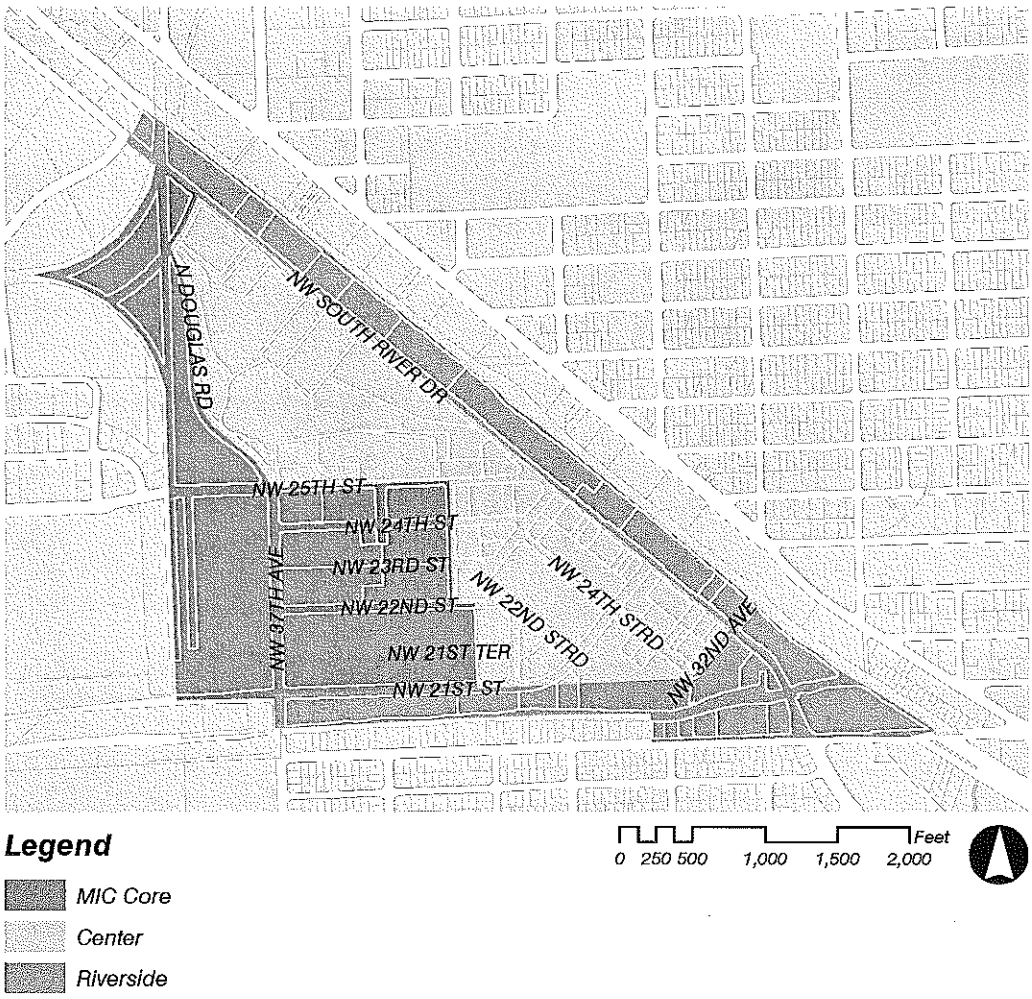

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Section 2. Section 33-284.99.60 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-284.99.60. Development parameters.

(A) Building Standards.

* * * *

(B) General Requirements.

* * * *

(1) Lots and Buildings.

* * * *

(4) Open Space and Recreation Areas.

(a) A minimum of ten (10) percent of net lot area shall be reserved for private open space. Colonnades, landscape areas, water features, pedestrian areas in the building frontage zone, landscaped roof terraces on buildings or garage structures may be counted towards this requirement. Up to twenty (20) percent of the area required for private open space may consist of submerged land areas.

(b) Development on lots adjoining the Miami River[[~~,~~]] >>and/or<< Tamiami Canal [[~~, and/or Palmer Lake~~]] that contain uses permitted subject to the requirements of Section 33-284.99.59(B)(4) shall provide a waterfront setback as provided below:

1. Lots with less than 150 feet of distance as measured perpendicular from the adjoining street right of way to the mean high water line or bulkhead for more than 50 percent of the width of the lot shall provide a waterfront setback of ten (10) feet.

* * * *

5. Within the setback area, a hard-surfaced walkway area shall be provided with a minimum width of sixty (60) percent of the required setback width. The setback area shall be furnished with seating areas, lighting, decorative trash receptacles, and landscaping as appropriate. Colonnades and/or cantilevered building elements shall be permitted to encroach into the setback area. Walkways shall be designed to permit connections to existing or future walkways located on adjoining waterfront lots. The setback area and walkway shall be accessed from the street by exterior walkways or through building interiors, courtyards, or breezeways. The setback area, walkway and accessways shall permit general public access seven (7) days a week from at least seven (7) AM to ten (10) PM. [[~~For lots adjoining Palmer Lake, docks or boardwalks located over the lake providing similar amenities shall satisfy the setback requirement.~~]] That portion of a lot occupied by a water-dependent use shall be exempt from the requirements of this sub-section.

>>(c) Development of Lots adjoining Palmer Lake may satisfy the open space requirement in (a) above by providing pedestrian promenades or boardwalks located on the shoreline in accordance with the requirements of this subsection. Such pedestrian promenade or boardwalk facility shall: be a minimum of ten (10) feet in width for at least seventy-five (75) percent of the lakefront; be designed to permit connections to existing or future walkways located on adjoining waterfront lots; be accessible from the street by exterior walkways or through building interiors, courtyards, or breezeways; and permit general public access seven (7) days a week from at least seven (7) AM to ten (10) PM.<<

Section 3. 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 4. 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 5. 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