

# MEMORANDUM

Agenda Item No. 7(A)

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** (Second Reading: 7-6-23)  
April 4, 2023

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Ordinance relating to zoning and right-of-way plan in the unincorporated area; amending section 33-133 of the Code; eliminating from the right-of-way plan and minimum street width requirements the portion of SW 2nd Street between the west right-of-way line of SW 137th Avenue and the east right-of-way line of theoretical SW 138th Avenue; adding to the right-of-way plan and minimum street width requirements the portion of SW and NW 139th Avenue between NW 6th Street and SW 8th Street

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez and Co-Sponsor Commissioner Roberto J. Gonzalez.



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Geri Bonzon-Keenan  
County Attorney

GBK/gh

MDC001

# Memorandum



**Date:** July 6, 2023

**To:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

**Subject:** Fiscal Impact Statement for Ordinance amending the Right-of-Way Plan in Section 33-133 of the Code

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The proposed ordinance adjusts the right-of-way plan along SW 2nd Street between SW 137th Avenue and theoretical SW 138th Avenue, and SW and NW 139th Avenue between NW 6th Street and SW 8th Street.

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink, appearing to be "Jimmy Morales".

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Jimmy Morales  
Chief Operations Officer

# Memorandum



**Date:** July 6, 2023

**To:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor 

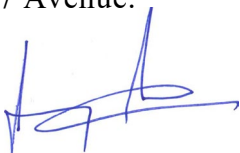
**Subject:** Social Equity Statement for Ordinance Relating to Zoning and Right-of-Way Plan in the Unincorporated Area

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The proposed ordinance both eliminates and adds certain rights-of-way as would be required pursuant to Section 33-133 of the Code of Miami-Dade County (Code). Although the proposed ordinance removes the portion of SW 2<sup>nd</sup> Street between the west right-of-way-line of SW 137<sup>th</sup> Avenue and the east right-of-way line of theoretical SW 138<sup>th</sup> Avenue, it now adds 139<sup>th</sup> Avenue as a newly zoned right-of-way from NW 6<sup>th</sup> Street to SW 8<sup>th</sup> Street including the minimum street width. The addition of 139<sup>th</sup> Avenue as a newly zoned 70-foot wide four lane roadway to the right-of-way plan will provide operational and level of service relief to SW/NW 137<sup>th</sup> Avenue. Consequently, the removal of SW 2<sup>nd</sup> Street will not have an adverse impact on traffic given that the roadway segment is not needed to provide connectivity within the area.

Currently there are various active land use and zoning applications that if approved would alter the dynamics and transportation requirements for the area at large. Exhibit A illustrates the various applications that are currently under review or have been approved. These include the proposed development of Target store and other retail uses at the intersection of SW 8<sup>th</sup> Street and 137<sup>th</sup> Avenue, an application for a BJ's Wholesale Club immediately to the north of the Target property, and a 40-acre truck parking project immediately to the west of the BJ's and north of Target. Public access to the retail shopping areas containing the proposed Target and BJ's Wholesale Club will be provided from SW/NW 137<sup>th</sup> Avenue. Public access within the retail shopping areas will be contained within the subject properties.

Establishment of SW/NW 139<sup>th</sup> Avenue as a 70-foot four lane roadway would lead to a higher level of service for the area and improved traffic outcomes. This corridor would relieve traffic from the SW 137<sup>th</sup> Avenue and SW 8<sup>th</sup> Street intersection by creating a direct connection from the various developments onto SW 8<sup>th</sup> Street and connection to SR-836 Expressway via NW 6<sup>th</sup> Street and NW 137 Avenue.

A handwritten signature in blue ink, appearing to read "Jimmy Morales", written over a horizontal line.

Jimmy Morales  
Chief Operations Officer

## Exhibit A





**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** July 6, 2023

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

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
- Statement of social equity 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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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(A)  
7-6-23

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ZONING AND RIGHT-OF-WAY PLAN IN THE UNINCORPORATED AREA; AMENDING SECTION 33-133 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ELIMINATING FROM THE RIGHT-OF-WAY PLAN AND MINIMUM STREET WIDTH REQUIREMENTS THE PORTION OF SW 2ND STREET BETWEEN THE WEST RIGHT-OF-WAY LINE OF SW 137TH AVENUE AND THE EAST RIGHT-OF-WAY LINE OF THEORETICAL SW 138TH AVENUE; ADDING TO THE RIGHT-OF-WAY PLAN AND MINIMUM STREET WIDTH REQUIREMENTS THE PORTION OF SW AND NW 139TH AVENUE BETWEEN NW 6TH STREET AND SW 8TH STREET; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, the County’s right-of-way plan currently designates SW 2nd Street as a half-section line roadway; and

**WHEREAS**, the west end of that certain portion of SW 2nd Street between the west right-of-way line of SW 137th Avenue and the east right-of-way line of theoretical SW 138th Avenue (the “roadway segment”) currently coincides with the County's Urban Development Boundary and is not currently improved with any roadway; and

**WHEREAS**, despite its designation as a half-section line roadway, the roadway segment is not needed to provide connectivity to other County roadways; and

**WHEREAS**, in exchange for the removal of that portion of SW 2nd Street, the County has agreed to add the certain portion of SW and NW 139th Avenue between NW 6th Street and SW 8th Street (the “new roadway segment”) as a four-lane roadway; and

**WHEREAS**, the new roadway segment will provide operational and level of service relief to SW and NW 137 Avenue; and

**WHEREAS**, the new roadway segment will have a typical section design consisting of four lanes, two northbound and two southbound; and

**WHEREAS**, the total width of the right-of-way for the new roadway segment will be 70 feet,

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

**Section 1.** The foregoing recitals are approved and are incorporated herein.

**Section 2.** Section 33-133 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-133. - Right-of-way plan and minimum width of streets and ways.**

The minimum right-of-way widths for streets, roads and public ways for the unincorporated area of the County shall be as follows:

(A) NORTH AND SOUTH HIGHWAYS (Avenues).

\* \* \*

(46.1) >>That portion of NW and SW 139 Avenue between NW 6 Street and SW 8 Street .....70

(46.2)<< SW 157 Avenue from theoretical SW 112 Street to SW 120 Street .....80

Said 80-foot right-of-way shall be measured westward of the westerly line of the 140 foot wide Black Creek Canal (C-1W) right-of-way as

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<sup>1</sup> 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.

constructed in the SE ¼ of Section 8, Township 55 South, Range 39 East and shall transition Northerly through said SE ¼ of said Section 8 to meet the existing alignment for SW 157th Avenue at theoretical SW 112th Street, on the north side of said Black Creek Canal (C-1W). Said transition shall meet with the approval of the ~~[[Directors of the Departments of Planning and Zoning and]]~~ >>Director and the Director of the<< Public Works >>Department<<.

>>(46.3)<< ~~[[46.2]]~~ SW 157 Avenue from SW 120 Street to SW 136 Street .....80

Said 80-foot right-of-way shall be measured westward of the westerly line of the 150 foot wide Black Creek Canal (C-1W) right-of-way as constructed across Section 17, Township 55 South, Range 39 East.

\* \* \*

(C) Except as may be provided in Sections 33-133(A) and (B) hereof, on all section lines, eighty (80) feet shall be the minimum right-of-way width, and on all other half-section (also known as quarter-section) lines, seventy (70) feet shall be the minimum official right-of-way width. The provisions of this subsection shall not apply to:

\* \* \*

>>(10) That portion of SW 2nd Street between the west right-of-way-line of SW 137th Avenue and the east right-of-way line of theoretical SW 138th Avenue.<<

\* \* \*

**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 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 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:

Handwritten initials "GBK" in blue ink above a handwritten signature in black ink.

Prepared by:

Dennis A. Kerbel  
Lauren E. Morse

Prime Sponsor: Commissioner Juan Carlos Bermudez  
Co-Sponsor: Commissioner Roberto J. Gonzalez