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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(F)

(Second Reading 9-3-14)

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

DATE: June 17, 2014

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

SUBJECT: Ordinance relating to zoning; revising Article XXXIIA (Bird Road Design and Industrial District) of the Code creating Overlay Zoning District and amending permitted uses; amending Sections 33-278.5 through 33-278.7 and Section 33-278.9 of the Code

Ordinance No. 14-81

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: September 3, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Proposed Zoning Ordinance Amending Article XXXIIA of the Zoning Code in Order to Re-establish the Bird Road Design and Industrial District as an Overlay District

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Recommendation
It is recommended that the Board of County Commissioners (Board) adopt the attached zoning ordinance amending Article XXXIIA of the Zoning Code in order to re-establish the Bird Road Design and Industrial District as an overlay district.

Scope
The Bird Road Design and Industrial area is located in unincorporated Miami-Dade County in Commission District 7 (Commissioner Xavier Suarez).

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

Track Record/Monitor
Not applicable.

Background
On September 1, 2009, the Board of County Commissioners adopted Ordinance 09-71 establishing the Bird Road Design and Industrial Zoning District (BRDI). This zoning district was designed to address the existing conditions of the area generally located between Bird Road (SW 40 Street) and SW 48th Street and between SW 70th and 74th Avenues. Although the area has been primarily designated and zoned for industrial purposes, over time, the area has transitioned to a commercial and industrial mixed-use district now commonly known as the Bird Road Design District. The 2009 efforts sought to address these changing conditions via the establishment of a "thematic" zoning district (BRDI). With the establishment of BRDI, area property owners could avail themselves of the new district by filing individual applications to rezone their property as BRDI.

The Department of Regulatory and Economic Resources (RER) staff recently conducted an assessment of the subject area and of the 2009 regulations and has concluded that as adopted, the ordinance has not effectively addressed its purpose. The ordinance currently requires property owners to file individual applications and obtain a rezoning to BRDI in order to benefit from the district. Since 2009, there have only been two properties within the area rezoned to the new district even though the uses that generated the need for the new regulations are found throughout the entire area. Upon further consultation with area

stakeholders, it has become obvious that some of them have been under the impression that the 2009 Board action automatically granted them the non-industrial uses. Additionally, staff's assessment of the regulations as adopted has also evidenced the need for the proposed amendment in order to:

1. Establish BRDI as an "overlay" zoning district. Overlay zoning districts lay on top of the underlying zoning districts providing additional regulatory criteria for properties under them. For the majority of the properties within the subject area, the underlying zoning would continue to be industrial (primarily IU-1) and they would be eligible for the additional commercial uses and parking bonuses in BRDI.
2. Correct the 2009 regulations by acknowledging the underlying zoning districts and the Comprehensive Development Master Plan's industrial land use designation. As adopted, BRDI did not authorize industrial uses.
3. Subsequent to adoption of the proposed ordinance, RER would file a rezoning application on behalf of all property owners within the area in order to apply the overlay zoning district.

Jack Osterholt, Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: September 3, 2014

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

SUBJECT: Agenda Item No. 7(F)

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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(F)
9-3-14

ORDINANCE NO. 14-81

ORDINANCE RELATING TO ZONING; REVISING ARTICLE XXXIIA (BIRD ROAD DESIGN AND INDUSTRIAL DISTRICT) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING OVERLAY ZONING DISTRICT AND AMENDING PERMITTED USES; AMENDING SECTIONS 33-278.5 THROUGH 33-278.7 AND SECTION 33-278.9 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 33-278.5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

ARTICLE XXXIIA. BIRD ROAD DESIGN AND INDUSTRIAL >>OVERLAY<< DISTRICT

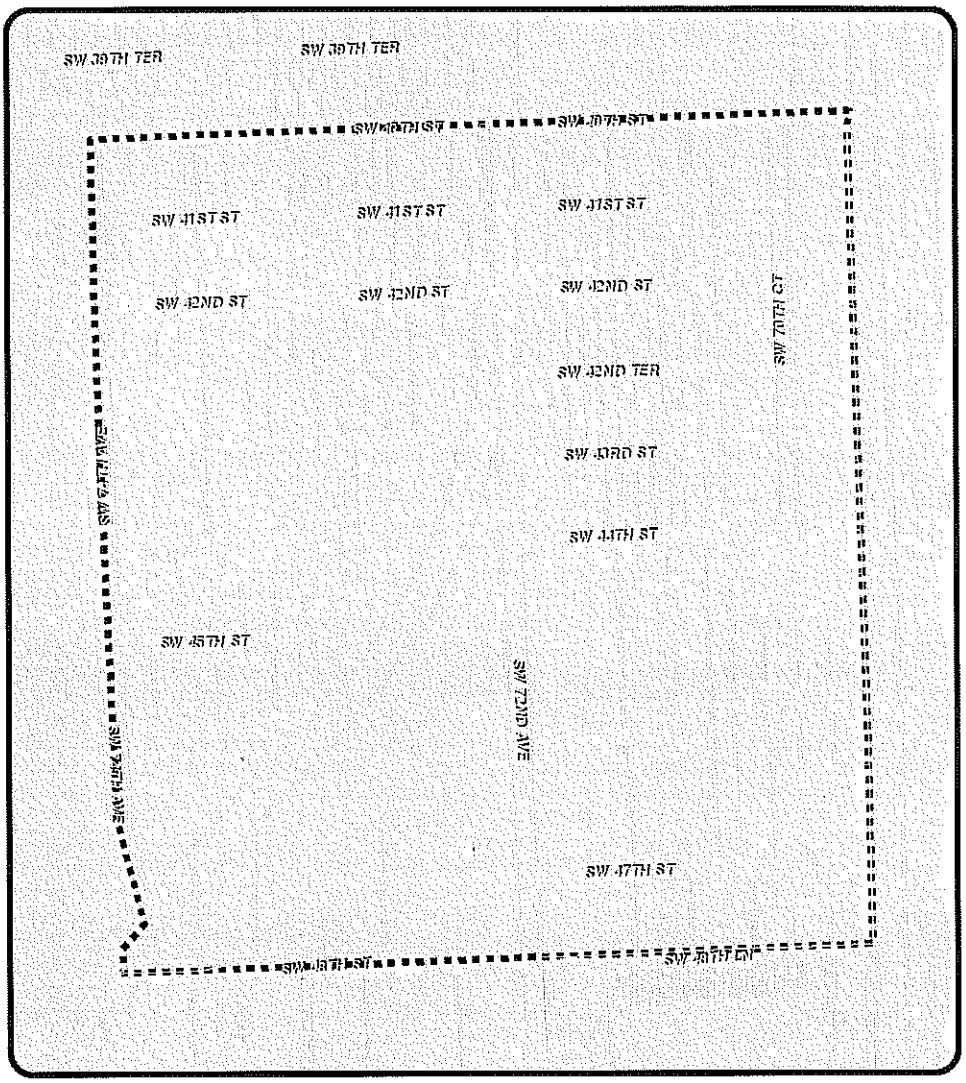
Sec. 33-278.5. Applicability.

The Bird Road Design and Industrial District (BRDI) >>Overlay<< District shall be applied only to those lands >>within the boundaries shown in the Figure 1 below. This area is generally located south of SW 40th Street (Bird Road), north of SW 48th Street, east of SW 74th Avenue and west of SW 70th Avenue. << [[~~; 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, that appropriately may be used and utilized to provide for uncommon commercial uses and other commercial uses with unusual siting requirements in areas designated as "Industrial and Office" on the Comprehensive Development Master Plan Land Use Plan map that are of the~~

[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.

~~nature, type and character commensurate with the public health, safety, comfort, convenience, and the general welfare of the County.~~]]

>>Figure 1



BRDI-Proposed Boundary

0 250 500 750 1,000 Feet

DEVELOPMENT SERVICES

Y:\DESIGNSHARE\MAPS\BRDI.MXD

31.03.2014

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Section 2. Section 33-278.6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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

>>(a) All uses authorized by the underlying zoning district. For properties in which the underlying zoning district is BRDI, all uses authorized in the IU-1 district; and

(b) The following additional uses:<<

(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 >>or studios<< for arts and crafts work >>, dance, or physical training<<.
(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.

Section 3. Section 33-278.7 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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 facade of the bay or building.

(c) Parking.

>>Except as provided herein, all parking shall be provided in conformance with Section 33-124 of this chapter.<<

(1) For all uses >>in Section 33-278.6(b),<< except for >>office uses,<< banquet halls, bars, lounges, breweries, restaurants, [[~~and~~]] coffeehouses, >>and training schools or studios for arts and crafts work, dance, or physical training,<< 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 >>, and training schools or studios for arts and crafts work, dance, or physical training<< shall be provided in accordance with Section 33-124 of this chapter. Notwithstanding the foregoing, if the [[~~required~~]] amount of parking >>required for one of the uses enumerated in this subsection<< is not available on the same lot, parcel, or premises as the >>use<< [[~~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.

>>(3) For the first 6,400 square feet of an office use, 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. Beyond the first 6,400 square feet, parking for an office use shall be provided in accordance with Section 33-124 of this chapter.<<

Section 4. Section 33-278.9 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-278.9. Nonconforming 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 >>the requirements to comply with current zoning regulations as provided in<< Section 33-35[[~~(c)~~]] of this Code.

Section 5. 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 6. 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 7. 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: September 3, 2014

Approved by County Attorney as
to form and legal sufficiency: APW

Prepared by:

James Eddie Kirtley