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

MEMORANDUM

Agenda Item No. 7(L)

(Second Reading 6-4-13)

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

DATE: April 2, 2013

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

SUBJECT: Ordinance relating to zoning and other land development regulations; providing for the Bird Road Corridor Urban Area District; creating Sections 33-284.99.67 through 33-284.99.73 and amending Section 33-2 of the Code

Ordinance No. 13-58

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: June 4, 2013

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

From: Carlos A. Gimenez
Mayor

Subject: Proposed Zoning Ordinance Establishing the Bird Road Corridor Urban Area Zoning District.

Recommendation
It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance establishing the Bird Road Corridor Urban Area zoning district.

Scope
The proposed ordinance impacts the unincorporated area along the four-mile long section of Bird Road from the Palmetto Expressway to the Florida Turnpike in Commission District 10, Senator Javier D. Souto.

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 Bird Road Urban Area zoning district implements the land use recommendations from the Bird Road Corridor Study Report (Report) which was approved by the Board on April 6, 2010 through Resolution No. R-356-10. Specifically, the Report recommends the establishment of a zoning district providing for development standards to permit mixed-uses and pedestrian-oriented buildings. Consistent with that recommendation, the proposed ordinance would establish the Bird Road Corridor Urban Area District within Chapter 33 of the Code of Miami-Dade County.

The Bird Road Corridor Urban Area District would be applicable exclusively to the Bird Road Corridor study area and provide for:

- Mixed uses, including retail, office and residential.
- Building standards that will require new buildings to be developed in an attractive manner for pedestrians.
- Street standards that will require future right-of-way improvements to provide for ample sidewalk areas, as well as encourage on-street parking areas and landscaping.
- Reduced parking requirements for developments providing mixed uses.
- Landscape and open space standards.

The Planning Advisory Board recommended adoption of the Bird Road Corridor Urban Area District at its December 17, 2012 meeting. Properties within the boundaries of the proposed district would become subject to the Bird Road Corridor Urban Area District standards upon approval of a rezoning application to be heard by the Board at a future date.

Jack Osterholt
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: June 4, 2013

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

SUBJECT: Agenda Item No. 7(L)

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(L)
6-4-13

ORDINANCE NO. 13-58

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE BIRD ROAD CORRIDOR URBAN AREA DISTRICT; CREATING SECTIONS 33-284.99.67 THROUGH 33-284.99.73 AND AMENDING SECTION 33-2 OF THE CODE OF MIAMI-DADE COUNTY; 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 33-284.99.67 of the Code of Miami-Dade County, Florida is hereby created as follows:

ARTICLE XXXIII (U)

BIRD ROAD CORRIDOR URBAN AREA DISTRICT
(BRCUAD)

Sec. 33-284.99.67. Purpose, intent and applicability.

A. The BRCUAD is guided by the goals, objectives, policies and interpretative text of the Land Use Element 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. This Article applies primarily to the area fronting Bird Road (SW 40th Street) between the Palmetto Expressway and the Homestead Extension of the Florida Turnpike. Figure 1 shows the boundaries of the Bird Road Corridor Urban Area District (BRCUAD).

D. The BRCUAD's Designated Urban Center shall consist of the areas designated as the Core and Center Sub-districts on the Sub-districts Plan in Sec. 33-284.99.69 of this article. 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 BRCUAD is on file with the Development Services Division of the Miami-Dade County Department of Regulatory and Economic Resources.

E. Full scale maps 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 Development Services Division of the Miami-Dade County Department of Regulatory and Economic Resources.

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

Figure 1: Bird Road Corridor Urban Area Boundary

KEY:

Designated Urban Center Boundary

Section 2. Section 33-284.99.68 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-284.99.68. Bird Road Corridor Urban Area District (BRCUAD) Requirements.

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

Section 3. Sec. 33-284.99.69 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.99.69. Uses.

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

A. Prohibited Uses. In the Mixed-Use Corridor Special (MCS) category, the following automotive uses shall be prohibited:

1. Sales of new and used automobiles

2. Automobile body and top work and painting

B. Conditionally Permitted Uses. Notwithstanding the provisions of Section 33-284.83, 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. 33-284.99.70 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.99.70. 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 BRCUAD. 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

KEY:

- MCS Mixed-Use Corridor Special
- MC Mixed-Use Corridor
- RM Residential Modified
- I Institutional

B. Density Plan

0 0.125 0.25 0.5 0.75 1 Miles

KEY:

- Max 90 Units/acre net
- Max 60 Units/acre net
- Max 41 Units/acre net
- Max 36 Units/acre net
- Max 23 Units/acre net
- Max 13 Units/acre net

C. Building Heights Plan

KEY:

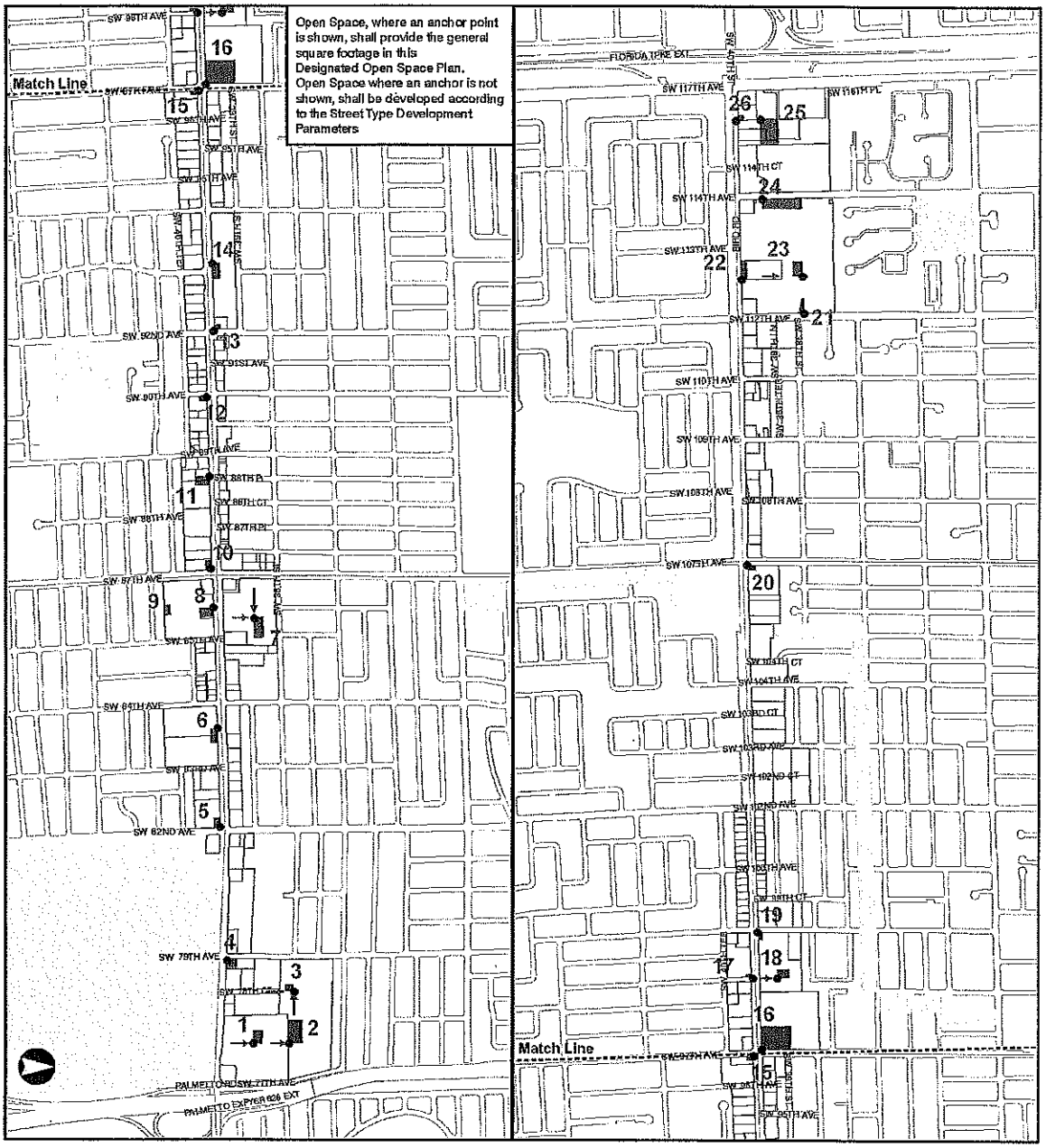
- Min 3 - Max 12 Stories
- Min 2 - Max 6 Stories
- Min 2 - Max 4 Stories

D. Sub-districts Plan

KEY:

- Core Sub-District
- Center Sub-District
- Edge Sub-District

E. Designated Open Space Plan



Key:

- Designated Open Space: G: Green; S: Square; P: Plaza
- Existing Open Space
- Street Vista
- Anchor Point

Number	Type	Area	Number	Type	Area	Number	Type	Area
1	S	14,000SF	11	G	10,000SF	21	G	6,000SF
2	G	35,000SF	12	P	4,000SF	22	G	10,000SF
3	S	7,000SF	13	P	3,000SF	23	S	14,000SF
4	P	10,000SF	14	G	12,000SF	24	G	45,000SF
5	P	7,000SF	15	P	2,000SF	25	S	50,000SF
6	P	10,000SF	16	G	7,000SF	26	P	3,000SF
7	G	20,000SF	17	P	1,500SF			
8	P	5,000SF	18	S	10,000SF			
9	P	6,000SF	19	P	3,000SF			
10	P	6,000SF	20	P	3,000SF			

F. New Streets Plan

KEY:

- Existing "A" Streets
- Existing "B" Streets
- Proposed "B" Streets

Section 5. Section 33-284.99.71 of the Code of Miami-Dade County, Florida is hereby created as follows:

Sec. 33-284.99.71. Development Parameters

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

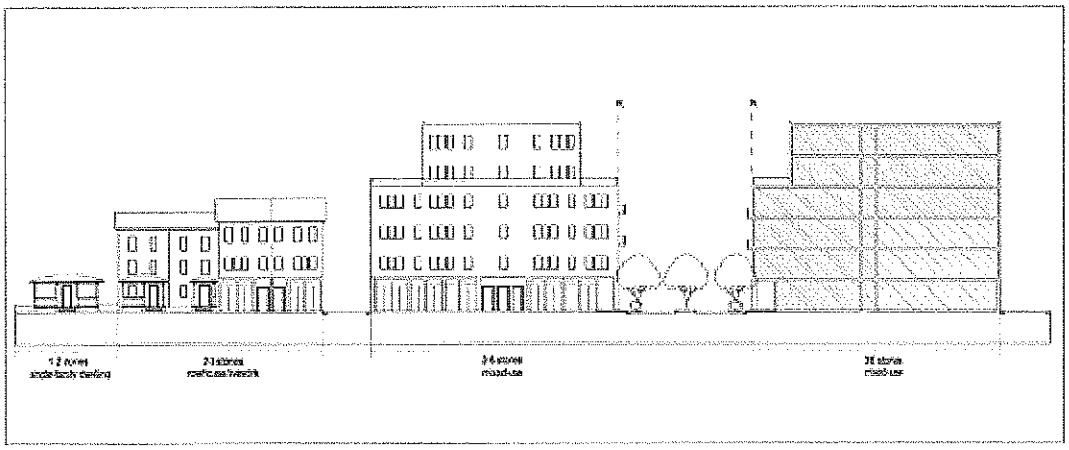
B. All new development and redevelopment in areas designated MCS shall comply with the development parameters for the MC area as set forth in Article XXXIII(K) of this chapter.

C. Except for State roads, streets within the BRCUAD shall comply at a minimum with the Street Type Parameters for Type 5, Minor Street, as provided in section 33-284.85.

D. The front setback along Bird Road shall be hard surfaced and finished to match the adjoining sidewalk. A minimum of five (5) feet clear width within the setback shall be kept unobstructed for pedestrians. Trees shall be planted within the setback inside grates or planters along the front property line at a maximum of twenty-five (25) feet average on center, with a minimum six (6) inch diameter at breast height.

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

F. 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 33-284.99.72 of the Code of Miami-Dade County, Florida is hereby created as follows:

> **Sec. 33-284.99.72. 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. 33-284.99.73 of the Code of Miami-Dade County, Florida, is hereby created as follows:

> **Sec. 33-284.99.73. Nonconforming structures and uses.**
>
> Nonconforming uses and structures shall be governed by the provisions of Sec. 33-284.89.2 of this chapter. A public hearing application that was submitted prior to the date of the district boundary change shall not be subject to the BRCUAD.

Section 8. Sec. 33-2 of the Code of Miami-Dade County, Florida, is hereby amended as follows: [1]

Sec. 33-2. Districts enumerated.

For the purpose of this chapter, all the unincorporated area of the County is hereby divided into the following districts:

GU—Interim District

RU-1—Single-family Residential District

* * *

OPD—Office Park District

ULU—Utility lines underground

>>BRCUAD—Bird Road Corridor Urban Area District<<

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.

[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.

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: June 4, 2013

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel