

MEMORANDUM

Agenda Item No. 7(J)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

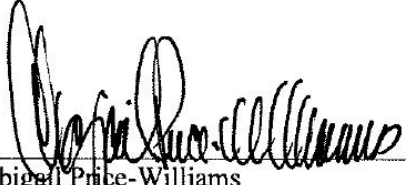
DATE: (Second Reading 10-6-20)

July 8, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to zoning in the unincorporated area; amending section 33-1 of the Code; defining group residential facilities and revising certain definitions; amending section 33-13; revising unusual use regulations to include group residential facilities, except where such facilities are permitted as of right; amending sections 33-199, 33-203, 33-208, 33-217, 33-223.1, 33-223.6, 33-247, 33-284.62, and 33-284.83; authorizing group residential facilities in certain residential, business, and Urban Center Zoning Districts under certain conditions and revising conditions under which group homes and community residential homes are authorized in such districts, including revising spacing requirements to conform to state law; revising regulatory framework and permitted uses in the Downtown Kendall Urban Center District and Standard Urban Center District regulations for group residential facilities and for residences in the industrial land use group in Standard Urban Center District regulations; making technical changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Rebeca Sosa and Co-Sponsors Commissioner Jose "Pepe" Diaz and Commissioner Sally A. Heyman.


Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: October 6, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

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

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning in the Unincorporated Area;
Group Residential Facilities

The implementation of this ordinance is not anticipated to have a fiscal impact to Miami-Dade County as the department will be following zoning processes that are already in place.


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

Jack Osterholt
Deputy Mayor

FIS06420 201176

Date: October 6, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement for Ordinance Relating to Zoning -- Group Residential Facilities

The proposed ordinance relating to Zoning amends Sections 33-1, 33-13, 33-199, 33-203, 33-208, 33-217, 33-223.1, 33-223.6, 33-247, 33-284.62, and 33-284.83 of the Code of Miami-Dade County (Code). The proposed amendments provide for the following: defining Group Residential Facilities; revising Unusual Use Regulations to include Group Residential Facilities; authorizing Group Residential Facilities in certain residential, business, and urban center zoning districts; revising spacing requirements to conform to state law; and other regulatory and permitted uses amendments.

The proposed ordinance creates a new definition for "Group Residential Facility" that is inclusive of most forms of group, congregate and similar housing arrangements, and also provides for group residential facilities as an allowable use in higher density residential and mixed-use districts.

The current older portion of the Code typically requires an unusual use public hearing approval for some of the facilities listed in said definition. While the County's Urban Center District regulations (SUCO), the modern portion of the Code, does not.

The proposed ordinance would allow group residential facilities in the multi-family, higher density zoning districts (RU-4, RU-4A, RU-5 and RU-5A) and in the BU (commercial) districts without a public hearing but subject to an Administrative Site Plan Review approval (ASPR). The proposed ordinance also amends the SUCO regulations to align them with the new definition and to make some needed technical amendments. Implementation of the proposed ordinance would result in fewer challenges in establishing group residential facilities which ultimately increases the availability of housing options for certain segments of our population, including the elderly. No other specific social equity or benefit can be determined at this time.



Jack Osterholt
Deputy Mayor

201176

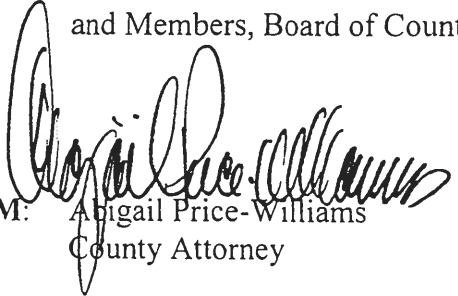


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 6, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(J)

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(J)

10-6-20

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING IN THE UNINCORPORATED AREA; AMENDING SECTION 33-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DEFINING GROUP RESIDENTIAL FACILITIES AND REVISING CERTAIN DEFINITIONS; AMENDING SECTION 33-13; REVISING UNUSUAL USE REGULATIONS TO INCLUDE GROUP RESIDENTIAL FACILITIES, EXCEPT WHERE SUCH FACILITIES ARE PERMITTED AS OF RIGHT; AMENDING SECTIONS 33-199, 33-203, 33-208, 33-217, 33-223.1, 33-223.6, 33-247, 33-284.62, AND 33-284.83; AUTHORIZING GROUP RESIDENTIAL FACILITIES IN CERTAIN RESIDENTIAL, BUSINESS, AND URBAN CENTER ZONING DISTRICTS UNDER CERTAIN CONDITIONS AND REVISING CONDITIONS UNDER WHICH GROUP HOMES AND COMMUNITY RESIDENTIAL HOMES ARE AUTHORIZED IN SUCH DISTRICTS, INCLUDING REVISING SPACING REQUIREMENTS TO CONFORM TO STATE LAW; REVISING REGULATORY FRAMEWORK AND PERMITTED USES IN THE DOWNTOWN KENDALL URBAN CENTER DISTRICT AND STANDARD URBAN CENTER DISTRICT REGULATIONS FOR GROUP RESIDENTIAL FACILITIES AND FOR RESIDENCES IN THE INDUSTRIAL LAND USE GROUP IN STANDARD URBAN CENTER DISTRICT REGULATIONS; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, according to a recent report by the United States Department of Health and Human Services' National Institute of Aging (NIA), the overall population in the United States is aging and for the first time in history, people age 65 and over are beginning to outnumber children under the age of five; and

WHEREAS, the NIA report further indicates that, in general, life expectancy is increasing in most developed or developing countries, including the United States, resulting in an unprecedented rate of population growth amongst the elderly; and

WHEREAS, the NIA's reported growth requires local governments to plan to accommodate this aging population, including taking measures to accommodate facilities for the elderly within their cities and counties; and

WHEREAS, local governments in the United States and around the world are actively pursuing this planning challenge through efforts that seek to address issues such as housing needs and care for the aging; and

WHEREAS, such efforts include providing or facilitating housing options for the aging population through the modernization of local planning and zoning regulations; and

WHEREAS, a group residential facility is a dwelling unit, typically licensed by the state government, that provides a living environment and support services for unrelated residents, which primarily tend to consist of the elderly and those towards the end of life; and

WHEREAS, such facilities include nursing homes, homes for the aged, assisted living facilities, congregate living facilities, independent living facilities, foster care facilities, community residential homes, group homes, memory care facilities, and hospice facilities; and

WHEREAS, in recent months, certain group residential facilities, including nursing homes and assisted living facilities, have had to contend with the ongoing coronavirus disease 2019 (COVID-19) pandemic, with many such facilities experiencing outbreaks and deaths; and

WHEREAS, it is of utmost importance that such facilities are properly equipped and better prepared to deal with this pandemic and future pandemics and emergencies so as to limit the spread of disease and ensure the health and safety of elderly residents and healthcare workers; and

WHEREAS, it is critical to ensure that such facilities are properly licensed and that they comply with all applicable state rules and regulations, including those relating to emergency and pandemic preparedness and response so as to protect the health and safety of facility residents and staff; and

WHEREAS, at the same time, there is a pressing need for group residential facilities in our community to ensure that our aging population may be properly cared for and housed in the years to come; and

WHEREAS, designing, planning, and obtaining necessary land use approvals for group residential facilities can take many months or even years to complete, thus making it all the more imperative to facilitate the development of these facilities now so that they may be built in a timely manner to meet the community's evolving needs; and

WHEREAS, accordingly, this Board wishes to amend the zoning code to allow in specified residential, commercial, and urban center zoning districts certain types of group residential facilities that will primarily serve the County's growing aging population in the years to come, provided that such facilities are properly licensed and in compliance with state rules and regulations, including those pertaining to emergency and pandemic preparedness and response,

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

Section 1. Section 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-1. - Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

- (2.1) Aged person means any person age >>60<< ~~[[sixty (60)]]~~ or over who is currently a resident of the State and who, because of a functional impairment,

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.

requires personal assistance with the activities of daily living but does not require nursing home or institutional care.

* * *

- (30.1) *Community residential home.* A >>group residential facility<< ~~[[dwelling unit]]~~ licensed to serve clients of the State of Florida ~~[[Department of Health and Rehabilitative Services, which]]~~ >>that<< provides a living environment for >>7 to 14<< ~~[[seven (7) to fourteen (14)]]~~ unrelated residents who operate as the functional equivalent of a family. Supervisory and supportive staff as may be necessary to meet the physical, emotional, and social needs of the resident clients shall be excluded from said count.

* * *

- (53.1) *Group home.* A >>group residential facility<< ~~[[dwelling unit]]~~ licensed >>to serve clients of<< ~~[[by]]~~ the State of Florida ~~[[Department of Health and Rehabilitative Services which is licensed to serve resident clients and which]]~~ >>that<< provides a living environment for not more than >>6<< ~~[[six (6)]]~~ unrelated residents who operate as a functional equivalent of a family. Supervisory and supportive staff as may be necessary to meet the physical, emotional, and social needs of the resident clients shall be excluded >>from<< ~~[[in]]~~ said count. >>A group home shall be considered a single-family dwelling.<<

- >>(53.2) *Group residential facility.* A dwelling unit or facility that provides a living environment and support services for unrelated residents and that may require licensure by the State of Florida, including, but not limited to, nursing homes, homes for the aged, assisted living facilities, congregate living facilities, independent living facilities, foster care facilities, community residential homes, group homes, memory care facilities, and hospice facilities. The term “support services” includes medical offices, staff offices, dining facilities, recreation rooms, and similar facilities and services.<<

* * *

Section 2. Section 33-13 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-13. - Unusual uses.

* * *

(e) *Unusual and new uses.*

- (i) Unless approved upon public hearing, the following unusual uses or uses similar thereto shall not be permitted in any district save and except in those districts that permit such uses without a public hearing:

* * *

(26) >>Group residential facilities, except where such facilities, or particular types of such facilities, such as group homes and community residential homes, are expressly allowed as permitted uses;

(27)<< Gypsy camp;

>>(28)<< ~~[(27)]~~ Heliports;

~~[(28) Homes of the aged (except group homes and community residential homes where same is a permitted use);~~

~~(29) Homes for dependent children (except group homes and community residential homes where same is a permitted use);]~~

* * *

~~[(41) Nursing homes;]~~

* * *

Section 3. Section 33-199 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-199. - 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, moved or reconstructed, structurally altered or maintained for any purpose in ~~>>an<< [[a]]~~ RU-1 District ~~>>,<<~~ which is designed, arranged or intended to be used or occupied for any purpose, except for one of the following uses:

* * *

(10) A group home shall be permitted in a dwelling unit provided:

- (a) ~~[[That the total number of resident clients on the premises not exceed six (6) in number.~~
- ~~(b)]~~ That the operation of the facility be licensed by the State of Florida ~~[[Department of Health and Rehabilitative Services]]~~ and that ~~>>the applicable<< [[said Department or sponsoring]]~~ agency promptly notify the Director ~~[[of the Building and Zoning Department]]~~ of said licensure no later than the time of home occupancy~~>>~~, and that the facility operate in accordance with applicable state statutes, rules, and regulations, including, but not limited to, those pertaining to emergency and pandemic preparedness and response so as to ensure the health and safety of facility residents and staff<<.
- ~~>>(b)<<[[e)]~~ That the structure used for a group home shall be located at least ~~>>1,000<< [[one thousand (1,000)]]~~ feet from another existing, unabandoned legally established group home ~~>>or within 1,200 feet of an existing, unabandoned community residential home<<.~~ The ~~[[1,000 foot]]~~ ~~>>applicable<<~~ distance ~~[[requirement]]~~ shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.

~~[[e1)]~~

Section 4. Section 33-203 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-203. - Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, reconstructed, or moved or structurally altered or maintained for any purpose in an RU-3 District, unless otherwise provided herein, excepting for one ~~[(4)]~~ or more of the following uses:

* * *

- (7) Community residential home. A community residential facility as defined in ~~>>section<< [[Section]] 33-1~~~~[(30.1)]~~ shall be permitted in a dwelling unit upon establishing the following:

- (a) ~~[[That the total number of resident clients on the premises not exceed fourteen (14) in number. Facilities for more than fourteen (14) resident clients must be approved through public hearing pursuant to Section 33-13;~~

- ~~(b)]~~ That the operation of the community residential home be licensed by the State of Florida ~~[[Department of Health and Rehabilitative Services]]~~ ~~>>and that the facility operate in accordance with applicable state statutes, rules, and regulations, including, but not limited to, those pertaining to emergency and pandemic preparedness and response so as to ensure the health and safety of facility residents and staff<<;~~

- ~~>>(b)<<[[e)]~~ That the community residential home not be located within a radius of ~~>>1,200<< [[one thousand two hundred (1,200)]]~~ feet of another existing, unabandoned legally established community residential home ~~>>or group home<<~~ in a multi-family zone. The ~~[[one thousand two hundred foot]]~~ ~~>>applicable<<~~ distance ~~[[requirement]]~~ shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use;

- ~~>>(c)<<[[d)]~~ That the community residential home conform to existing zoning regulations applicable to other multiple family uses permitted by this section;

- ~~>>(d)<<[[e)]~~ That the sponsoring agency of the community residential home notify the Director in writing of its intention to establish and facility. Such notice shall contain the address and legal description

of the site, the number of resident clients, as well as a statement from the >>state agency<< ~~[[State of Florida Department of Health and Rehabilitative Services]]~~ indicating the need for and licensing status of the proposed facility. Absence of this notification and statement shall prohibit the use and occupancy of any structure for use as a community residential home; and

>>(e)<<~~[[(f)]]~~ Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in the substantial physical damage to the property of others.

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Section 5. Section 33-208 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 33-208. - 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, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4, High Density Residential District, which is designed, arranged or intended to be used or occupied for any purpose, except for one of the following uses:

- (1) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3, RU-TH and RU-RH Districts subject only to the requirements, limitations, and restrictions applicable thereto in said districts, including, but not limited to, lot width, area, setbacks, yard areas, height and coverage.

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- (6) ~~[[A community residential facility as defined in Section 33-1(30.1) shall be permitted in a dwelling unit upon establishing the following:~~

- (a) ~~That the total number of resident clients on the premises not exceed fourteen (14) in number. Facilities for more than fourteen (14) resident clients must be approved through public hearing pursuant to Section 33-13;~~

- (b) ~~That the operation of the community residential home be licensed by the State of Florida Department of Health and Rehabilitative Services;~~
- (c) ~~That the community residential home not be located within a radius of one thousand two hundred (1,200) feet of another existing, unabandoned legally established community residential home in a multi-family zone. The one thousand two hundred foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use;~~
- (d) ~~That the community residential home conform to existing zoning regulations applicable to other multiple family uses permitted by this section;~~
- (e) ~~That the sponsoring agency of the community residential home notify the Director in writing of its intention to establish said facility. Such notice shall contain the address and legal description of the site, the number of resident clients, as well as a statement from the State of Florida Department of Health and Rehabilitative Services indicating the need for and licensing status of the proposed facility. Absence of this notification and statement shall prohibit the use and occupancy of any structure for use as a community residential home; and~~
- (f) ~~Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.~~

(7)] Rooming house, only in accordance with the >>rooming house<< requirements set forth in >>section 33-203<< [[Section 33-203(2)]], except that the total number of residents in a rooming house that is the only residential building on the lot may exceed 14 if approved after public hearing.

>>(7) Group residential facility, in accordance with the following:

- (a) When abutting a single-family residential district the facility shall provide a buffer between dissimilar uses in accordance with section 18A-6(H), provided, however, that:
 - (i) The landscape strip shall be a minimum width of eight feet; and
 - (ii) When service areas and loading docks are oriented towards the residential zoning

district, a masonry wall in accordance with section 33-11 shall be required for the length of the abutting property.

- (b) The facility shall obtain all applicable state licenses and operate in accordance with applicable state statutes, rules, and regulations, including, but not limited to, those pertaining to emergency and pandemic preparedness and response so as to ensure the health and safety of facility residents and staff.
- (c) If the facility is a community residential home, it shall comply with the community residential home requirements of section 33-203.
- (d) If the facility is a group home, it shall comply with the group home requirements of section 33-199.<<

* * *

Section 6. Section 33-217 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-217. - 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, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4A District which is designed, arranged, or intended to be used or occupied for any purpose, except for one of the following uses:

- (1) Those uses permitted in the RU-1, RU-2, RU-1M(a), RU-1M(b), RU-3, RU-TH and RU-RH Districts subject only to the requirements, limitations and restrictions applicable thereto in said districts, including, but not limited to, lot width, area, setbacks, yard areas, height and coverage.

* * *

- (10) ~~[[A community residential facility as defined in Section 33-1(30.1) shall be permitted in a dwelling unit upon establishing the following:~~
 - ~~(a) That the total number of resident clients on the premises not exceed fourteen (14) in number. Facilities for more than fourteen (14) resident clients must be approved through public hearing pursuant to Section 33-13;~~

- (b) ~~That the operation of the community residential home be licensed by the State of Florida Department of Health and Rehabilitative Services;~~
- (c) ~~That the community residential home not be located within a radius of one thousand two hundred (1,200) feet of another existing, unabandoned legally established community residential home in a multi-family zone. The one thousand two hundred foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use;~~
- (d) ~~That the community residential home conform to existing zoning regulations applicable to other multiple family uses permitted by this section;~~
- (e) ~~That the sponsoring agency of the community residential home notify the Director in writing of its intention to establish said facility. Such notice shall contain the address and legal description of the site, the number of resident clients, as well as a statement from the State of Florida Department of Health and Rehabilitative Services indicating the need for and licensing status of the proposed facility. Absence of this notification and statement shall prohibit the use and occupancy of any structure for use as a community residential home; and~~
- (f) ~~Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.~~

~~(14)]~~ Rooming house, only in accordance with the >>rooming house<< requirements set forth in >>section 33-203<< ~~[[Section 33-203(2)]]~~, except that the total number of residents in a rooming house that is the only residential building on the lot may exceed 14 if approved after public hearing.

>>(11) Group residential facility, in accordance with the group residential facility requirements of section 33-208.<<

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Section 7. Section 33-223.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-223.1. - 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 or structurally altered or maintained for any purpose in an RU-5 District which is designed, arranged, or intended to be used or occupied for any purpose, except for one ~~[(4)]~~ or more of the following uses, and all other uses are hereby prohibited:

* * *

>>(3.2) Group residential facility, in accordance with the group residential facility requirements of section 33-208.<<

* * *

Section 8. Section 33-223.6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-223.6. - 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 or structurally altered or maintained for any purpose in an RU-5A District which is designed, arranged, or intended to be used or occupied for any purpose, except for one ~~[(4)]~~ or more of the following uses, and all other uses are hereby prohibited:

* * *

>>(23.1) Group residential facility, in accordance with the group residential facility requirements of section 33-208.<<

* * *

Section 9. Section 33-247 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-247. - Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, maintained or occupied for any purpose in any BU-1A District, except for one ~~[(4)]~~ or more of the following uses:

- * * *
- >>(22.1) Group residential facility, in accordance with the group residential facility requirements of section 33-208.<<
- * * *

Section 10. Section 33-284.62 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-284.62. - Development parameters.

- * * *
- (B) General Requirements. All new development and redevelopment shall comply with the following parameters irrespective of Sub-District and frontage categories:
- (1) Permitted Uses.
- (a) Permitted uses in Core and Center Sub-Districts shall be >>all<< ~~[[as follows:~~
~~AM]]~~ business ~~[[,]]~~ and civic uses permitted in the BU-1, BU-1A, >>and<< BU-2 Districts, and the following:

* * *

- >>vi. Group residential facility, in accordance with the following:
- i. The facility shall obtain all applicable state licenses and operate in accordance with applicable state statutes, rules, and regulations, including but not limited to those pertaining to emergency and pandemic preparedness

and response so as to ensure the health and safety of facility residents and staff.

ii. If the facility is a community residential home, it shall comply with the community residential home requirements of section 33-203.

iii. If the facility is a group home, it shall comply with the group home requirements of section 33-199.<<

(b) Land uses permitted in Edge Sub-Districts shall be as follows:

1. Edge Sub-district west of SW 72nd Avenue and north of Snapper Creek Canal.

i. All residential >>, including group residential facilities in accordance with paragraph (1)(a)vi. above,<< and civic uses permitted in the RU-4, RU-4A, and RU-4M Districts.

ii. Up to one ~~[[4]]~~ percent of each building's floor area may be BU-1 business uses.

>>iii.<< Up to four ~~[[4]]~~ percent of each building's floor area that fronts a street or a square may have BU-1 business uses facing the street or square.

2. Edge Sub-district east of U.S. Highway 1.

i. All residential >>, including group residential facilities in accordance with paragraph (1)(a)vi. above,<< and civic uses permitted in the RU-4, RU-4M and RU-4A Districts.

*

*

*

Section 11. Section 33-284.83 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-284.83. - Uses.

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 Urban Center (UC) or Urban Area (UA) Districts, except as provided in this article. The uses delineated herein shall be permitted only in compliance with the Regulating Plans and standards provided in this article. The following regulations outline permitted uses in the R (Residential), RM (Residential Modified), MC (Mixed-Use Corridor), MM (Mixed-Use Main Street), MO (Mixed-Use Optional), MCS (Mixed-Use Special), MCI (Mixed-Use Industrial), ID (Industrial District) and I (Institutional) Land Use Areas.

* * *

B. *Land Use Groups.* The uses listed following each group in this section shall be permitted in the land use categories shown in Table (C) subject to the provisions noted for each land use category. Uses provided in Table (C) below not listed in this subsection shall be permitted subject to the provisions noted for each land use area. The Director shall have the authority to determine that a use not specifically enumerated below may nevertheless be permitted in a land use category because it is similar to an enumerated use.

* * *

12. *Group Residential* >>Facility<<[[~~Home~~]]: >>As defined in section 33-1.<< [[~~A dwelling unit licensed by the State of Florida Department of Children and Families that serves resident clients and provides a living environment for unrelated residents who operate as a functional equivalent of a family. Uses in this group shall include nursing homes, assisted living facilities, congregate living facilities, foster care facilities, community residential homes, group homes, and other similar uses. Services that support the daily operation of group homes are permitted and shall include dining facilities, doctor's offices, nurse's offices, staff offices, recreation rooms, and similar facilities and services]]~~]]

* * *

- C. Table of Permitted Uses. Unless the regulations for a specific urban center district provide otherwise, the Land Use Groups in paragraph (B) of this section shall be permitted in the R (Residential), RM (Residential Modified), MC (Mixed-Use Corridor), MM (Mixed-Use Main Street), MO (Mixed-Use Optional), MCS (Mixed-Use Special), MCI (Mixed-Use Industrial), ID (Industrial District) and I (Institutional) land use categories in accordance with the following table:

* * *

Footnotes:

* * *

5. ~~[[The following limited residential]]~~>>Residential<< uses shall be permitted in the ID category ~~[[when fronting an "A" Street and]]~~ when buffered from an industrial use by a street, a service road, or a live-work unit~~[[~~:

 - a. ~~In the Edge Sub-district, the residential uses permitted in the R category at a minimum density of six (6) dwelling units per net acre and a maximum density of eighteen (18) dwelling units per net acre.~~
 - b. ~~In the Center Sub-district, the residential uses permitted in the RM category at a minimum density of twelve (12) dwelling units per net acre and a maximum density of thirty six (36) units per net acre]].~~

6. >>For Group Residential Facilities:
 - a. Group<< ~~[[In the R category, group]]~~ homes shall ~~[[meet the requirements outlined in Section 33-199(10)]]~~ >>comply with the group home requirements of section 33-199, and community residential homes shall comply with the community residential home requirements of section 33-203<< ~~[[of this chapter]]~~.
 - >>b. For group residential facilities, other than group homes, in<< ~~[[In]]~~ the RM, MC, MM, MO, MCS, and MCI categories, ~~[[group residential homes shall meet the following requirements:~~

- a. ~~Three~~]] >>three<< [[~~(3)~~]] occupants shall be deemed to be one [[~~(1)~~]] dwelling unit, and the maximum number of dwelling units allowed shall be equal to the permitted residential density.
- [[b. ~~The proposed group residential home shall not be located within a radius of one thousand two hundred (1,200) feet of another existing, unabandoned, legally established group residential home. The 1,200-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.~~]]

* * *

- 18. In the Residential (R) area, multi-family apartments are permitted provided that all of the following requirements are met:

- a. ~~[[Developments abutting single family, rowhouse, or duplex structures or lots shall provide a buffer from proposed multi-family buildings with single family, rowhouse, or duplex units; and~~
- ~~b.]]~~ The overall density does not exceed that allowed on the density regulating plan; and
- >>b.<< [[~~c.~~]] The building height conforms with the building heights regulating plan; and
- >>c.<< [[~~d.~~]] The multi-family buildings conform with the Rowhouse/Multi-family building placement standard; and
- >>d.<< [[~~e.~~]] Curbs and gutters are provided along all streets.

* * *

Section 12. Paragraph (i) of subsection (1) of section 33.13 shall be renumbered pursuant to the revisions in section 2 above.

Section 13. 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 14. 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 15. 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:



James Eddie Kirtley
Dennis A. Kerbel

Prime Sponsor:	Vice Chairwoman Rebeca Sosa
Co-Sponosrs:	Commissioner Jose "Pepe" Diaz
	Commissioner Sally A. Heyman