

MEMORANDUM

Substitute
Agenda Item No. 5(A)

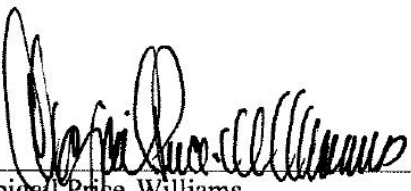
TO:	Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners	DATE:	October 6, 2020
FROM:	Abigail Price-Williams County Attorney	SUBJECT:	Ordinance relating to zoning in the unincorporated area; amending Article XXXIII(K) of chapter 33 of the Code; repealing density and building height regulating plans for the Model City Urban Center District (MCUCD); revising Standard Urban Center District regulations to establish density and height standards for the MCUCD; revising regulations for nonconforming lots, uses, and structures for all urban center and urban area districts to allow additional renovations that do not increase the cubic content or footprint of a nonconforming structure; amending section 33-284.99.46; revising regulations for nonconforming structures, uses, and occupancies in the MCUCD to refer to Standard Urban Center District regulations; making technical changes

This substitute differs from the original item in that it amends section 33-284.84.1 to:

- separate the density, building height, and intensity standards for the Model City Urban Center District (“MCUCD”) from those of the North Central Urban Area District;
- provide that in the MCUCD, the maximum height of a building within 35 feet of an abutting single-family residential zoning district or use is limited to 2 stories; and
- provide that in the MCUCD, the maximum height of a building within ½ mile of the SMART Corridor is lowered from 12 stories to 10, and that outside of that area, in Center and Edge Sub-Districts, the maximum height is lowered from 8 stories to 6.

Rule 5.06(i) of the Board’s Rules of Procedure provides that where double underlining and double strike-through would not clearly show the differences between an original item and the substitute, comments may instead be provided. Pursuant to this rule, the preceding comprehensive description of the differences between the original item and the substitute is provided in lieu of double underlining and double strike-through for this item.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Audrey M. Edmonson.


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; Model City Urban Center District

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as the proposed changes will not require additional staffing resources nor generate additional operational expenses.

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

Jack Osterholt
Deputy Mayor

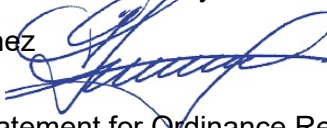
201926

Memorandum



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- Model City Urban Center
District Regulations and the Standard Urban Center District Regulations

The proposed ordinance relating to Zoning, among other things, repeals the density and building height regulating plans for the Model City Urban Center District (Model City) and amends the Standard Urban Center District Regulations (SUCO) in order to include Model City's allowable density and height standards. The proposed update would also make Model City's density and intensity consistent with that allowed by the CDMP and already regulated in the other urban center/urban area districts. The proposed ordinance also provides for certain technical amendments to clarify the nonconforming sections of the Model City and the Standard Urban Center District Regulations (SUCO).

Approval of this ordinance will make the Model City Urban Center District area consistent with the abutting North Central Urban Center District and would provide additional density and intensity that may result in additional housing opportunities for the area.

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Jack Osterholt
Deputy Mayor

201926

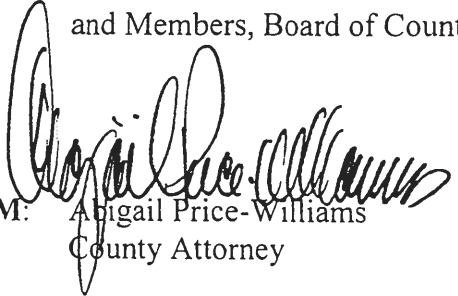


MEMORANDUM

(Revised)

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

DATE: October 6, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Substitute
Agenda Item No. 5(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 _____

Substitute
Agenda Item No. 5(A)
10-6-20

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING IN THE UNINCORPORATED AREA; AMENDING ARTICLE XXXIII(K) OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY; REPEALING DENSITY AND BUILDING HEIGHT REGULATING PLANS FOR THE MODEL CITY URBAN CENTER DISTRICT (MCUCD); REVISING STANDARD URBAN CENTER DISTRICT REGULATIONS TO ESTABLISH DENSITY AND HEIGHT STANDARDS FOR THE MCUCD; REVISING REGULATIONS FOR NONCONFORMING LOTS, USES, AND STRUCTURES FOR ALL URBAN CENTER AND URBAN AREA DISTRICTS TO ALLOW ADDITIONAL RENOVATIONS THAT DO NOT INCREASE THE CUBIC CONTENT OR FOOTPRINT OF A NONCONFORMING STRUCTURE; AMENDING SECTION 33-284.99.46; REVISING REGULATIONS FOR NONCONFORMING STRUCTURES, USES, AND OCCUPANCIES IN THE MCUCD TO REFER TO STANDARD URBAN CENTER DISTRICT REGULATIONS; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Comprehensive Development Master Plan (CDMP) Land Use Element Policy LU-1A provides that “high intensity, well-designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility”; and

WHEREAS, Objective LU-1 of the Land Use Element of the CDMP provides that “the configuration of Miami-Dade County’s urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas”; and

WHEREAS, CDMP Land Use Element Objective LU-7 provides that “Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian and bicycle friendly environment that promotes the use of rapid transit services”; and

WHEREAS, since 1999, this Board has implemented the CDMP’s urban center and mixed-use strategies through area plans and charrettes and subsequent land development regulations for areas located along the CDMP’s existing and future rapid transit corridors, now known as the Strategic Miami Area Rapid Transit (SMART) Corridors; and

WHEREAS, the majority of urban center regulations pre-date a 2012 CDMP amendment that reassessed and authorized additional transit-supportive densities; and

WHEREAS, on October 2, 2018 the Board adopted Ordinance No. 18-124, creating section 33-284.84.1 of the Standard Urban Center District regulations and providing for maximum density and height criteria for all urban centers or urban area districts, except for the Model City Urban Center District; and

WHEREAS, consistent with the CDMP, the SMART Plan implementation efforts, and the rest of the urban center or urban area districts, this Board wishes to revise the Model City Urban Center District’s maximum densities and heights by repealing previously approved density and building height regulating plans and providing maximum densities and heights consistent with those of the other urban center and urban area districts; and

WHEREAS, the Model City Urban Center District regulations concerning nonconforming lots, structures, and uses, which are set forth in section 33-284.99.46, are currently independent of the Standard Urban Center District provisions governing nonconformities, as set forth in section 33-284.89.2; and

WHEREAS, the Standard Urban Center District regulations governing nonconformities are designed to prevent changes in regulation from unduly burdening property owners, such as by providing greater flexibility to make internal and external repairs that do not increase the square footage of a nonconforming structure and to renovate and expand nonconforming structures to a certain extent without being required to come into compliance with the new requirements; and

WHEREAS, the Board wishes to update the Model City Urban Center District regulations concerning nonconforming lots, structures, and uses, to make them consistent with the Standard Urban Center District provisions governing nonconformities; and

WHEREAS, the Board also wishes to provide additional flexibility in the Standard Urban Center District regulations governing nonconformities, to allow interior renovations to nonconforming structures, regardless of whether they increase the interior square footage, so long as the footprint and total cubic content of the nonconforming structure are not expanded,

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

Section 1. The Board ratifies and adopts the matters set forth in the accompanying justification memorandum as if fully set forth herein.

Section 2. Article XXXIII(K) of Chapter 33 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

ARTICLE XXXIII(K). - STANDARD URBAN CENTER DISTRICT REGULATIONS

* * *

Sec. 33-284.84. - 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.

* * *

2. *Repeal of previously approved density and building height regulating plans.* For the following urban center and urban area districts, all previously approved Density and Building Heights regulating plans, and any provisions of Land Use regulating plans that specify residential density, are hereby repealed: Naranja Community Urban Center (article XXXIII(J)); Goulds Community Urban Center (article XXXIII(L)); Princeton Community Urban Center (article XXXIII(M)); Perrine Community Urban Center (article XXXIII(N)); Ojus Urban Area District (article XXXIII(O)); Cutler Ridge Metropolitan Urban Center, (article XXXIII(P)); Leisure City Community Urban Center (article XXXIII(Q)); >>Model City Urban Center (article XXXIII(R))<< North Central Urban Area (article XXXIII(S)); Bird Road Corridor Urban Area (article XXXIII(U)); and Country Club Urban Area (article XXXIII(V)).

Sec. 33-284.84.1. - Density, Building Height, and Intensity.

- A. *Maximum Density and Building Height Range Tables.* Notwithstanding any other provision to the contrary, the following tables set forth the maximum residential densities and building heights for developments in each urban center or urban area district:
1. *For Land Use Categories RM, RML, MO, MC, MM, MCS, MCI, SD (Marketplace), SD (Storeporch), AD, MD (Market), ID, and I.*

Maximum Density and Building Height Ranges for Land Use Categories RM, RML, MO, MC, MM, MCS, MCI, SD (Marketplace), SD (Storeporch), AD, MD (Market), ID, and I			
Urban Center or Urban Area District	SUB-DISTRICT		
	CORE	CENTER	EDGE
	*	*	*

North Central Urban Area District (See Note 1)	125 units per acre/3 - 15 stories	Within ½ mile of the SMART Corridor, 90 units per acre/ 2-12 stories; otherwise 60 units per acre/ 2-8 stories	60 units per acre/ No minimum height but must meet the minimum floor-area ratio in subsection (B)(2) Maximum Height: 8 stories
>>Model City Urban Center District (See Notes 1 and 2)	<u>125 units per acre/3 - 15 stories</u>	<u>Within ½ mile of the SMART Corridor, 90 units per acre/ 2-10 stories; otherwise 60 units per acre/ 2-6 stories</u>	<u>45 units per acre/ No minimum height but must meet the minimum floor-area ratio in subsection (B)(2)</u> <u>Maximum Height: 6 stories</u> <<
* * *			
<p>Note 1: For properties comprising a rapid transit station, maximum density and building height shall be in accordance with the Core Sub-District.</p> <p>>>Note 2: <u>Notwithstanding section 33-284.86 or any other provisions to the contrary, the maximum height of a building within 35 feet of an abutting single-family residential zoning district or use shall be 2 stories.</u><<</p>			

2. *For Land Use Category R.*

Maximum Density and Building Height Ranges for Land Use Category R			
Urban Center or Urban Area District	SUB-DISTRICT		
	CORE	CENTER	EDGE
* * *			

North Central Urban Area District	N/A	60 units per acre/ 2-8 stories	18 units per acre/ No minimum height but must meet the minimum floor-area ratio in subsection (B)(2) Maximum Height: 2 stories
>>Model City Urban Center District	<u>N/A</u>	<u>60 units per acre/ 2-6 stories</u>	<u>18 units per acre/ No minimum height but must meet the minimum floor-area ratio in subsection (B)(2) Maximum Height: 2 stories</u> <<
* * *			

* * *

Sec. 33-284.89.2. - Nonconforming Lots, Uses and Structures.

* * *

B. Nonconforming Lots, Uses and Structures.

* * *

3. Nonconforming Structures.

- a. To prevent changes in regulation from unduly burdening property owners, legally established, nonconforming structures may continue to be used and maintained. Expansions, repairs, alterations, and improvements to nonconforming structures shall be permitted only in accordance with the following provisions:

- i. Internal and external repairs, alterations, and improvements ~~>>to,~~ and internal expansions that increase the internal square footage of,~~<< [[that do not increase the square footage of]]~~ the nonconforming structure shall be permitted and shall not be subject to the requirements of this article ~~>>~~, provided that: (1) they do not increase the external footprint or total internal cubic content of the nonconforming structure; and (2) increases to internal square footage shall require Administrative Site Plan Review~~<<~~.
- ii. ~~>>~~External expansions that increase the external footprint of~~<< [[Expansions to]]~~ a nonconforming structure shall be permitted as follows:
 - (a) If the total square footage of the proposed improvement is less than ~~>>50<< [[fifty (50)]]~~ percent of the structure's net square footage at the time it became nonconforming, the improvement shall require Administrative Site Plan Review [see Subsection (C) below].
 - (b) If the total square footage of the proposed improvement is equal to or exceeds ~~>>50<< [[fifty (50)]]~~ percent of the structure's net square footage at the time it became nonconforming, the entire structure and site improvements shall be brought into compliance with current regulations.
 - (c) Once the cumulative total of additional square footage of improvements equals to ~~>>50<< [[fifty (50)]]~~ percent of the structure's net square footage at the time it became nonconforming, no additional

expansions shall be permitted and the entire structure and site improvements shall be brought into compliance with current regulations.

- (d) For the purposes of this article, net square footage shall refer to the square footage indicated on the building permit or determined through equivalent evidence.

* * *

Section 3. Section 33-284.99.46 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-284.99.46. - Nonconforming >>lots, uses, and<< structures ~~[[, uses, and occupancies]]~~.

~~>>Non-conforming lots, uses, and structures shall be governed by section 33-284.89.2.<< [[Nothing contained in this article shall be deemed or construed to prohibit a continuation of a legal nonconforming structure, use, or occupancy in the MCUCD that either: (1) was existing as of the date of the district boundary change on the property to MCUCD; 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 MCUCD 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 an extent of 50 percent or more of its market value, shall be subject to Section 33-35(e) of this Code. However, a lawfully existing single-family home use that is discontinued for a period of at least six months or that incurs damage to the roof or structure to an extent of 50 percent or more of its market value, shall not be subject to Section 33-35(e) of this Code.]]~~

Section 4. *Applicability.* Any property that is the subject of an active application seeking amendments to the regulating plans, administrative site plan review approval, or with an active pre-application number filed before the effective date of this ordinance may obtain site plan approval based on the code provisions in effect at the time of filing of the application or pre-application, or may proceed as provided in this ordinance.

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:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Chairwoman Audrey M. Edmonson

Handwritten signatures of APW and DAK.