

MEMORANDUM

Agenda Item No. 7(H)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 3, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning
in the unincorporated area;
amending section 33-284.83 of
the Code; revising the Standard
Urban Center District regulations
to allow residential uses on the
first floor of buildings in certain
mixed-use land use categories;
making technical changes

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 4-14-22 County Infrastructure, Operations and Innovations Committee. This substitute differs from the original item as stated in the Mayor's memorandum.

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor County Infrastructure, Operations and Innovations Committee.




Geri Bonzon-Keenan
County Attorney

GBK/smm

Date: May 3, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Zoning Ordinance Updating the Urban Center District Regulations to Allow Residential Uses in lieu of Ground Floor Retail Requirements Under Certain Circumstances

The substitute differs from the original item to also provide for greater flexibility of uses on the ground floor for properties within MM (Mixed-Use Main) District.

Recommendation

The proposed ordinance was prepared by the Department of Regulatory and Economic Resources (RER). The ordinance amends the County’s Standard Urban Center District Regulations to allow residential uses in lieu of retail/commercial uses on the first floor of buildings in certain urban center land use categories under certain circumstances.

Scope

Areas located in unincorporated Miami-Dade County.

Delegation of Authority

The proposed ordinance does not confer any delegated authority.

Fiscal Impact/Funding Source

Approval of this item is not anticipated to create a fiscal impact to the County, as the proposed changes will not require additional staffing resources nor generate additional operational expenses.

Social Equity Statement

Implementation of the proposed ordinance may result in additional housing units/housing opportunities.

Track Record/Monitor

Nathan Kogon, Assistant Director, Development Services Division, Department of Regulatory and Economic Resources (RER) will be responsible for monitoring this ordinance.

Background

The County’s urban centers and urban area zoning districts (Districts) serve as hubs of urban growth, promoting development that supports transit and pedestrian circulation, resulting in a more compact and efficient urban form. Among the various land use strategies and policies that promote these traits is the vertical integration of uses within buildings. This strategy is

commonly used to reduce vehicular trips and contribute to an efficient urban form, and under certain circumstances is mandated by the County’s District regulations.

The vertical integration of uses usually consists of retail/commercial uses on the ground floor and residential units above it. In some instances, the Districts require such integration, such as for residential developments in the MM (Mixed-Use Main) land use category. The District regulations also require residential developments with more than 50 units in other land use categories—MC (Mixed-Use Corridor), MO (Mixed-Use Optional), MCS (Mixed-Use Special), MCI (Mixed-Use Industrial), ID (Industrial District) and I (Institutional) —to provide 10 square feet of retail for each residential unit.

Given the trends in retail and recent retail market conditions, the requirement to provide ground-floor retail with residential uses in certain District land use categories may result in undue cost and in ground floors remaining vacant in portions of said Districts. In general, the requirement is more effective within the densest areas of the Districts, which are usually around transit facilities and are referred to as the “Core,” and are less effective in the “Center” or “Edge” areas, which are outside the Core. To provide flexibility in the permitted mixture of uses within a building, the proposed ordinance continues to require vertical integration of uses within buildings located in Core areas as well as those designated MM, but it provides the option to develop residential units in lieu of retail/commercial space on the ground level for properties designated Center and Edge subdistricts. Additionally, where the MM district requires the entire ground floor to be developed with uses other than residential, the amendment will provide that only half of the ground floor to be used for uses other than residential. The ordinance also increases the threshold of the number of units that trigger the retail requirement from 50 to 100 in the Core, to provide additional flexibility and encourage the development of additional housing.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 3, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(H)

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(H)
5-3-22

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING IN THE UNINCORPORATED AREA; AMENDING SECTION 33-284.83 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING THE STANDARD URBAN CENTER DISTRICT REGULATIONS TO ALLOW RESIDENTIAL USES ON THE FIRST FLOOR OF BUILDINGS IN CERTAIN MIXED-USE LAND USE CATEGORIES; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. The memorandum referenced in the above recital is incorporated in this ordinance and is approved.

Section 2. Section 33-284.83 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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 >>or in the article governing the specific UC or UA district<<. The uses delineated

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.

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.

* * *

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:

1. The vertical integration of uses shall be required in the MM category and ~~[[shall be]]~~² is encouraged in the MC, MO, MCS, and MCI categories~~[[.]]~~, subject to the following:
 - a. When residential uses are provided in the MM category, uses other than residential shall be required on at least 50 percent of the first floor.
 - b. Self-service mini-warehouse storage facilities located in the MCS and MCI categories shall only be permitted upon approval at public hearing and when vertically integrated with, screened by, or located to the rear of habitable space, as defined in Section 33-284.82, and shall only be established in accordance with the conditions set forth in Section 33-255.

² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or ~~[[double bracketed]]~~ are deleted, words double underlined and/or >>double arrowed<< are added.

>>c.<< In addition, no such >>self-service mini-warehouse storage<< facility shall be located less than 2,500 feet from any other such facility, 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.<< The aforementioned requirements shall also apply to self-service mini-warehouse storage facilities located in the Downtown Kendall Urban Center District (Article XXXIII(I)) and the Palmer Lake Metropolitan Urban Center District (Article XXXIII(T)).

2. Residential uses shall be permitted in noted categories, either alone or when vertically integrated with other lawful uses; except that>>, in the Core Subdistrict,<< developments with more than ~~[[fifty (50)]]~~ >>100<< residential units shall provide a minimum of >>10<< ~~[[ten (10)]]~~ square feet of retail space for each residential unit.

* * *

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:

Prepared by:

Dennis A. Kerbel

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