

MEMORANDUM

Agenda Item No. 5(A)

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

DATE: (Public Hearing 11-1-22)
October 6, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning in
the unincorporated area;
amending section 33-284.99.59
of the Code; revising Palmer
Lake Metropolitan Urban Center
Zoning District regulations
pertaining to residential uses in
the Riverside Sub-District

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Geri Bonzon-Keenan
County Attorney

GBK/jp

MDC001

Memorandum



Date: November 1, 2022

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is written in a cursive style.

Subject: Fiscal Impact Statement for Ordinance Relating to Residential Uses in the Riverside Sub-District

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink, appearing to read "Jimmy Morales". The signature is written in a cursive style.


Jimmy Morales
Chief Operations Officer

Memorandum



Date: November 1, 2022

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

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Amending Palmer Lake Metropolitan
Urban Center Zoning District Regulations

The proposed ordinance amends Section 33-284.99.59 of the Code of Miami-Dade County pertaining to the Palmer Lake Metropolitan Urban Center (PLMUC) Zoning District Regulations. More specifically, the proposed ordinance revises provisions relating to development that is in the “Riverside” Sub-District and adjoining the Tamiami Canal. The PLMUC district regulates development through the use of specific sub-districts and street types; the various combination of these establish the urban character of the district with each allowing or requiring different uses and streetscape elements.

Currently, in the “Riverside” Sub-District and adjoining the Tamiami Canal, residential uses are permitted; however, it is limited to less than 50 percent of the building’s floor area and cannot be located above the ground floor. The proposed ordinance eliminates these development limitations within this sub-district when residential uses are proposed that have a minimum of a 12.5% Workforce Housing Units (WHU). As defined by the PLMUC District Regulations, WHUs are dwelling units limited to households whose income is up to 140 percent of the median family income in Miami-Dade County. The current zoning requirements for development in the “Riverside” and adjoining the Tamiami Canal do not require any WHUs.

The proposed ordinance furthers the County’s efforts to provide for the development of workforce housing by eliminating barriers to constructing additional workforce units within the PLMUC “Riverside” Sub-District.



Jimmy Morales
Chief Operations Officer


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MEMORANDUM
(Revised)

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

DATE: November 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: 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 _____

Agenda Item No. 5(A)
11-1-22

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING IN THE UNINCORPORATED AREA; AMENDING SECTION 33-284.99.59 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING PALMER LAKE METROPOLITAN URBAN CENTER ZONING DISTRICT REGULATIONS PERTAINING TO RESIDENTIAL USES IN THE RIVERSIDE SUB-DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on May 7, 2013, this Board adopted Ordinance No. 13-43, establishing the Palmer Lake Metropolitan Urban Center (PLMUC) zoning district to implement Comprehensive Development Master Plan (“CDMP”) policies to coordinate development intensity with proximity to transit while also maintaining and coordinating marine activity on the Miami River in this area; and

WHEREAS, the PLMUC regulations currently limit the development of residential uses in the PLMUC’s Riverside Sub-District, which is an area with significant marine activities; and

WHEREAS, as set forth in section 33-193.4 of the County Code, the County has long experienced a “shortage of housing affordable to individuals and families of moderate incomes, particularly those whose earnings range from 60 percent up to 140 percent of the County’s median income, the ‘workforce target income group[,]’” which “includes many public employees and others employed in key occupations that support the local community,” and “the high cost and short supply of housing affordable to persons and families of moderate income mean that many employees in the workforce target income group cannot afford to live in Miami-Dade County”; and

WHEREAS, Miami-Dade County continues to experience a significant shortage of safe and stable affordable and workforce rental and homeownership units; and

WHEREAS, accordingly, this Board wishes to expand the ability to develop affordable or workforce housing units within the PLMUC while also remaining consistent with CDMP policies encouraging marine activities in the relevant area,

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

Section 1. The foregoing recitals are incorporated as if set forth herein and are approved.

Section 2. Section 33-284.99.59 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-284.99.59. Uses.

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, occupied, or maintained for any purpose in Palmer Lake Metropolitan Urban Center District except for one (1) or more of the following uses. All uses are subject to the airport safety uses and height restrictions provided in Section 33-336 of this chapter. The uses delineated herein shall be permitted only in compliance with the development parameters provided in Section 33-284.99.60 of this article. Water-dependent uses delineated herein shall be subject to the permit requirements of Chapter 24 of this Code and be consistent with the Coastal Management Element of the Comprehensive Development Master Plan.

* * *

(B) Permitted uses in the Riverside Sub-District shall be as follows:

* * *

(4) The additional uses listed below shall be permitted only in conjunction with one or more of the following water-dependent uses occurring on 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.

same lot: marinas; marine terminals, passenger, freight; boat slips for the purpose of repair; boat and yacht repair, overhaul, manufacturing; shipyards. An annual certificate of use shall be required for the water dependent use when built as part of a mixed-use development that includes one of the uses listed in paragraphs (i) through (iii) below. Development shall comply with the waterfront setback and access requirements set forth in Section 33-284.99.60(B)(4)(b). The following additional uses shall be permitted only when the Director determines that such use: will not have an adverse impact on operation of the Port of the Miami River; will not substantially reduce or inhibit existing public access to marine or tidal waters; and will not interfere with the activities or operation of adjacent water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses.

* * *

- iii. On lots adjoining the Tamiami Canal, residential uses shall be permitted >>only<< above the ground story and >>where<< limited to less than >>50<< ~~[[fifty (50)]]~~ percent of the building gross floor area on the same lot, except that >>the following uses shall not be subject to the foregoing limitations on story and gross floor area:
 - a.<< hotels, motels, and apartment hotels ~~[[shall not be subject to this limitation]]>>~~; and
 - b. residential developments, up to a maximum of 250 dwelling units per acre, that maintain a minimum of 12.5 percent of their units as workforce housing units on site<<.

* * *

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:

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

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Rebeca Sosa