

MEMORANDUM

Agenda Item No. 7(E)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: (Second Reading: 2-7-23)
December 6, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning in
the unincorporated area;
amending article XXXIIA of
chapter 33 of the Code;
expanding the boundaries of the
Bird Road Design and Industrial
(BRDI) Overlay District;
authorizing residential uses in the
BRDI Overlay District subject to
certain conditions; revising
parking requirements for such
residential uses

Ordinance No. 23-10

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado and Co-Sponsor Commissioner Kevin Marino Cabrera.


Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: February 7, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Boundaries Bird Road Design and Industrial Overlay District

The implementation of this Ordinance will provide updates to the Code of Miami-Dade County that increases the footprint of the Bird Road Design and Industrial District as well as allowing for residential housing units (with 15 percent minimum being affordable as defined by Florida Statutes) in an area that is currently comprised of commercial and warehouse properties. Although it is hard to quantify at this time, there will likely be a positive fiscal impact to the County as this Ordinance will increase the value of the County's property tax rolls through increased densification and beneficial property use for the specified location.

A handwritten signature in blue ink, reading "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Memorandum



Date: February 7, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Social Equity Statement for Ordinance Amending the Bird Road Design and Industrial (BRDI) Overlay District

The proposed ordinance amends Article XXXIIA of Chapter 33 of the Code of Miami-Dade County pertaining to the Bird Road Design and Industrial (BRDI) Overlay District to permit residential uses subject to a minimum percentage of affordable housing units and to expand the BRDI district boundary westward from Southwest 74th Avenue to the Palmetto Expressway, a distance of approximately 900 feet.

As an “overlay” district, BRDI provides for certain additional permitted uses along with other allowances for outdoor displays and parking to supplement the underlying zoning within the BRDI district boundary. The proposed ordinance would expand the western boundary of BRDI to the Palmetto Expressway and allow the BU-2, IU-1, and IU-2-zoned properties in this approximately 55-acre area to utilize the same uses and other zoning provisions as already permitted within the existing BRDI district boundary. The proposed ordinance also amends the uses permitted in the BRDI district to allow residential uses developed in accordance with the Mixed-Use Corridor (MCD) district and requires that a minimum of 15 percent of the residential units be provided as affordable housing; Section 125.01055 of the Florida Statutes allows the Board of County Commissioners to approve residential development on industrial properties where a minimum of 10 percent of the units are affordable, as defined in Section 420.0004 of the statutes. Though the underlying zoning in the BRDI district is mainly industrial, the overlay permits a wide range of retail, recreation and service oriented uses conducive to a unique mixed-use neighborhood. Adding a residential component in this district is appropriate and supportive of the commercial uses; the applicable MCD standards require mixed uses be provided either vertically or horizontally as well other relevant design requirements. Subsequent to adoption of the proposed ordinance, the Department of Regulatory and Economic Resources will file a zoning application on behalf of property owners within the expansion area to apply the BRDI district to those properties.

The proposed ordinance allows additional uses in an established business and industrial area and furthers the County’s efforts to provide for the development of affordable housing. 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 "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

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MDC003



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(E)

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(E)
2-7-23

ORDINANCE NO. _____ 23-10

ORDINANCE RELATING TO ZONING IN THE UNINCORPORATED AREA; AMENDING ARTICLE XXXIIA OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; EXPANDING THE BOUNDARIES OF THE BIRD ROAD DESIGN AND INDUSTRIAL (BRDI) OVERLAY DISTRICT; AUTHORIZING RESIDENTIAL USES IN THE BRDI OVERLAY DISTRICT SUBJECT TO CERTAIN CONDITIONS; REVISING PARKING REQUIREMENTS FOR SUCH RESIDENTIAL USES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, affordable housing is a critical need within Miami-Dade County; and

WHEREAS, article XXXIIA of chapter 33 of the Code of Miami-Dade County, Florida created the Bird Road Design and Industrial (BRDI) Overlay District; and

WHEREAS, BRDI is currently generally located south of SW 40 Street (Bird Road), north of SW 48 Street, east of SW 74 Avenue, and west of SW 70 Avenue; and

WHEREAS, BRDI allows for industrial uses, including all those uses authorized in the IU-1 zoning district and retail and warehouse store uses, in addition to live-work units; and

WHEREAS, section 125.01055, Florida Statutes, provides a mechanism for counties to adopt and maintain inclusionary housing ordinances to incentivize affordable housing within industrial areas; and

WHEREAS, specifically, section 125.01055(6), Florida Statutes, provides that “[n]otwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use”; and

WHEREAS, in section 420.0004, Florida Statutes, the State of Florida defines affordable housing as the range between 30 percent of Area Median Income to 120 percent of Area Median Income; and

WHEREAS, this Board intends to incentivize development of affordable housing within BRDI and to expand the western boundary of the BRDI to reach Florida State Road 826,

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

ARTICLE XXXIIA. - BIRD ROAD DESIGN AND INDUSTRIAL OVERLAY DISTRICT

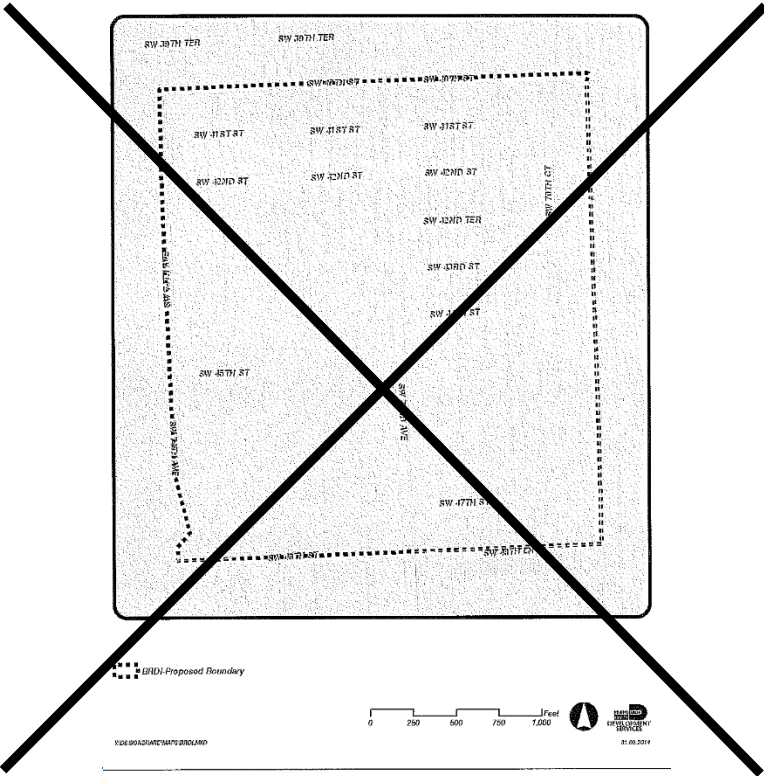
Sec. 33-278.5 Applicability

The Bird Road Design and Industrial District (BRDI) Overlay District shall be applied only to those lands within the boundaries shown in the Figure 1 below. This area is generally located south of SW 40th Street (Bird Road), north of SW 48th Street, east of ~~[[SW 74th Avenue]]~~ >>State Road 826,<< and west of SW 70th Avenue.

Figure 1

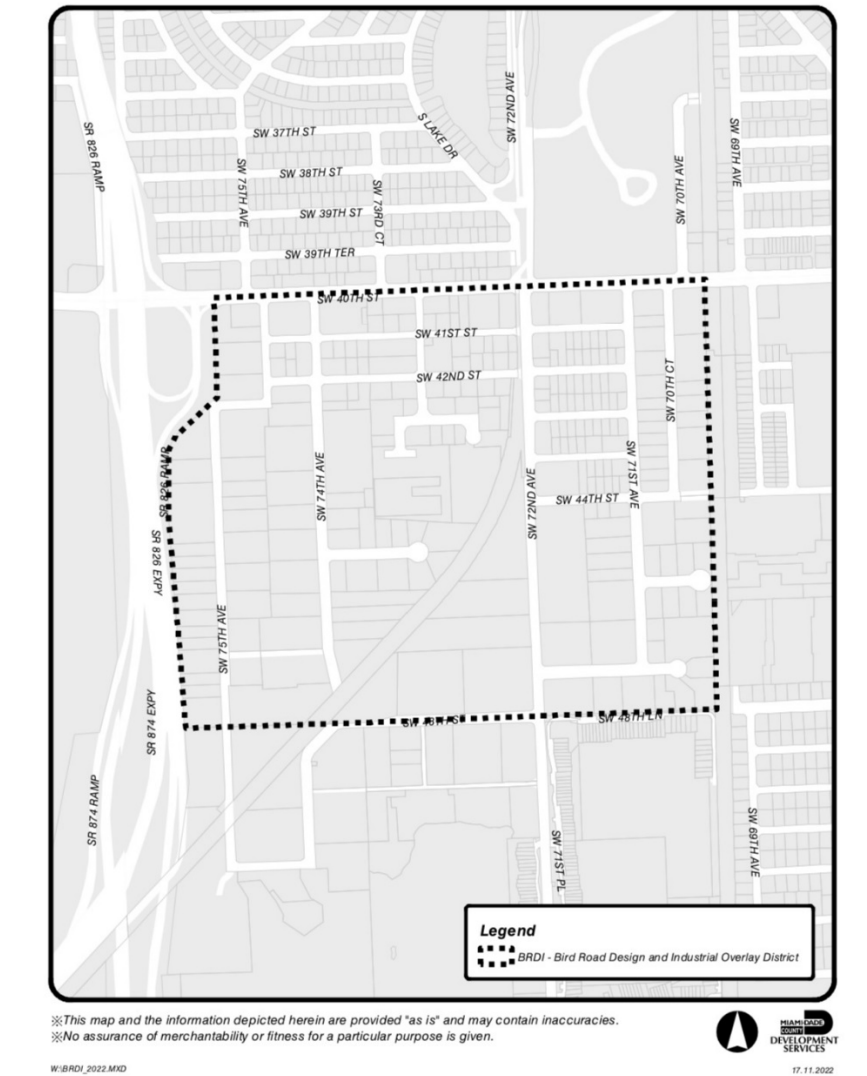
¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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Sec. 33-278.6 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, structurally altered, or maintained for any purpose in the Bird Road Design and Industrial (BRDI) Overlay District, except as provided in this article. The following uses herein shall be permitted only in compliance with the general requirements provided in this article.

(a) All uses authorized by the underlying zoning district. For properties in which the underlying zoning district is BRDI, all uses authorized in the IU-1 district; and

(b) The following additional uses:

* * *

(25) Live-work units defined as follows: Single-family unit containing a maximum of two bedrooms in connection with one of the uses delineated in this section.

>>(26.1) Residential uses are permitted subject to administrative site plan review in accordance with Section 33-284.88, and provided that:

(i) Such uses are developed in accordance with article XLV, Mixed-Use Corridor District.

(ii) A minimum of 15 percent of the units are provided as housing that is affordable as defined in section 125.01055, Florida Statutes, as may be amended.

(iii) Residential uses may be mixed with other permitted uses permitted in this article.

(iv) The entire development, including residential uses, must fit within the building envelope established by the maximum floor area ratio provided in the “Maximum Allowable Non-Residential Development Intensity” within the urban infill area provided in the CDMP.<<

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Sec. 33-278.7 General requirements.

* * *

(c) *Parking.* Except as provided herein, all parking shall be provided in conformance with Section 33-124 of this chapter.

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>>(4) Housing units that are affordable, provided pursuant to section 33-278.6(b)(26.1), shall not be subject to a minimum parking requirement.<<

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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:

February 7, 2023

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:

DEM

Lauren E. Morse

Prime Sponsor: Commissioner Raquel A. Regalado
Co-Sponsor: Commissioner Kevin Marino Cabrera.