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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum



(Second Reading 07-10-07)

Date: May 22, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Amended
Agenda Item No. 7(G)

From: George M. Burgess
County Manager

Subject: Ordinance Revising Zoning and other Land Development Regulations Pertaining
to the Perrine Community Urban Center District Regulations O#07-97

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance updating the Perrine Community Urban Center District Regulations.

Scope

This ordinance impacts the area of the Perrine Community Urban Center located in Commission District 9.

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor

Not applicable.

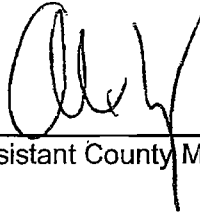
Background

Ordinance 06-127 was adopted on September 12, 2006 and created article XXXIII(N) of the Code of Miami-Dade County – Perrine Community Urban Center Regulations (PECUCD). These regulations implement the land use recommendations included in the Perrine Charrette Report that was accepted by the Board of County Commissioners (BCC) in 2004. The purpose of this ordinance is to update certain regulatory criteria that guide development within the PECUCD to address issues resulting from the ongoing processing of site plan applications and to accommodate certain existing conditions that were unanticipated at the time the regulations were originally adopted.

Specifically, this ordinance proposes to revise the permitted uses section to (1) provide for selected BU-3 uses in mixed-use areas along the U.S. 1 corridor to accommodate existing lawful uses; (2) update previous regulating plans to incorporate Comprehensive Development Master Plan land use plan map amendments recently approved by the Board of County Commissioners; and (3) provide for light industrial uses in areas currently in IU zones. Additionally, the ordinance proposes to update the Land Use Regulating Plan of the PECUCD Regulations in order to provide for the *urban villa*, an infill single-family residential dwelling unit, reduce the minimum single-family residential density requirement from 8 units per acre to 6 units per acre in order to encourage infill development on existing platted lots,

Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners
Page 2

and provide for retail and office uses in the second floor of buildings located in Mixed-Use Main Street (MM) designated areas.



Assistant County Manager

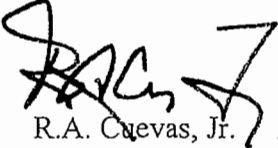


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM: 
R.A. Cuevas, Jr.
Acting County Attorney

SUBJECT: Amended
Agenda Item No. 7(G)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(G)
7-10-07

ORDINANCE NO. 07-97

ORDINANCE REVISING ZONING AND OTHER LAND DEVELOPMENT REGULATIONS PERTAINING TO THE PERRINE COMMUNITY URBAN CENTER DISTRICT ("PERRINE REGULATIONS"), AMENDING SECTIONS 33-284.99.8 THROUGH 33-284.99.9, CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"), PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Sec. 33-284.99.8 of the Code of Miami-Dade County, Florida, is hereby

amended as follows¹:

Sec. 33-284.99.8. Uses

Except as provided herein, all permitted, conditionally permitted, and temporary uses within the PECUC shall comply with Section 33-284.83 of this code.

A. Permitted Uses. The following uses shall be permitted.

1. In the Residential (R) area, all uses provided in Section 33-284.83(A)(1), except that rowhouses shall be permitted only in those areas specifically designated as

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.

permitting rowhouses in the Land Use Regulating Plan, as provided in Section 33.284.99.9 of this article.

>>2. In the Mixed-Use Corridor (MC) area, all uses provided in Section 33-284.83(A)(3) and the following uses:

(A) Automobile and truck services and facilities including:

(1) Open lot car and truck sales new or used, including as ancillary uses, automobile repairs, body and top work and painting, provided that no more than fifteen (15) percent of the gross building area is devoted to such ancillary uses, and subject to the following conditions:

(a) That attention attractive devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering, spinning advertising devices (either mobile or stationary) are prohibited.

(b) That outdoor lighting shall be designed to avoid spilling beyond the site boundaries.

(c) That no vehicular test drives shall be conducted on residential local traffic streets (fifty-foot right-of-way or less).

(d) That the applicant obtains a certificate of use, which shall be automatically renewable yearly upon compliance with all terms and conditions.

(e) All outdoor paging or speaker systems are expressly prohibited.

(2) Open lot car rental

(3) Automobile parts, secondhand from store building only.

(4) Automobile body and top work and painting.

(B) Engines, gas, gasoline, steam and oil; sales and service.

(C) Garage or mechanical service. Including automobile repairs, body and top work and painting. All outdoor paging or speaker systems are expressly prohibited.

(D) Glass installation.

(E) Self-service mini-warehouse storage facility in compliance with Section 33-255(23.1) of this Code.

(E) Tire vulcanizing and retreading or sale of use tires.

- (F) Truck storage, only within an enclosed building or an area enclosed by a CBS wall.
- (G) Automobile washing.

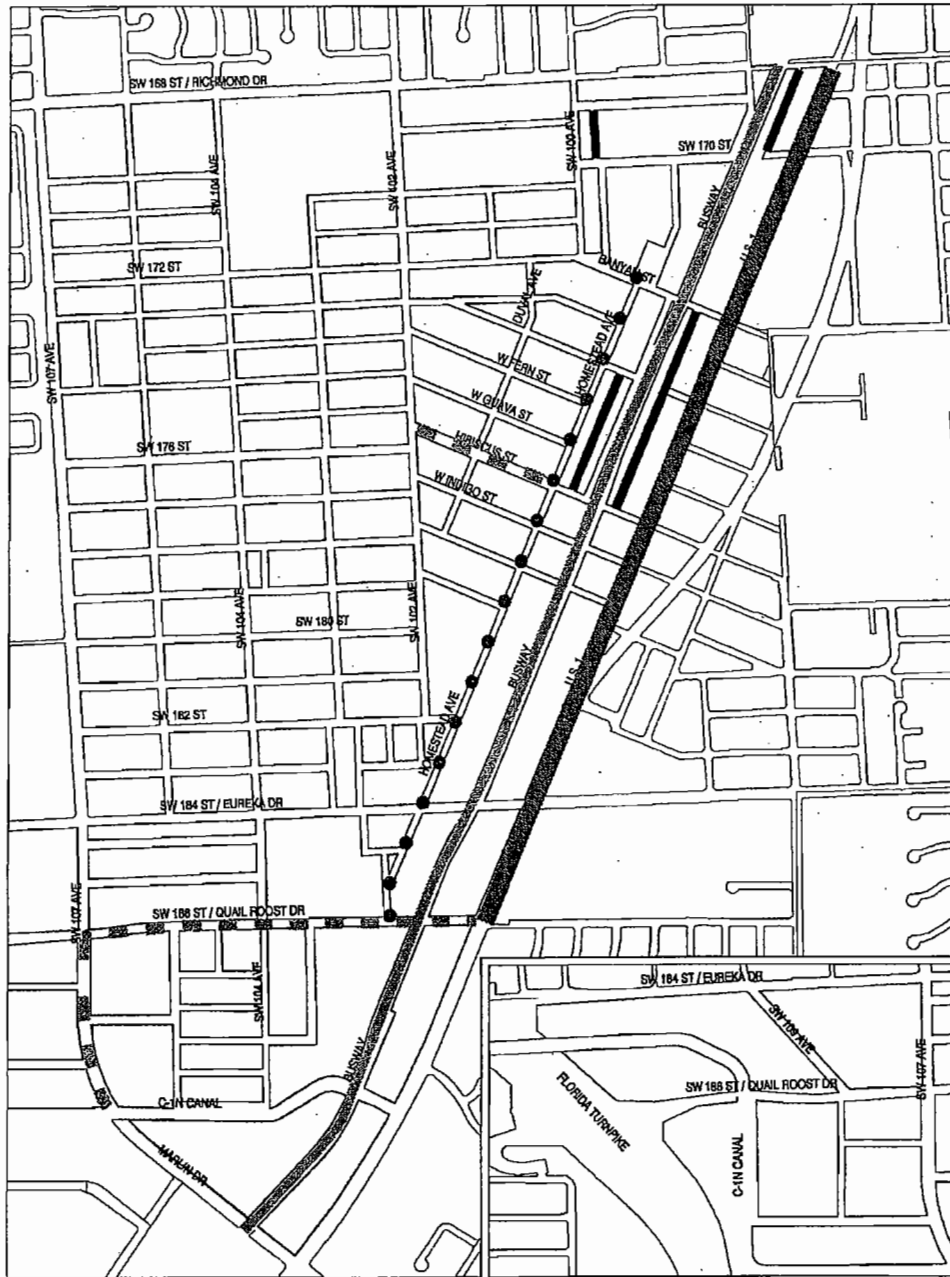
3. Industrial uses. Notwithstanding the provisions of Section 33-284.83 (A)(4), only the following uses shall be permitted in the Industrial District (ID) area. These uses shall be allowed in conformance with the Land Use Regulating Plan and the Street Type Development Parameters.

- (A) All uses permitted in the IU-1 zoning district.
- (B) All uses permitted in the IU-2 zoning district after public hearing pursuant to section 33-311(A)(3) of this Code.
- (C) All uses permitted in the Mixed Use Corridor (MC) on lots located north of SW 184 Street and east of the Busway.
- (D) All uses permitted in the Mixed Use Optional (MO) on lots located north of SW 184 Street and west of the Busway.<<








Section 2. Sec. 33-284.99.9 of the Code of Miami-Dade County, Florida, is hereby deleted and replaced as follows:

>>**Sec. 33-284.99.9. The Regulating Plans**

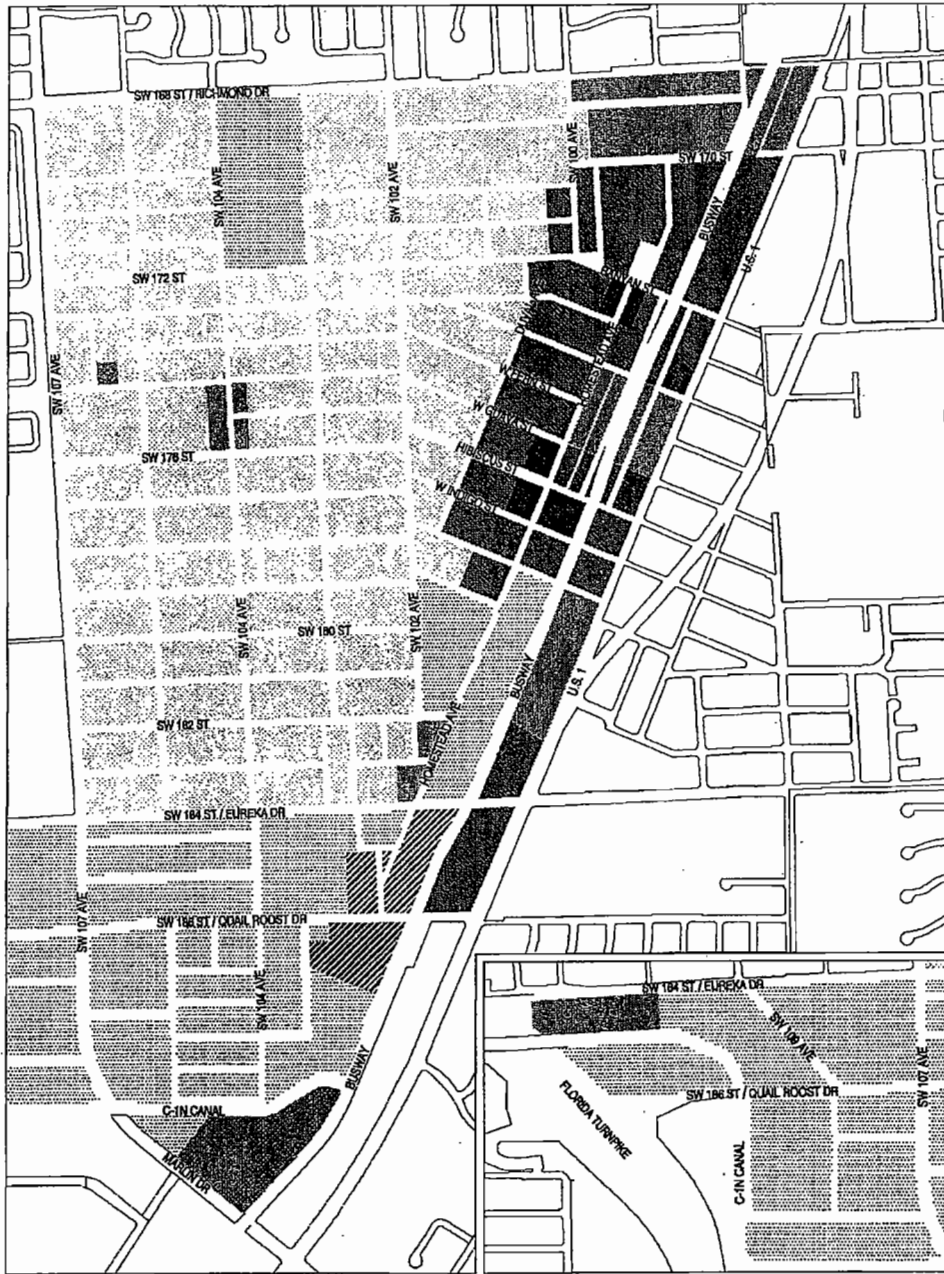
I. Street Types Plan










KEY:

-  US Highway 1 / S.R. 5
-  South Miami-Dade Busway
-  Main Street
-  Boulevard
-  Minor Street
-  Service Roads
Core/Center Sub-district
-  Service Roads
Edge Sub-district:
Optional for single family detached only

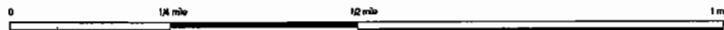
IV. Density Plan



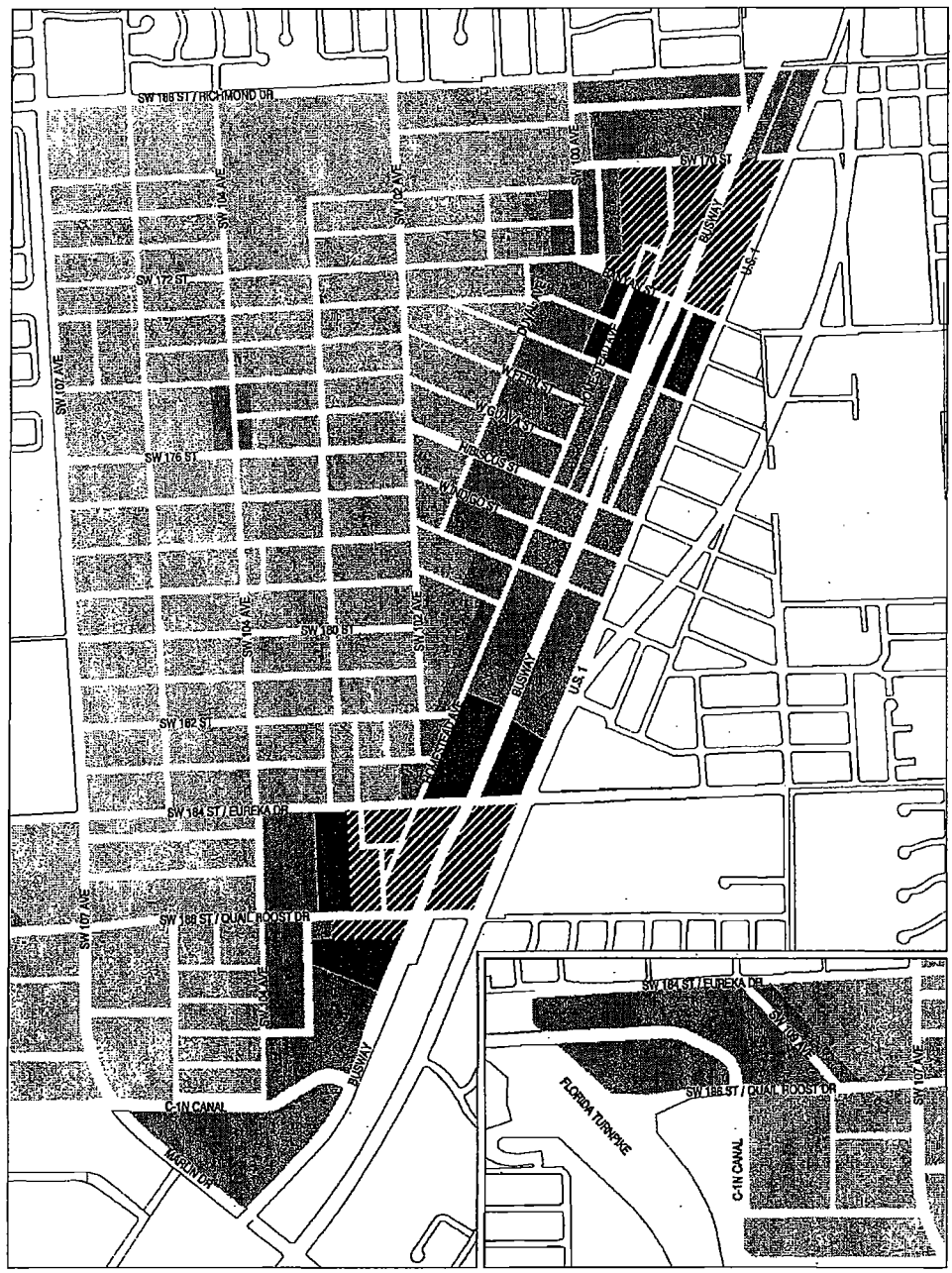
KEY:

-  Max. 60 Units/acre net
-  Max. 52* Units/acre net
-  Min. 12; Max. 52* Units/acre net
-  Max. 36 Units/acre net
-  Min. 12; Max. 36 Units/acre net
-  Min. 6; Max. 18 Units/acre net
-  Residential densities permitted only as part of a Live-work unit (See Sec. 33-284.82(25) and Sec. 33-284.83(A)(4)(b))

*Residential density may be increased through the use of Severable Use Rights (SURs). See Sec. 33B-45(g)(15) of this code for applicability.



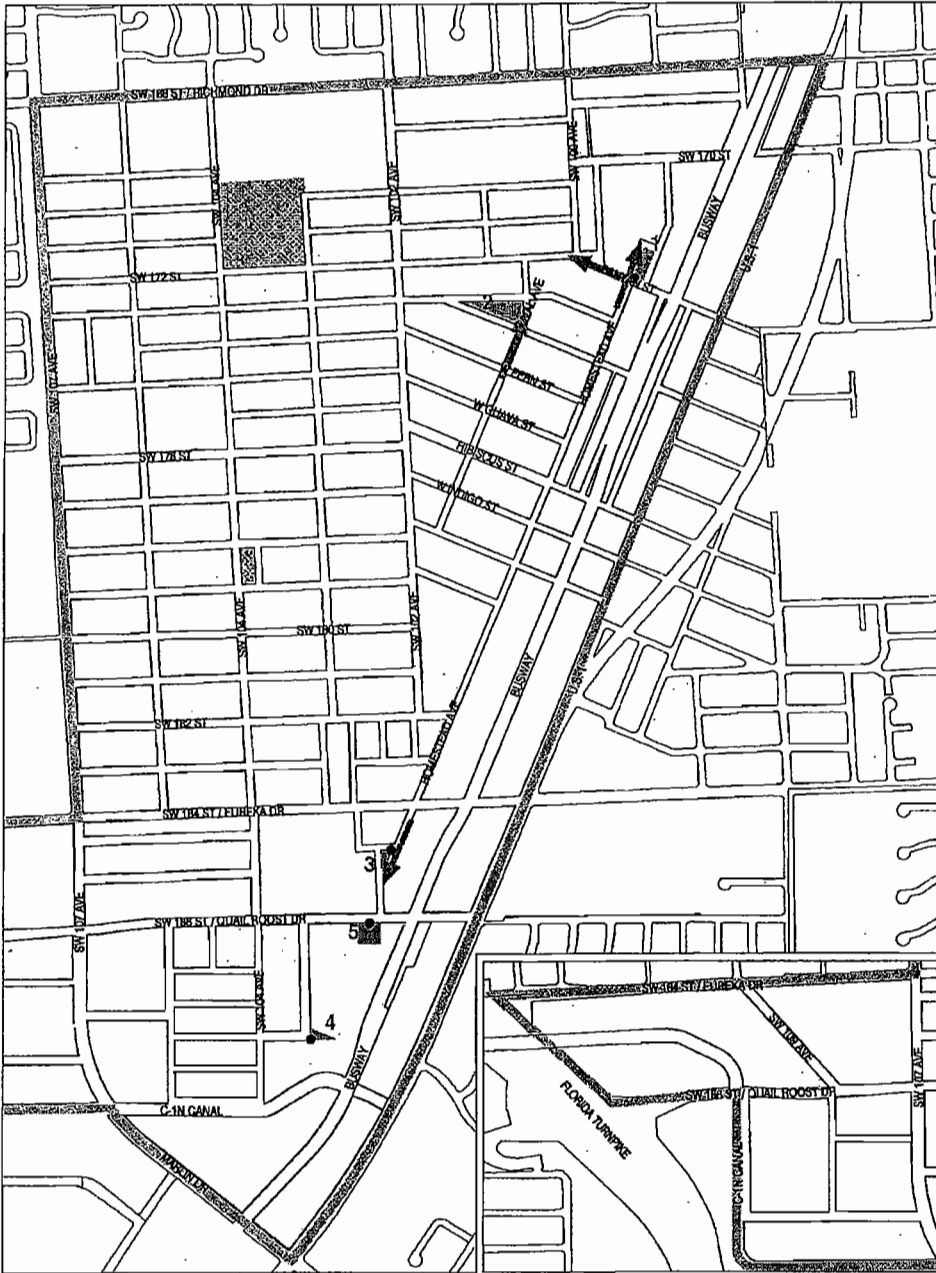
V. Building Heights Plan



KEY:
4 FLOORS MIN., 12 FLOORS MAX.
3 FLOORS MIN., 6 FLOORS MAX.
2 FLOORS MIN., 4 FLOORS MAX.
2 FLOORS MAX.



VI. Designated Open Space Plan



KEY:

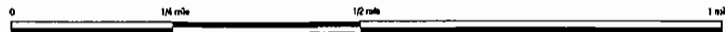
- PROPOSED BLOCKS
- DESIGNATED OPEN SPACE
- ▨ EXISTING OPEN SPACE
- ▩ MIAMI-DADE PARKS PROPERTY
- ▧ CUC BOUNDARY
- ← STREET VISTA
- ANCHOR POINT

Open space, where an anchor point is shown, shall provide the general square footage shown in this Designated Open Space Plan.

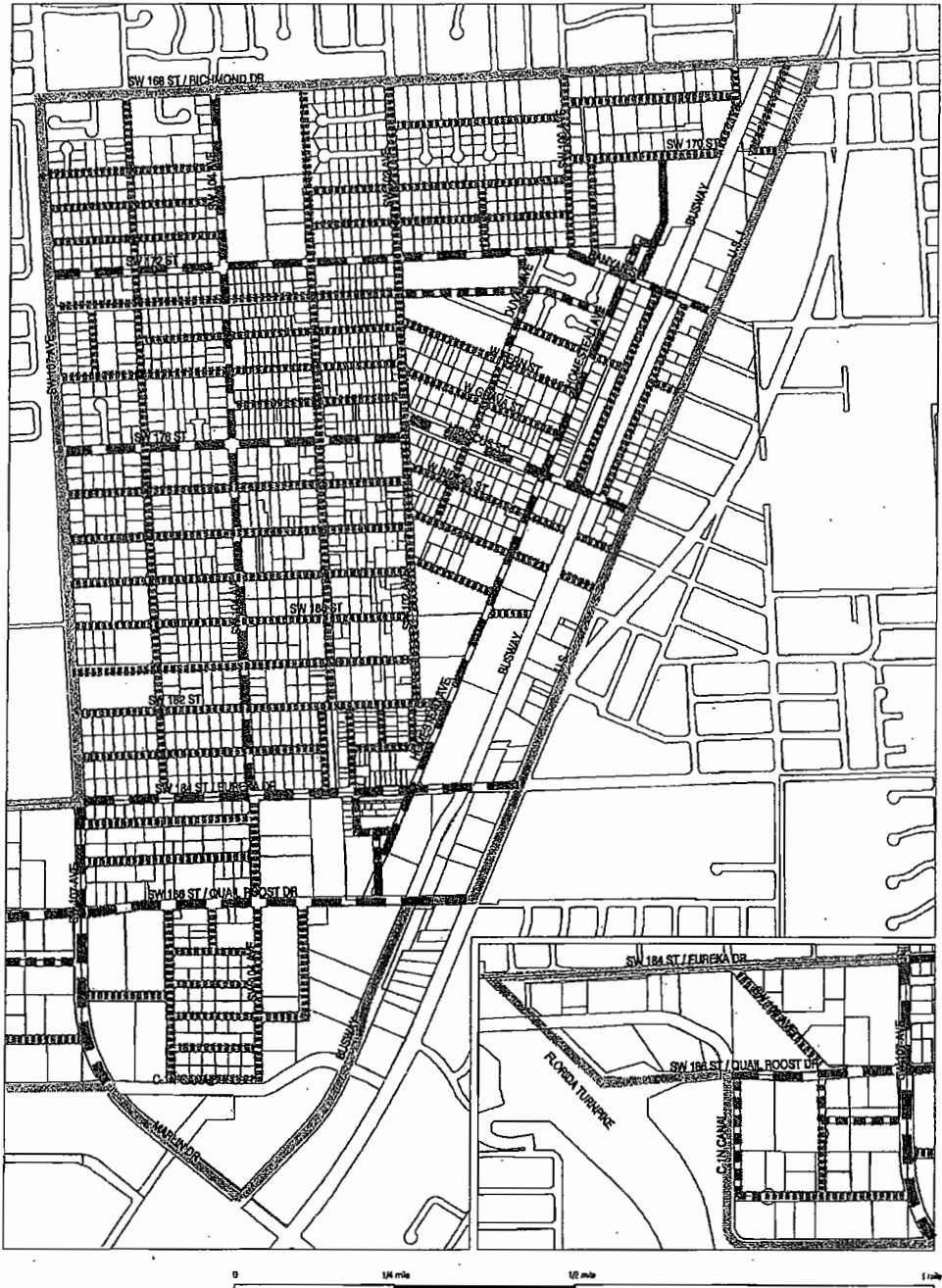
Open space, where an anchor point is not shown, shall be developed according to the Street Type Development Parameters.

G Green, S Square, P Plaza

No	Type	Area
1	S	19,500 SF
2	G	45,000 SF
3	P	5,500 SF
4	G	7,500 SF
5	P	25,000 SF



VII. New Street Dedications Plan



KEY:

- NEW 'A' STREETS
- EXISTING 'A' STREETS
- NEW 'B' STREETS
- EXISTING 'B' STREETS
- CUG BOUNDARY
- PROPERTY OWNERSHIP PATTERN AT TIME OF CHARRETTE

Note: New street allocations are based on the charrette illustrative plan and are approximate.

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 this Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and made part of the Code of Miami-Dade County, Florida. The section 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: July 10, 2007

Approved by County Attorney as
to form and legal sufficiency:




Prepared by:

Dennis A. Kerbel

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MIAMI-DADE COUNTY, FLORIDA

Memorandum



(Second Reading 07-10-07)
May 22, 2007

Date:

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 7(F)

From: George M. Burgess
County Manager

Subject: Ordinance Revising Zoning and other Land Development Regulations Pertaining
to the Naranja and the Princeton Community Urban Center Districts

0#07-96

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance updating the Naranja Community Urban Center District and the Princeton Community Urban Center District Regulations.

Scope

This ordinance impacts the area of the Naranja and Princeton Community Urban Centers located in Commission Districts 8 and 9.

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor

Not applicable.

Background

Ordinance 04-217 was adopted on December 2, 2004 and created article XXXIII(J) of the Code of Miami-Dade County – Naranja Community Urban Center District Regulations (NCUCD). These regulations implement the land use recommendations included in the Naranja Charrette Report that was accepted by the Board of County Commissioners (BCC) in 2003. Ordinance 05-146 was adopted on July 7, 2005 and created article XXXIII(M) of the Code of Miami-Dade County – Princeton Community Urban Center District Regulations (PCUCD). These regulations implement the land use recommendations included in the Princeton Charrette Report that was accepted by the BCC in 2004.


The purpose of this ordinance is to update certain regulatory criteria that guide developments within the NCUCD and the PCUCD to address issues resulting from the ongoing processing of site plan applications and to accommodate certain existing conditions that were unanticipated at the time the regulations were originally adopted.

Section 1 of this ordinance proposes to update the NCUCD Regulations by (1) revising the Land Use Regulating Plan in order to provide for the *urban villa*, an infill single-family residential dwelling unit, reduce the minimum single-family residential density from 8 units per acre to 6 units per acre in order to encourage infill development on existing platted lots, and provide for retail and office uses in the second floor of buildings located in Mixed-Use Main Street (MM) designated areas; (2) revising the Building Heights Regulating Plan in order to provide the appropriate minimum and maximum heights of mixed-use and Market

District designated areas; and (3) revising the Sub-Districts Regulating Plan so that all mixed-use areas are within either the Core or Center sub-districts.

Section 2 of this ordinance revises the building placement and street type development parameters in the NCUCD Regulations to clarify setback requirements for mixed-use areas and building placement criteria for the Market District area.

Section 3 of this ordinance revises the Land Use Regulating Plan in the PCUCD Regulations in order to provide for the *urban villa*, an infill single-family residential dwelling unit, reduce the minimum single-family residential density from 8 units per acre to 6 units per acre in order to encourage infill development on existing platted lots, and provide for retail and office uses in the second floor of buildings located in Mixed-Use Main Street (MM) designated areas.



Assistant County Manager

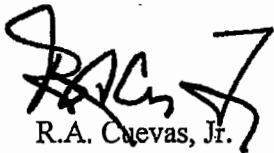


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM: 
R.A. Cuevas, Jr.
Acting County Attorney

SUBJECT: Agenda Item No. 7(F)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(F)
07-10-07

ORDINANCE NO. 07-96

ORDINANCE REVISING ZONING AND OTHER LAND DEVELOPMENT REGULATIONS PERTAINING TO THE NARANJA COMMUNITY URBAN CENTER DISTRICT ("NARANJA REGULATIONS") AND THE PRINCETON COMMUNITY URBAN CENTER DISTRICT ("PRINCETON REGULATIONS"), AMENDING SECTIONS 33-284-69 THROUGH 33-284-70 AND 33-284.99.2, CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"), PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Sec. 33-284.69 of the Code of Miami-Dade County, Florida, is

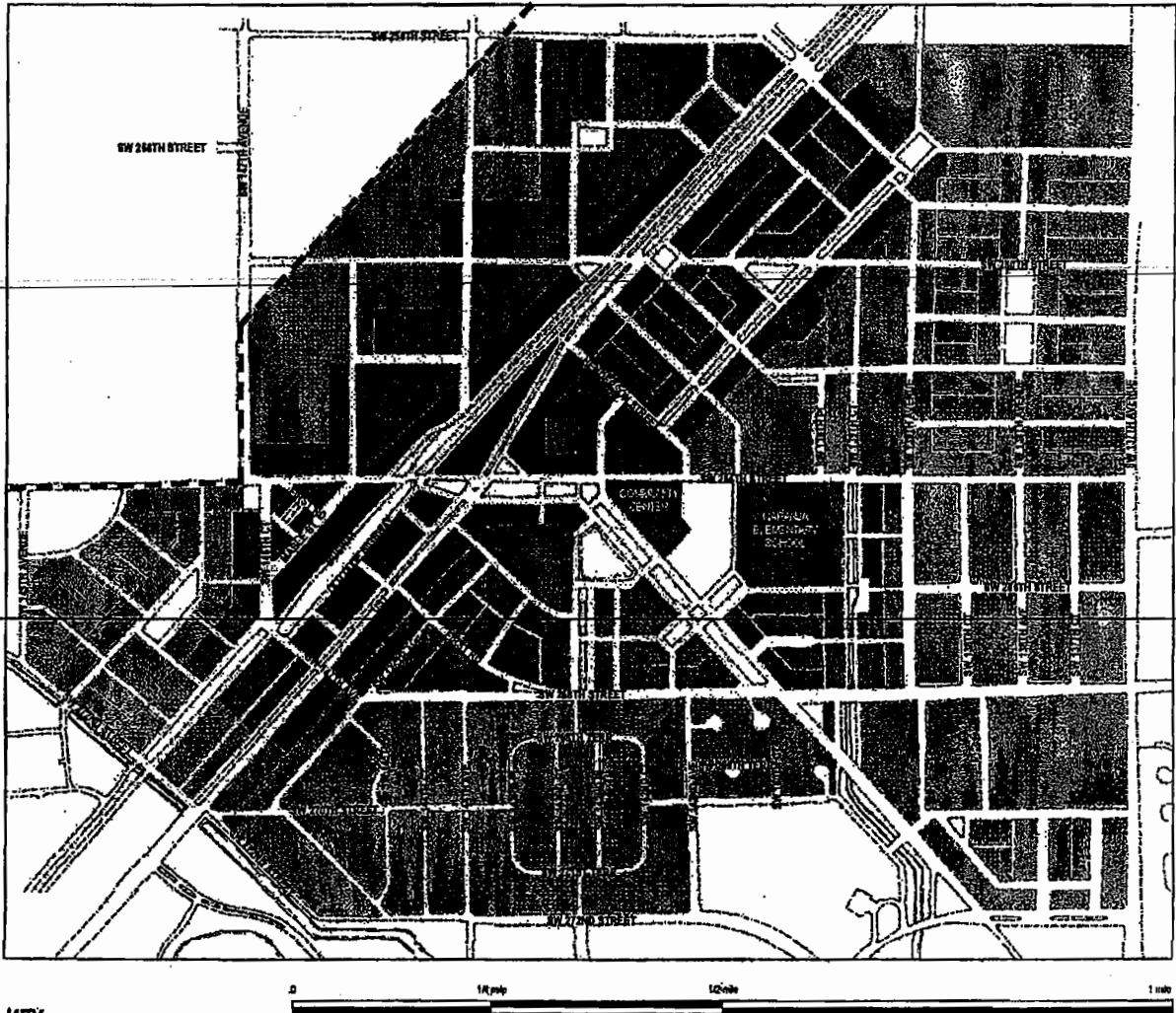
hereby amended by replacing the Sub-districts and Building Heights Plans as follows¹:

Sec. 33-284.69. 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.

[[B. Sub-districts Plan



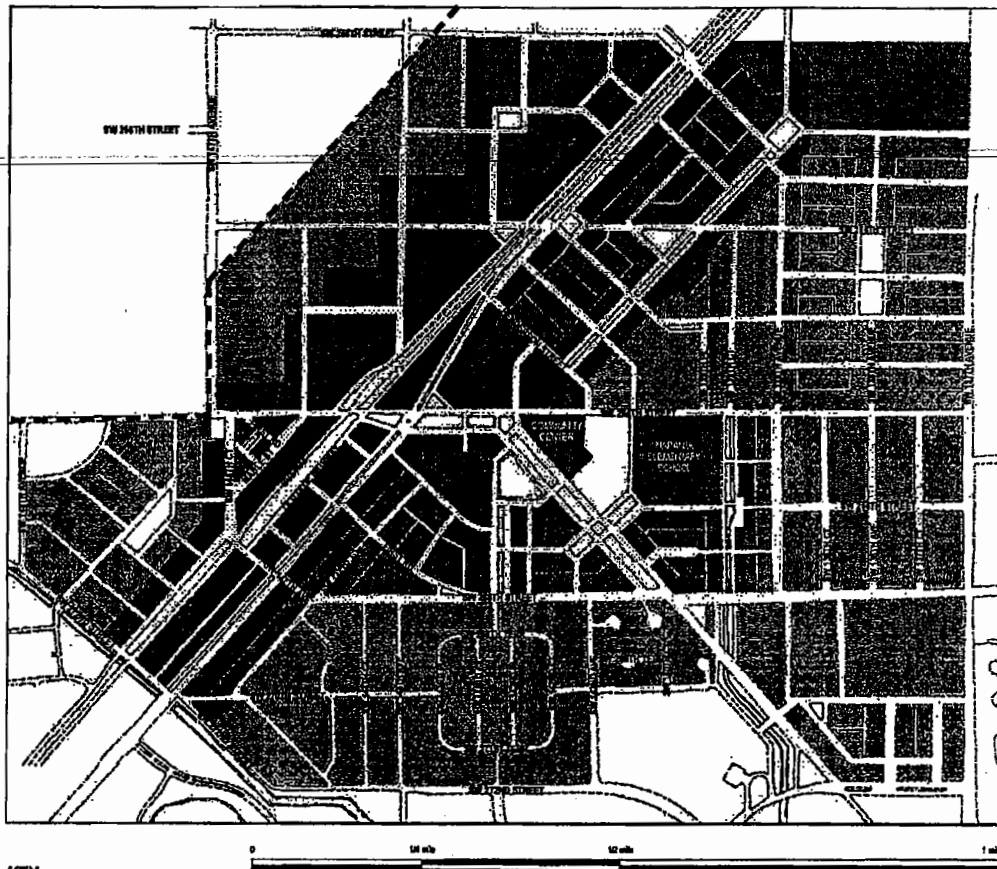
KEY





-  Core Sub-District
-  Center Sub-District
-  Edge Sub-District
-  Urban Development Boundary

]]

5

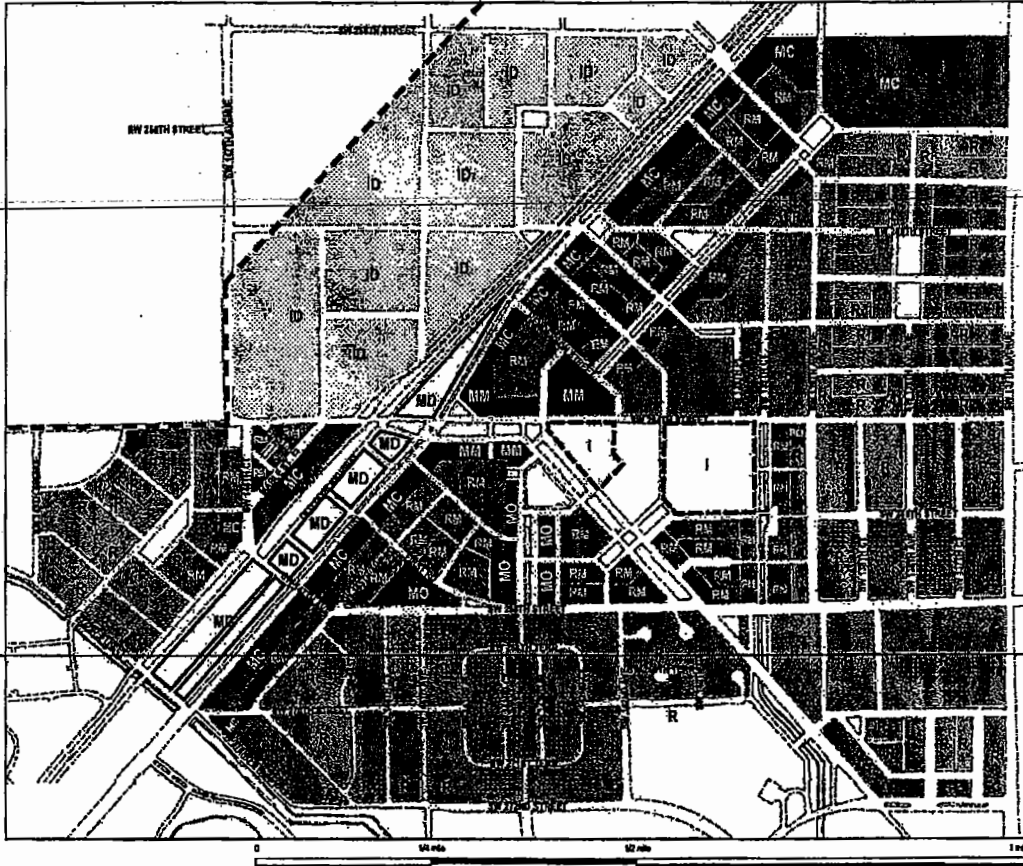
>>B. Sub-districts Plan



- KEY**
-  Core Sub-District
 -  Center Sub-District
 -  Edge Sub-District
 -  Urban Development Boundary

[[C. Land Use Plan

See Section 33-284.68 on this Code for specific permitted uses in each land use area.



KEY

MM: Mixed-use (Main Street): 1st floor - businesses, professional offices, civic, education and government offices; 2nd floor and above - residential and live-work units (Min. 12 units/acre net, Max. 62 units/acre net or a Max. 60 units/acre net with purchase of SUR* at the rate of 2 residential credits/SUR*)

MC: Mixed-use Corridor: Residential, businesses, professional offices, civic, education and government offices (Min. 12 units/acre net, Max. 62 units/acre net or a Max. 60 units/acre net with purchase of SUR* at the rate of 2 residential credits/SUR*)

MC: Mixed-use Optional: 1st floor (optional) - businesses, live-work, professional offices, civic, education and government offices; all floors - residential (Min. 12 units/acre net, Max. 62 units/acre net or a Max. 60 units/acre net with purchase of SUR* at the rate of 2 residential credits/SUR*)

RM: Residential Modified: Duplex, row-house, and small apartments (Min. 12 units/acre net, Max. 38 units/acre net)

R: Residential: single family detached, duplex and rowhouse dwellings (Min. 8 units/acre net, Max. 18 units/acre net)

MD: Market District: all floors - outdoor produce markets are permitted. In addition, all uses permitted in the Mixed-use Corridor (MC).

ID: Industrial District: In all floors and all Sub-districts - I/C use and live-work units. In addition, for properties facing US1 in the Core and Center Sub-districts, all uses permitted in the Mixed-use Corridor (MC); for the Center Sub-district, all uses and density permitted in the Residential Modified (RM); and in the Edge Sub-district, all uses and density permitted in the Residential (R) are allowed as per Sec. 33-284.68 (A)(2).

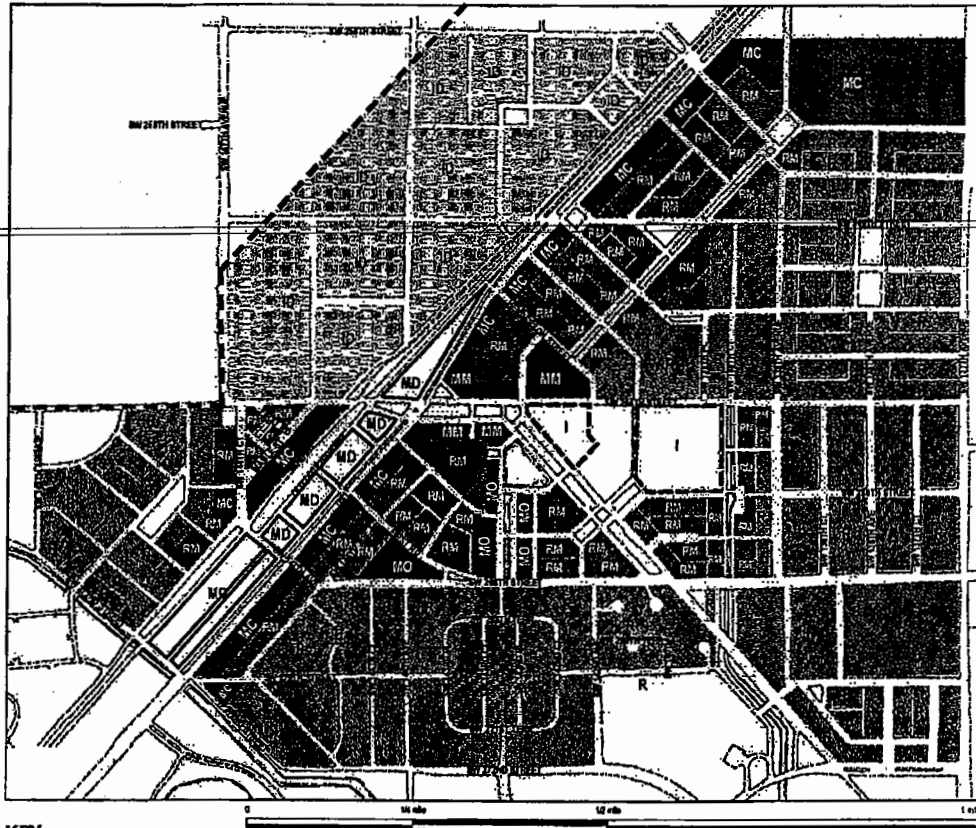
I: Institutional: Civic, education and government offices. Community center is designated to be publicly developed. If community center is privately developed then the Mixed-use (Main Street) criteria shall apply.

Urban Development Boundary

* SUR: Severable Use Right as provided for in Sections 33B-41 to 33B-47 of this Code.



>>C. Land Use Plan



KEY:

MM MIXED-USE MAIN STREET
First and second floors - businesses, professional offices, civic, education and government offices; Second floor and above - residential; live-work units (Min. 12 units/acre net, Max. 52* units/acre net)

MC MIXED-USE CORRIDOR
Residential, businesses, professional offices, civic, education and government offices (Max. 52* units/acre net)

MO MIXED-USE OPTIONAL
First floor (optional) - businesses, live-work, professional offices, civic, education and government offices; all floors - residential (Min. 12 units/acre net, Max. 52* units/acre net)

I INSTITUTIONAL
Civic, education and government offices. Community center is designated to be publicly developed. If community center is privately developed then the Mixed-use (Main Street) criteria shall apply.

RM RESIDENTIAL MODIFIED
Duplex, rowhouse, urban villa, apartment dwellings (Min. 12 units/acre net, Max. 38 units/acre net)

R RESIDENTIAL
Single family detached, duplex, urban villa, rowhouse dwellings (Min. 6 units/acre net, Max. 18 units/acre net)

MD MARKET DISTRICT
Outdoor produce markets are permitted. In addition, all uses permitted in the Mixed-use Corridor (MC).

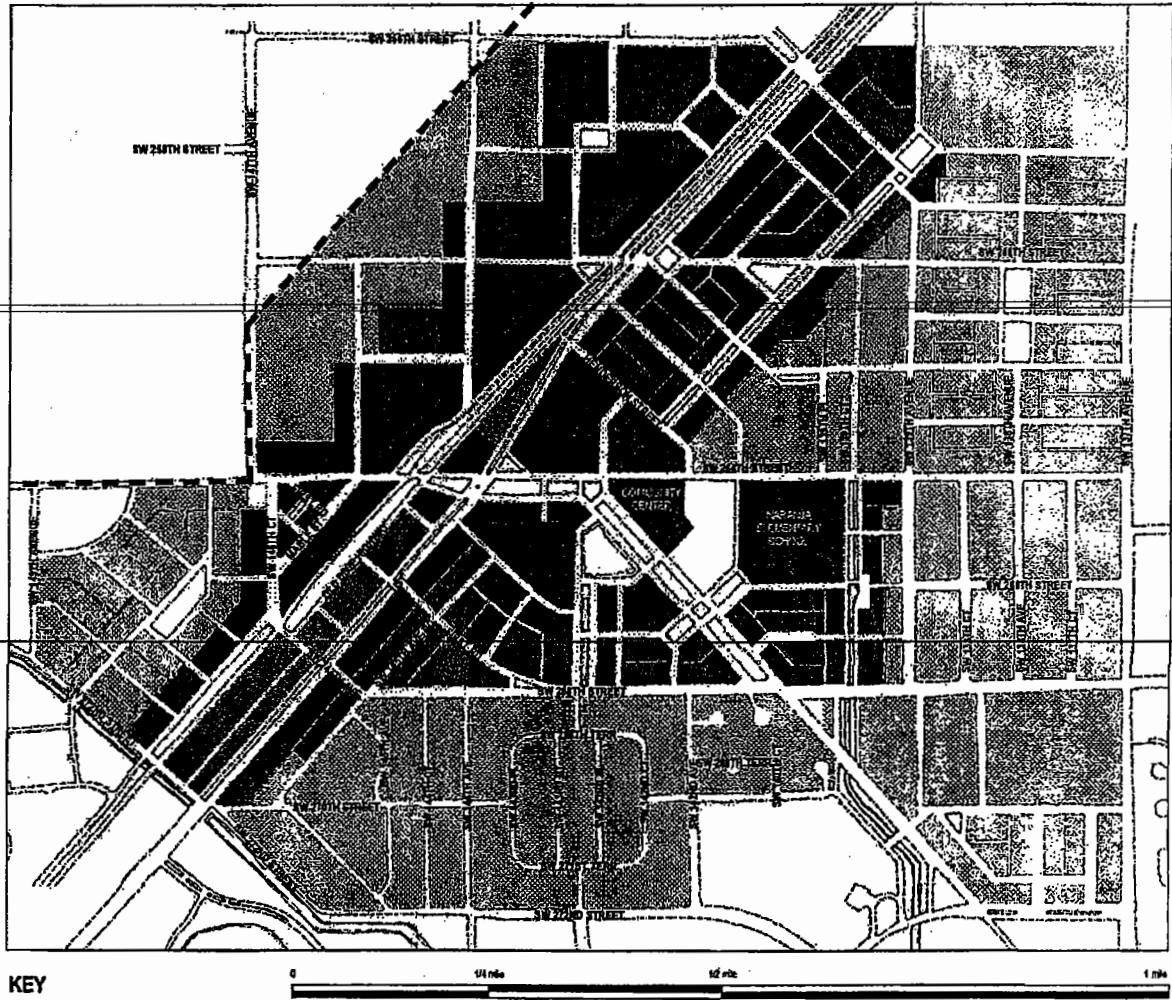
ID INDUSTRIAL
In all floors and all Sub-districts - IUC uses and live-work units. In addition, for properties facing U.S. 1 in the Core and Center Sub-districts, all uses permitted in the Mixed-use Corridor (MC); in the Center Sub-district, all uses and density permitted in the Residential Modified (RM); and in the Edge Sub-district, all uses and density permitted in the Residential (R) are allowed as per Sec. 33-284.68(A)(2).






Urban Development Boundary

See Sections 33-284.68 and 33-284.83 of this code for specific permitted uses in each land use area.

*Residential density may be increased through the use of Severable Use Rights (SURs). See Sec. 33B-45(g)(15) of this code for applicability.

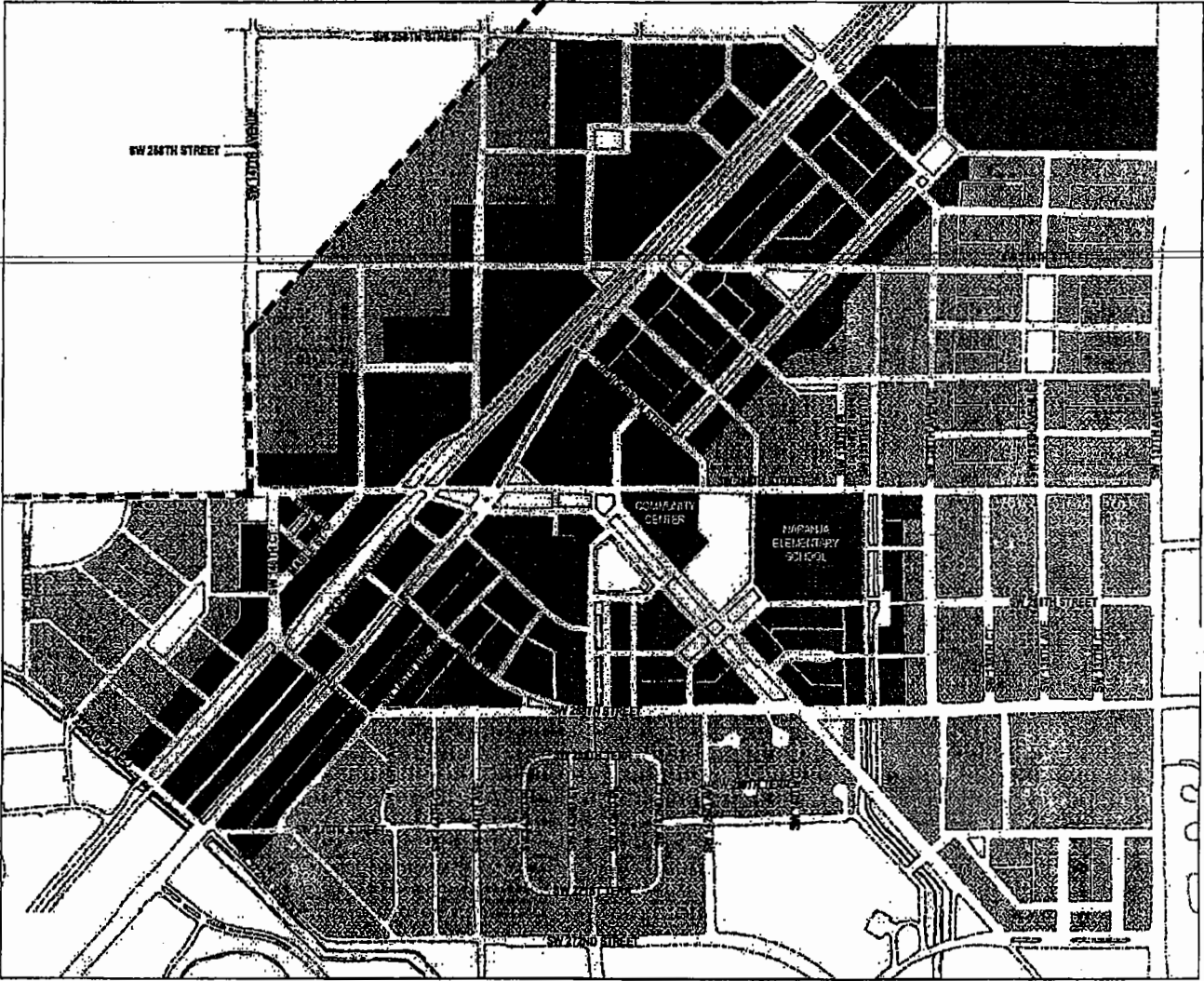
[[D. Building Heights Plan



- KEY**
-  Minimum 3 - Maximum 6 Floors
 -  Minimum 2 - Maximum 4 Floors
 -  2 Floors
 -  Minimum 1 - Maximum 2 Floors
 -  Urban Development Boundary





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>>D. Building Heights Plan



KEY



-  Minimum 3 - Maximum 6 Floors
-  Minimum 2 - Maximum 4 Floors
-  Maximum 2 Floors
-  Urban Development Boundary



<<

Section 2. Sec. 33-284.70 of the Code of Miami-Dade County, Florida, is

hereby amended as follows:

Sec. 33-284.70. Building Placement and Street Type Development Parameters

A. All new development and redevelopment within the NCUC shall comply with the Building Placement and Design Parameters as provided in Section 33-284.85 of this code. >> Outdoor produce markets in the Market District shall comply with the Building Placement for Civic Uses in section 33-284.85 of this code.<<

* * *

C. Unless otherwise provided by the Building Placement and Design Parameters in section 33-284.85 of this code, the following ~~[[front and side]]~~ street setbacks shall be required >> for mixed-use/industrial buildings located in areas designated as MM, MC, MO, MD and ID<< within the NCUC:

[[Street type—	Required Setback—					
	Core—		Center—		Edge—	
—	Front—	Side—	Front—	Side—	Front—	Side—
U.S. 1—	0' *—	0'—	10' ***—	0' or 6'—	10' or 15' ***—	0' or 6'—
Main Street—	0' *—	0'—	10' ***—	0' or 6'—	10' or 15' ***—	**—
Boulevard—	**—	**—	**—	**—	**—	**—
Minor Street—	**—	**—	**—	**—	**—	**—
Service Road—	**—	**—	**—	**—	**—	**—
Pedestrian Passage—	**—	**—	**—	**—	**—	**—
Note: * colonnades required—						
** as provided in Section 33-284.85 of this code—						
*** if a colonnade is provided the front setback shall be 0']]						

>>Street Type	Required Setback		
	Core	Center	Edge
U.S. 1	0' *	10' **	10' or 15' **
Main Street	0' *	10' **	10' or 15' **
Boulevard	0' or 10' **	0' or 10' **	10' or 15' **
Minor Street	10' **	10' **	10' **
Note: * colonnade required ** if a colonnade is provided the front setback shall be 0' N/A not applicable<<			

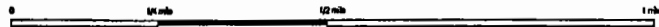
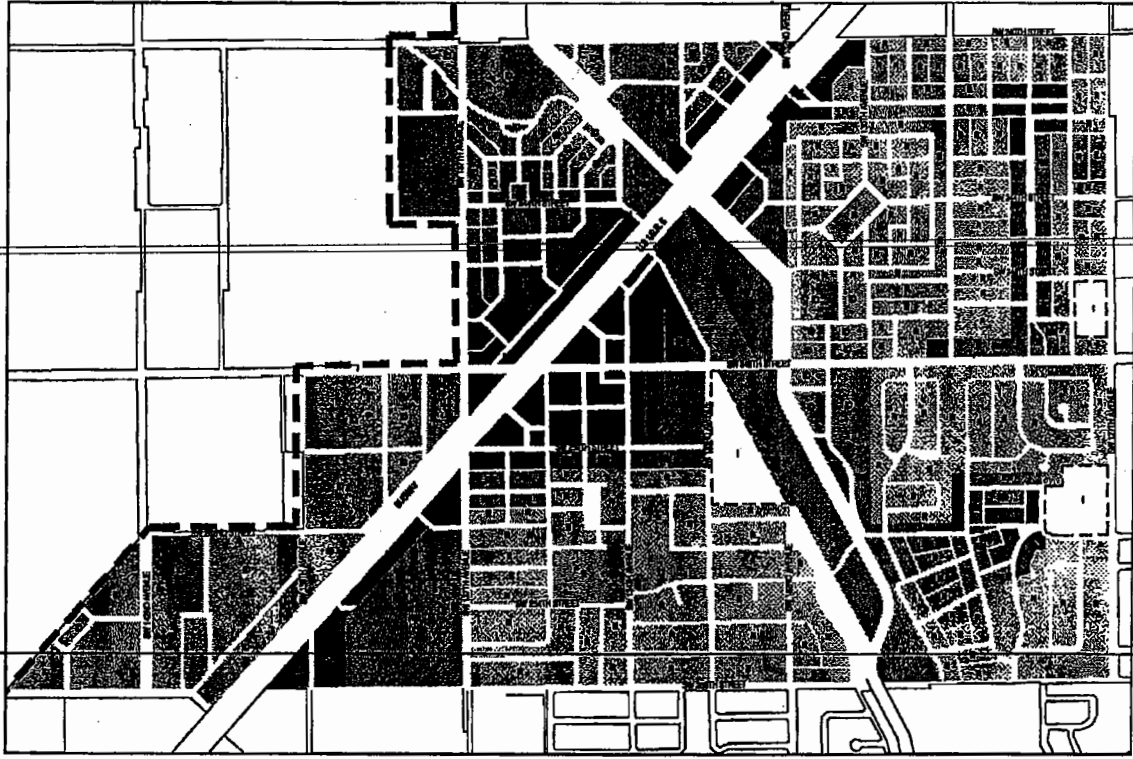
Section 3. Sec. 33-284.99.2 of the Code of Miami-Dade County, Florida, is

hereby amended by replacing the Land Use Plan as follows:

Sec. 33-284.99.2. The Regulating Plans

* * *

[[C. Land Use Plan



KEY:

- MM MIXED USE MAIN STREET**
First floor: businesses; professional offices; civic, education and government offices; second floor and above: residential (min. 12 units/acre net; max. 52* units/acre net)
- MC MIXED USE CORRIDOR**
Residential; businesses; professional offices; civic, education and government offices (max. 52* units/acre net in the Core Sub-district; max. 38 units/acre net in the Center and Edge Sub-districts)
- MO MIXED USE OPTIONAL**
First floor (optional): businesses, professional offices, civic, education and government offices; All floors: residential (min. 12 units/acre net; max. 38 units/acre net)
- — URBAN DEVELOPMENT BOUNDARY**

- RM RESIDENTIAL MODIFIED**
Courtyard, sideyard, duplex, rowhouse, apartment dwellings (min. 12 units/acre net; max. 38 units/acre net)
- R RESIDENTIAL**
Single family detached, courtyard, sideyard, rowhouse, duplex dwellings (min. 8 units/acre net; max. 18 units/acre net)
- AD ARTS DISTRICT**
Live/work buildings, RM uses (min. 12 units/acre net; max. 52* units/acre net in the Core Sub-district; max. 38 units/acre net in the Center and Edge Sub-districts)
- SD MARKETPLACE SPECIAL DISTRICT**
Entertainment Center as per Sec. 33-284.86-1(B); IU-1 uses
- UD UTILITIES DISTRICT**
All uses permitted in GU district

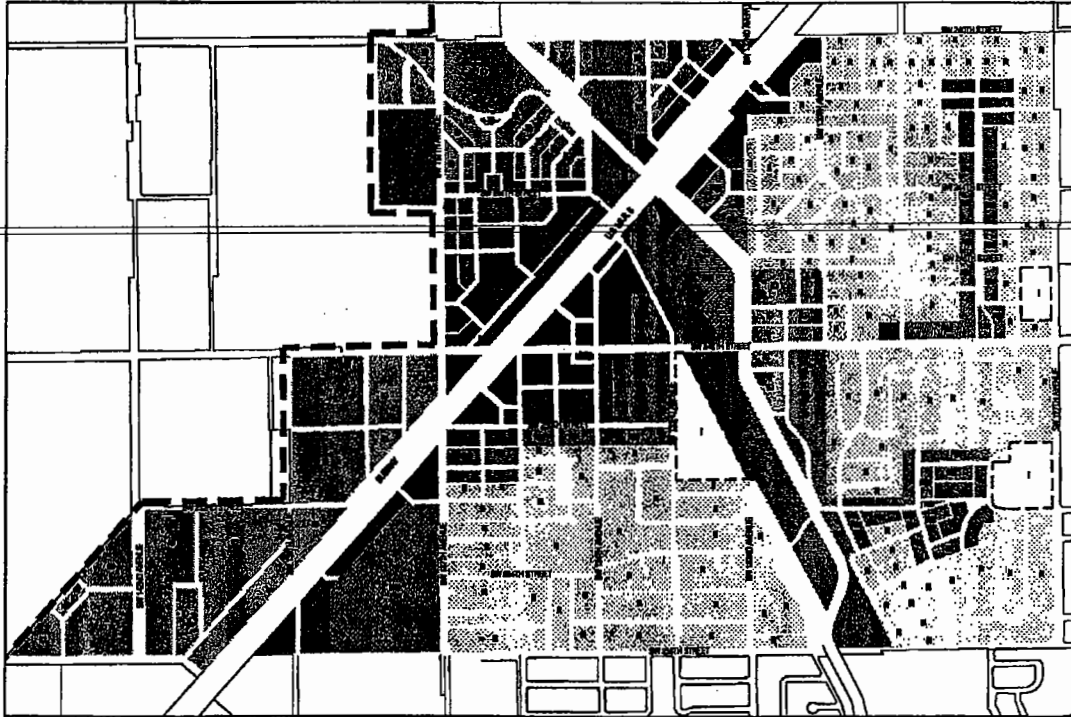
- ID INDUSTRIAL DISTRICT**
In all floors and all sub-districts: IU-1 uses; live/work units (max. 38 units/acre net); in the Center Sub-district, all uses and densities permitted in Residential Modified (RM); in the Edge Sub-district, all uses and densities permitted in Residential (R). R and RM uses shall comply with Sec. 33-284.83(A)(3)(c)
- I INSTITUTIONAL**
Civic, education, government offices

See Sections 33-284.83 and 33-284.95 of this code for specific permitted uses in each land use area.

*Max. 52 units/acre net or max. 60 units/acre net with purchase of SUR (Severable Use Right as provided for in Sections 33B-41 to 33B-47 of this Code) at the rate of 2 residential credits/SUR.

]]

>>C. Land Use Plan



KEY:

- MM MIXED USE MAIN STREET**
First and second floors: businesses; professional offices; civic, education and government offices; second floor and above: residential (min. 12 units/acre net; max. 62* units/acre net)
- MC MIXED USE CORRIDOR**
Residential; businesses; professional offices; civic, education and government offices (max. 52* units/acre net in the Core Sub-district; max. 38 units/acre net in the Center and Edge Sub-districts)
- MO MIXED USE OPTIONAL**
First floor (optional): businesses, professional offices, civic, education and government offices; All floors: residential (min. 12 units/acre net; max. 38 units/acre net)

- RM RESIDENTIAL MODIFIED**
Courtyard, sideyard, duplex, rowhouse, urban villa, apartment dwellings (min. 12 units/acre net; max. 38 units/acre net)
- R RESIDENTIAL**
Single family detached, courtyard, sideyard, rowhouse, urban villa, duplex dwellings (min. 6 units/acre net; max. 16 units/acre net)
- AD ARTS DISTRICT**
Live/work buildings, RM uses (min. 12 units/acre net; max. 62* units/acre net in the Core Sub-district; max. 38 units/acre net in the Center and Edge Sub-districts)
- SD MARKETPLACE SPECIAL DISTRICT**
Entertainment Center as per Sec. 33-284.99.1(B); IU-1 uses
- UD UTILITIES DISTRICT**
All uses permitted in GU district

- ID INDUSTRIAL DISTRICT**
In all floors and all sub-districts: IU-1 uses; live/work units (max. 38 units/acre net); In the Center Sub-district, all uses and densities permitted in Residential Modified (RM); In the Edge Sub-district, all uses and densities permitted in Residential (R). R and RM uses shall comply with Sec. 33-284.83(A)(3)(c)
- I INSTITUTIONAL**
Civic, education, government offices



See Sections 33-284.83 and 33-284.95 of this code for specific permitted uses in each land use area.

*Residential density may be increased through the use of Severable Use Rights (SURs). See Sec. 33B-45(g)(15) of this code for applicability.

URBAN DEVELOPMENT BOUNDARY

<<

* * *

14

Section 4. 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 5. It is the intention of this Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and made part of the Code of Miami-

Dade County, Florida. The section 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 6. 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: July 10, 2007

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Dennis A. Kerbel

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum



(Second Reading 07-10-07)

Date: May 22, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 7(E)

From: George M. Barreiro
County Manager

Subject: Ordinance Revising Zoning and other Land Development Regulations Pertaining
to the Goulds Community Urban Center District Regulations

0#07-95

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance updating the Goulds Community Urban Center District Regulations.

Scope

This ordinance impacts the Goulds Community Urban Center area located in Commission District 9.

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor

Not applicable.


Background

Ordinance 05-144 was adopted on July 7, 2005 and created article XXXIII(L) of the Code of Miami-Dade County – Goulds Community Urban Center District Regulations (GCUCD). These regulations implement the land use recommendations included in the Goulds Charrette Report that was accepted by the Board of County Commissioners (BCC) in 2003. The purpose of this ordinance is to update certain regulatory criteria that guide development within the GCUCD to address issues resulting from the ongoing processing of site plan applications and to accommodate certain existing conditions that were unanticipated at the time the regulations were originally adopted.

Specifically, this ordinance proposes to update the GCUCD Regulations by (1) revising the Land Use Regulating Plan in order to provide for the *urban villa*, an infill single-family residential unit, reducing the minimum single-family residential density from 8 units per acre to 6 units per acre in order to encourage infill development on existing platted lots, and provide for retail and office uses in the second floor of buildings located in Mixed-Use Main Street (MM) designated areas; (2) revising the Designated Open Space Regulating Plan to eliminate certain open spaces required on properties that had been owned by Miami-Dade County at the time the original ordinance was adopted but have since come under private ownership; (3) revising the building placement and street type development parameters to reflect the reconstruction of SW 216 Street by the Public Works Department. In addition, the

Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners
Page 2

proposed ordinance seeks to amend Section 33-133 of the Code to reflect the revised minimum zoned right-of-way width of SW 216 Street west of U.S. 1.



Assistant County Manager

2

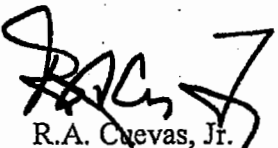


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM: 
R.A. Cuevas, Jr.
Acting County Attorney

SUBJECT: Agenda Item No. 7(E)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(E)

07-10-07

ORDINANCE NO. 07-95

ORDINANCE REVISING ZONING AND OTHER LAND DEVELOPMENT REGULATIONS PERTAINING TO THE GOULDS COMMUNITY URBAN CENTER DISTRICT ("GOULDS REGULATIONS"), AMENDING SECTIONS 33-284.94 THROUGH 33-284.95, CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"), PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF

MIAMI-DADE COUNTY, FLORIDA:

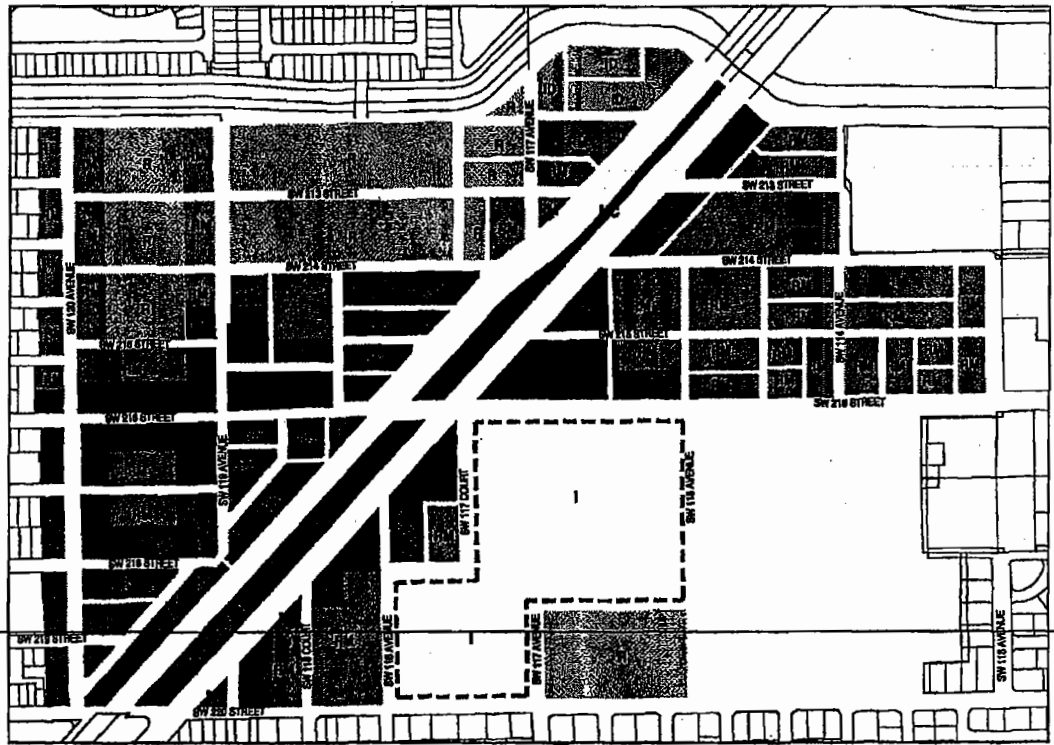
Section 1. Sec. 33-284.94 of the Code of Miami-Dade County, Florida, is hereby amended by replacing the Land Use and the Designated Open Space Plans as follows¹:

Sec. 33-284.94. The 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.

* * *

[[C.— Land Use Plan



KEY:

- MI MIXED USE MAIN STREET**
First floor: businesses, professional offices, civic, education and government offices; second floor and above: residential (min. 12 units/acre net; max. 52 units/acre net)
- MC MIXED USE CORRIDOR**
Residential; businesses; professional offices; civic, education and government offices (max. 62 units/acre net in the Core Sub-district; max. 36 units/acre net in the Center and Edge Sub-districts)
- MO MIXED USE OPTIONAL**
First floor (optional): businesses, professional offices, civic, education and government offices; All floors: residential (min. 12 units/acre net; max. 36 units/acre net)
- RM RESIDENTIAL MODIFIED**
Courtyard, sideyard, duplex, rowhouse, apartment dwellings (min. 12 units/acre net; max. 36 units/acre net)
- R RESIDENTIAL**
Single family detached, courtyard, sideyard, rowhouse, duplex dwellings (min. 8 units/acre net; max. 18 units/acre net)
- SD STOREPORCH SPECIAL DISTRICT**
Entertainment Center as per Sec. 33-284.83 (B); RM uses
- ID INDUSTRIAL DISTRICT**
In all floors and all sub-districts: IU-1 uses; live/work units (max. 38 units/acre net); in the Center Sub-district, all uses and densities permitted in Residential Modified (RM); in the Edge Sub-district, all uses and densities permitted in Residential (R). R and RM uses shall comply with Sec. 33-284.83(A)(5)(c).
- I INSTITUTIONAL**
Civic, education, government offices



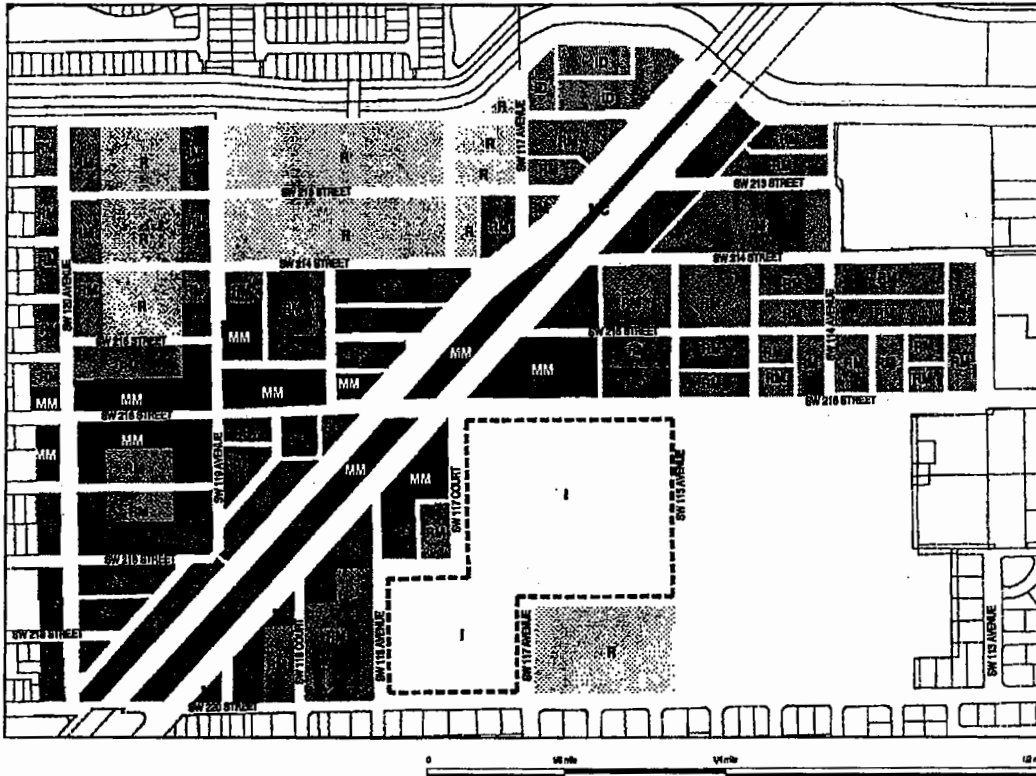
See Sections 33-284.83 and 33-284.95 of this code for specific permitted uses in each land use area.

*Max. 52 units/acre net or max. 60 units/acre net with purchase of SUR (Severable Use Right as provided for in Sections 33B-41 to 33B-47 of this Code) at the rate of 2 residential credits/SUR.

]]

5

>> C. Land Use Plan



KEY:

- MM MIXED USE MAIN STREET**
First and second floors: businesses; professional offices; civic, education and government offices; second floor and above: residential (min. 12 units/acre net; max. 52* units/acre net)
- MC MIXED USE CORRIDOR**
Residential; businesses; professional offices; civic, education and government offices (max. 52* units/acre net in the Core Sub-district; max. 36 units/acre net in the Center and Edge Sub-districts)
- MO MIXED USE OPTIONAL**
First floor (optional): businesses, professional offices, civic, education and government offices; All floors: residential (min. 12 units/acre net; max. 36 units/acre net)

- RM RESIDENTIAL MODIFIED**
Courtyard, sideyard, duplex, rowhouse, urban villa, apartment dwellings (min. 12 units/acre net; max. 36 units/acre net)
- R RESIDENTIAL**
Single family detached, courtyard, sideyard, rowhouse, urban villa, duplex dwellings (min. 6 units/acre net; max. 18 units/acre net)
- SD STOREPORCH SPECIAL DISTRICT**
Uses provided in Sec. 33-284.93 of this code

- ID INDUSTRIAL DISTRICT**
In all floors and all sub-districts: IU-1 uses; live/work units (max. 36 units/acre net); in the Center Sub-district, all uses and densities permitted in Residential Modified (RM); in the Edge Sub-district, all uses and densities permitted in Residential (R). R and RM use shall comply with Sec. 33-284.83(A)(3)(c).
- I INSTITUTIONAL**
CMC, education, government offices

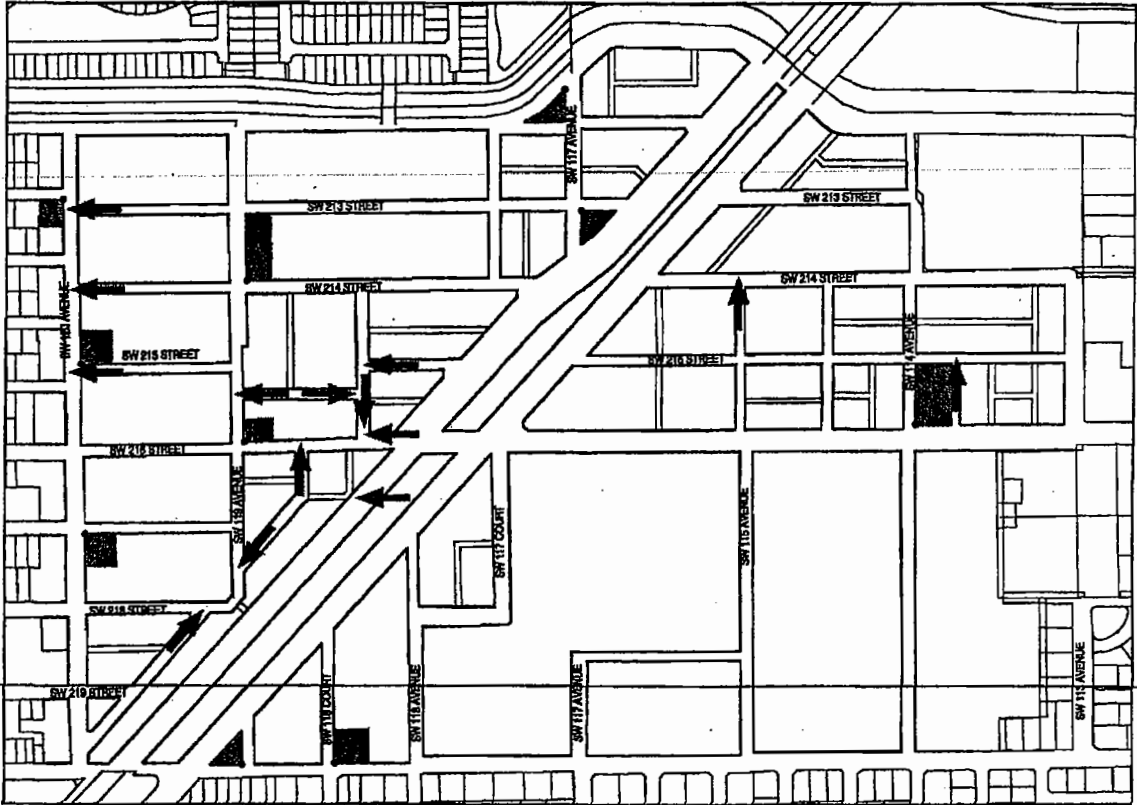
See Sections 33-284.83 and 33-284.93 of this code for specific permitted uses in each land use area.

*Residential density may be increased through the use of Severable Use Rights (SURs). See Sec. 33B-45(g)(15) of this code for applicability.

<<

* * *

[[E.— Designated Open Space Plan



KEY:

— PROPOSED BLOCKS G Green, S Square, P Plaza

■ DESIGNATED OPEN SPACE

← STREET VISTA

• ANCHOR POINT

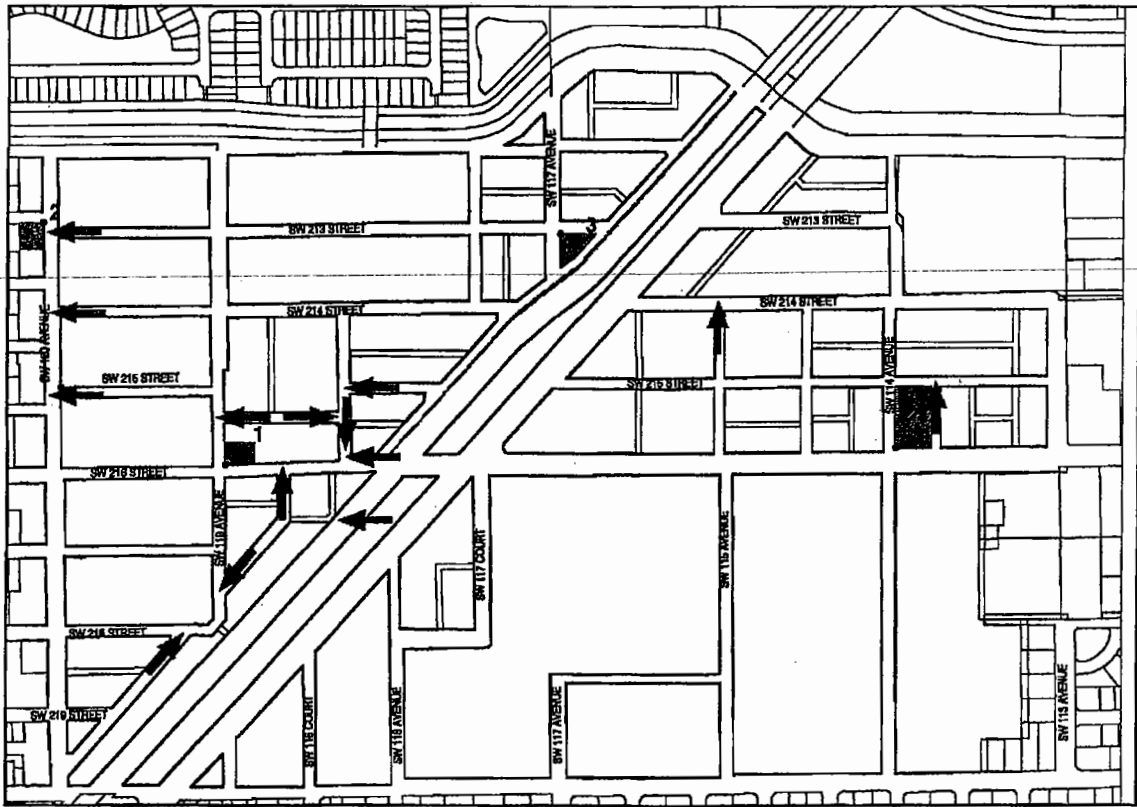
No	Type	Area
1	P	10,500 SF
2	G	17,500 SF
3	G	17,000 SF
4	G	10,000 SF
5	G	27,000 SF
6	G	9,000 SF
7	S	10,000 SF
8	S	8,500 SF
9	G	19,000 SF
10	S	35,500 SF



Open space, where an anchor point is shown, shall provide the general square footage shown in this Designated Open Space Plan.

Open space, where an anchor point is not shown, shall be developed according to the Street Type Development Parameters.

]]>>E. Designated Open Space Plan



KEY:

- PROPOSED BLOCKS G Green, S Square, P Plaza
- DESIGNATED OPEN SPACE
- STREET VISTA
- ANCHOR POINT

No	Type	Area
1	P	10,500 SF
2	G	10,000 SF
3	S	10,000 SF
4	S	35,500 SF



Open space, where an anchor point is shown, shall provide the general square footage shown in this Designated Open Space Plan.

Open space, where an anchor point is not shown, shall be developed according to the Street Type Development Parameters.

<<

* * *

Section 2. Sec. 33-284.95 of the Code of Miami-Dade County, Florida, is

hereby amended by replacing the Street Type Parameters for SW 216 Street as follows:

**Sec. 33-284.95. Building Placement and Design and Street Type
Development Parameters**

* * *

[[

SW 216 STREET/MAIN STREET																									
WEST OF U.S. 1 - CORE																									
<p>STREET SECTION</p> <p>Key: s: sidewalk g: green c: curb and gutter ln: lane med: median p: parking bl: bike lane col: colonnade</p> <p>PL: property line Min: Minimum Max: Maximum Req: Required Ded: Dedication</p> <p>— Build to Line - - - Property Line</p>	<table border="1" style="margin: 0 auto; text-align: center;"> <tr> <td colspan="6">60'</td> </tr> <tr> <td>5'2"</td> <td>7"</td> <td>11'</td> <td>10"</td> <td>11'</td> <td>7" 2'6"</td> </tr> <tr> <td>s</td> <td>c</td> <td>p</td> <td>ln</td> <td>ln</td> <td>p</td> </tr> <tr> <td>c</td> <td>s</td> <td>p</td> <td>ln</td> <td>ln</td> <td>c</td> </tr> </table>	60'						5'2"	7"	11'	10"	11'	7" 2'6"	s	c	p	ln	ln	p	c	s	p	ln	ln	c
60'																									
5'2"	7"	11'	10"	11'	7" 2'6"																				
s	c	p	ln	ln	p																				
c	s	p	ln	ln	c																				
LANDSCAPE/ OPEN SPACE	<p>Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Street trees shall be planted in 5' x 5' tree grates. Permanent Irrigation is required.</p>																								
PARKING	<p>On-street parking shall count towards the minimum required parking.</p>																								
OTHER ELEMENTS	<p>A colonnade shall be required on both sides of the Main Street when Build-to line is 0' and shall occupy the full length of the building frontage. On all Boulevard intersections, the median shall have a mountable curb. If additional travel lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional travel lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.</p>																								

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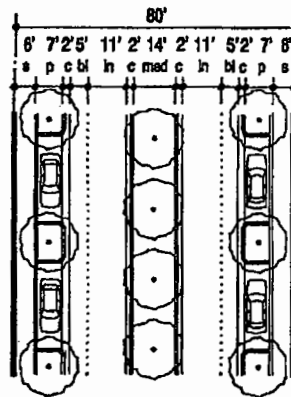
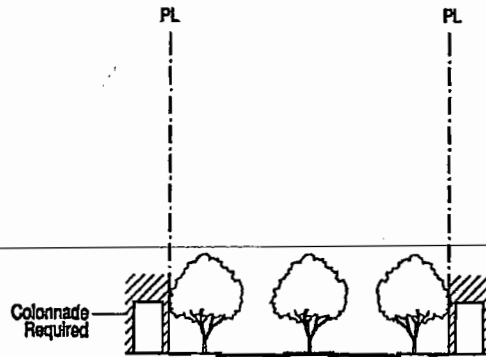
SW 216 STREET/MAIN STREET

WEST OF U.S. 1 - CORE

STREET SECTION

Key:
 s: sidewalk
 g: green
 c: curb and gutter
 ln: lane
 med: median
 p: parking
 bl: bike lane
 col: colonnade
 PL: property line
 Min: Minimum
 Max: Maximum
 Req: Required
 Ded: Dedication

—— Build to Line
 - - - - Property Line



LANDSCAPE/ OPEN SPACE

Parking lot buffers and street trees shall meet all requirements of Chapter 18-A of this Code and this Article except street trees shall have a minimum diameter breast height of 4". Street trees shall be planted in 5' x 5' tree grates. Permanent irrigation is required.

PARKING

On-street parking shall count towards the minimum required parking.

OTHER ELEMENTS

A colonnade shall be required on both sides of the Main Street when Build-to line is 0' and shall occupy the full length of the building frontage. On all Boulevard intersections, the median shall have a mountable curb. If additional travel lanes are provided the outer lanes shall be a maximum of 11' wide and the inner lanes shall be a maximum of 10' wide. Additional travel lanes shall only be added provided that all the street parameters are maintained, at a minimum, as depicted above.

<<

Section 3. Sec. 33-133 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 33-133. Right-of-way plan and minimum width of streets and ways.

The minimum right-of-way widths for streets, roads and public ways for the unincorporated area of the County shall be as follows:

* * *

(B) EAST AND WEST STREETS

* * *

East-West South Street

* * *

(28)(a) Coral Reef Drive (SW 152 Street) from Ludlam
Road to West Old Cutler Road..... 110

(a.1) Hainlin Mill Drive (SW 216 Street) from Biscayne
Bay bulkhead line to SW 177 Ave, except as noted
below..... 110

Note: SW 216 Street from State Road No. 5 (US No. 1)
To SW 127 Avenue..... ~~[[60]]~~ >>80<<

Section 4. 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 5. It is the intention of this Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and made part of the Code of Miami-Dade County, Florida. The section 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 6. 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: July 10, 2007

Approved by County Attorney as
to form and legal sufficiency:

CMAS

Prepared by:

DK

Dennis A. Kerbel

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum



(Second Reading 07-10-07)

Date: May 22, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 7(D)

From: George M. Burgess
County Manager

Subject: Ordinance Revising Zoning and other Land Development Regulations Pertaining
to the Ojus Urban Area District

0#07-94

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance updating the Ojus Urban Area District Regulations.

Scope

This ordinance impacts the area of the Ojus Urban Area located in Commission District 4.

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor

Not applicable.

Background

Ordinance 06-86 was adopted on June 6, 2006 and created article XXXIII(O) of the Code of Miami-Dade County – Ojus Urban Area District Regulations (OUAD). These regulations implement the land use recommendations included in the Ojus Charrette Report that was accepted by the Board of County Commissioners (BCC) in 2004. The purpose of this ordinance is to update certain regulatory criteria that guide development within the OUAD to address issues resulting from the ongoing processing of site plan applications and to accommodate certain existing conditions that were unanticipated at the time the regulations were originally adopted.

Specifically, this ordinance proposes to update the OUAD Regulations to (1) revise the Land Use Regulating Plan in order to provide for the *urban villa*, an infill single-family residential dwelling unit, reduce the minimum single-family residential density from 8 units per acre to 6 units per acre in order to encourage infill development on existing platted lots, and provide for retail and office uses in the second floor of buildings located in Mixed-Use Main Street (MM) designated areas; (2) delete the definition of *lofts* - standards for residential lofts are being comprehensively addressed by a proposed, concurrent amendment to the Standard Urban Center District Regulations; (3) revise the Street Types Plan and the Designated Open Space Plan as per request of the Board of County Commissioners at the Ojus Urban Area rezoning hearing of March 8, 2007; and (4) revise

Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners
Page 2

the building placement and street type development parameters to clarify setback requirements for mixed-use areas.



Assistant County Manager

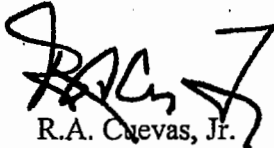


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM: 
R.A. Cnevas, Jr.
Acting County Attorney

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(D)

07-10-07

ORDINANCE NO. 07-94

ORDINANCE REVISING ZONING AND OTHER LAND DEVELOPMENT REGULATIONS PERTAINING TO THE OJUS COMMUNITY URBAN AREA DISTRICT ("OJUS REGULATIONS"), AMENDING SECTIONS 33-284.99.16, 33-284.99.18 THROUGH 33-284.99.19, AND DELETING SECTION 33-284.99.16, CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"), PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Sec. 33-284.99.16 of the Code of Miami-Dade County, Florida, is hereby deleted as follows¹:

~~[[Sec. 33-284.99.16-Definitions.~~

~~In addition to the definitions in Sec. 33-284.82 of this code, the following term shall be defined as follows:~~

~~Loft: a single family unit with a mezzanine area that shall not exceed 80 percent of the floor area below. In the Core and Center Sub-districts, the height of a loft shall count as one story. In the Edge Sub-district, the additional height provided by the inclusion of a loft shall count as an additional story.]]~~

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.

Section 2. Sec. 33-284.99.17 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-284.99.17. Uses

Except as provided herein, all permitted, conditionally permitted, and temporary uses within the OUAD shall comply with Section 33-284.83 of this Code.

* * *

3. *No civic uses shall be permitted in areas designated R on the Land Use Regulating Plan >>, except for educational facilities on properties not to exceed 5 acres<<.*

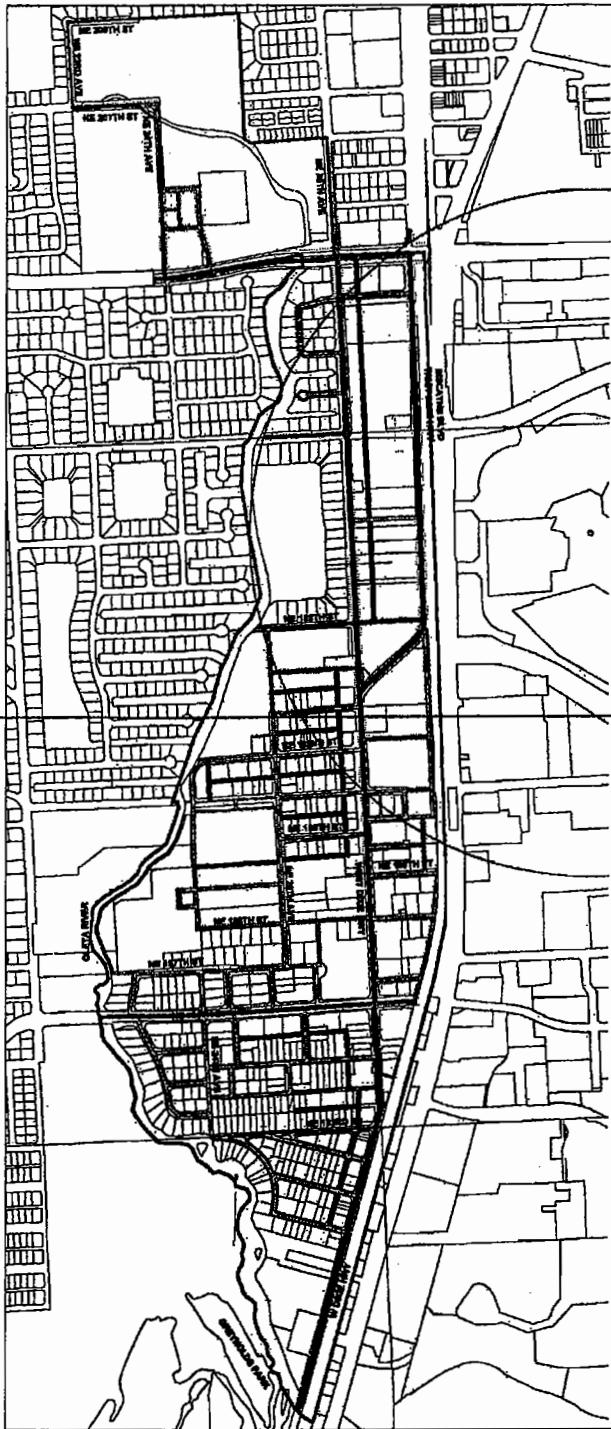
* * *

Section 3. Sec. 33-284.99.18 of the Code of Miami-Dade County, Florida, is hereby amended by replacing the Street Types, Land Use and Designated Open Space Plans as follows:

Sec. 33-284.99.18. The Regulating Plans







5

[[A.—Street Types Plan

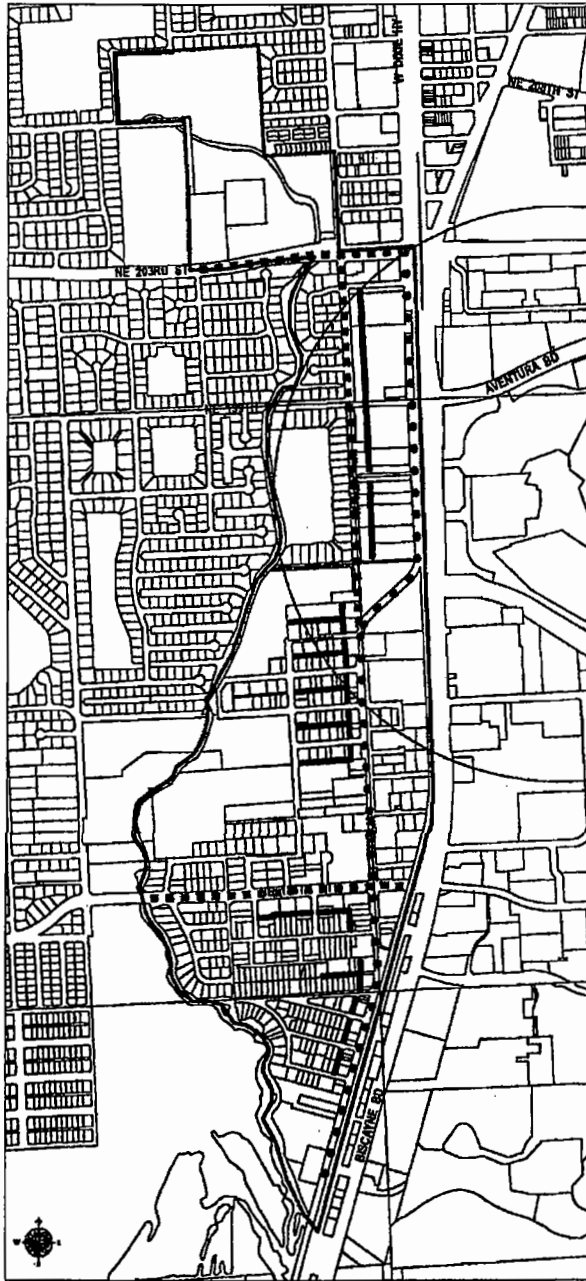


STREET TYPES

KEY

-  Main Street: West Dixie Highway
-  Boulevard
-  Minor Street
-  Service Roads
Core/Center Sub-district (required)
-  MUC Circle
-  Ojus Urban Area Boundary

>> A. Street Types Plan

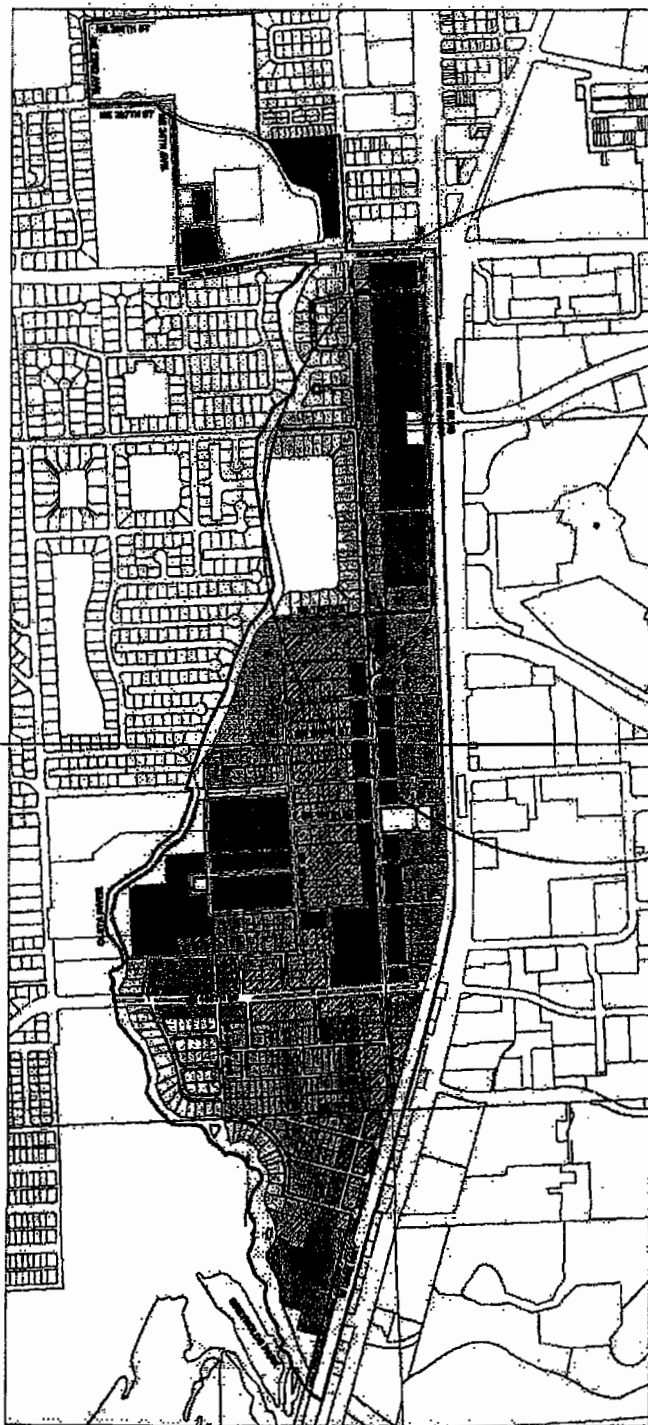


- KEY**
- Main Street: West Dixie Highway
 - ■ ■ Boulevard
 - Minor Street
 - Service Roads
 - MUC Circle
 - - - Ojus Urban Area Boundary

<<















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[[C. Land Use Plan



Land Uses

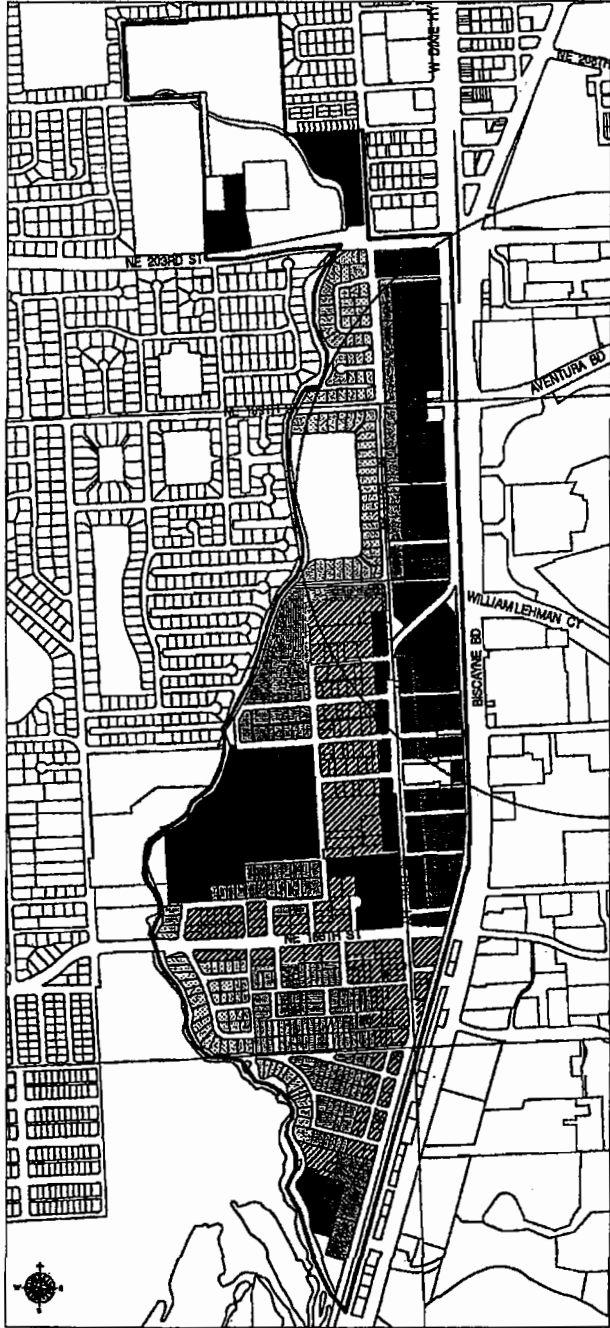
KEY

-  **MM: Mixed-use Main Street:** 1st floor - businesses, professional offices, civic, education and government offices; 2nd floor and above - residential (Min. 12 units/acre net, Max. 52 units/acre net or Max. 60 units/acre net with the use of SUR*)
-  **MM: Mixed-use Main Street:** 1st floor - businesses, professional offices, civic, education and government offices; 2nd floor and above - residential (Min. 12 units/acre net, Max. 36 units/acre net)
-  **MC: Mixed-use Corridor:** residential, businesses, professional offices, civic, education and government offices (Max. 52 units/acre net or Max. 60 units/acre net with the use of SUR*)
-  **MC: Mixed-use Corridor:** residential, businesses, professional offices, civic, education and government offices (Max. 62 units/acre net or Max. 60 units/acre net with the use of SUR*)
-  **MC: Mixed-use Corridor:** residential, businesses, professional offices, civic, education and government offices (Max. 36 units/acre net)
-  **RM: Residential Modified:** Rowhouse, and apartments (Min. 12 units/acre net, Max. 52 units/acre net or Max. 60 units/acre net with the use of SUR*)
-  **RM: Residential Modified:** Rowhouse, and small apartments (Min. 12 units/acre net, Max. 36 units/acre net)
-  **RM: Residential Modified:** Duplex, rowhouse, and live-work (Min. 6 units/acre net, Max. 18 units/acre net)
-  **R: Residential:** Single family detached dwellings (Max. 6 units/acre net)
-  **R: Residential:** Single family detached, duplex and rowhouse dwellings (Min. 6 units/acre net, Max. 13 units/acre net)
-  **ID: Industrial District:** In all floors and all Sub-districts: IUI uses are permitted and IU-2 uses after public hearing. In addition:
 1. MC (Max. 52 units/acre net or Max. 60 units/acre net with the use of SUR*)
 2. Live-work units
 3. South of NE 195 St: MM along West Dixie Highway only (Min. 12 units/acre net, Max. 52 units/acre net or Max. 60 units/acre net with the use of SUR*)
 4. RM along NE 26th Avenue only (Min. 12 units/acre net, Max. 36 units/acre net)
-  **I: Institutional:** Civic, education and government offices and residential as per Sec 33-284.99.16A.5 of this Code.
-  **MUC Circle**
-  **Urban Area Boundary**



See Section 33-284.99.16 on this Code for specific permitted uses in each land use area.
 * SUR: Severable Use Rights provided in Sections 33B-41 to 33B-47 of this code.

>>C. Land Use Plan



KEY

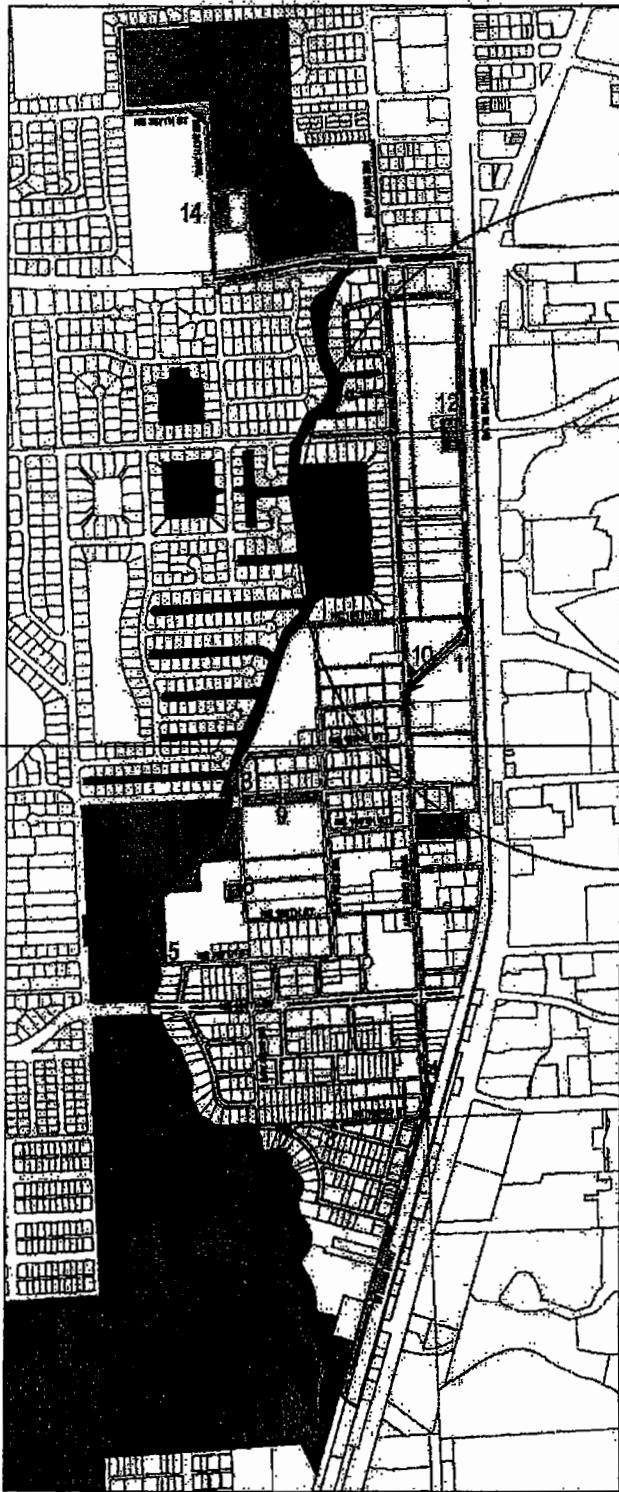
- MM:** Mixed-use Main Street: First and second floors - businesses, professional offices, civic, education and government offices; second floor and above - residential (Min. 12 units/acre net, Max. 52* units/acre net)
- MM:** Mixed-use Main Street: First and second floors - businesses, professional offices, civic, education and government offices; second floor and above - residential (Min. 12 units/acre net, Max. 38 units/acre net)
- MC:** Mixed-use Corridor: residential, businesses, professional offices, civic, education and government offices (Max. 52* units/acre net)
- MC:** Mixed-use Corridor: residential, businesses, professional offices, civic, education and government offices (Max. 32* units/acre net)
- MC:** Mixed-use Corridor: residential, businesses, professional offices, civic, education and government offices (Max. 38 units/acre net)
- RM:** Residential Modified: Rowhouse, urban villa, apartment dwellings (Min. 12 units/acre net, Max. 52* units/acre net)
- RM:** Residential Modified: Rowhouse, urban villa, apartment dwellings (Min. 12 units/acre net, Max. 38 units/acre net)
- RM:** Residential Modified: Duplex, urban villa, rowhouse, and live-work dwellings (Min. 8 units/acre net, Max. 18 units/acre net)
- R:** Residential: Single family detached dwellings (Max. 6 units/acre net)
- R:** Residential: Single family detached, duplex, urban villa, rowhouse dwellings (Min. 6 units/acre net, Max. 18 units/acre net)
- ID:** Industrial District: In all floors and all Sub-districts: IU-1 uses are permitted and IU-2 uses after public hearing. In addition:
 1. MC (Max. 52* units/acre net)
 2. Live-work units
 3. South of NE 195 St: MM along West Dixie Highway only (Min. 12 units/acre net, Max. 52* units/acre net)
 4. RM along NE 28th Avenue only (Min. 12 units/acre net, Max. 38 units/acre net)
- I:** Institutional: Civic, education and government offices and residential as per Sec 33-264.99.16(A)(5) of this Code.
- MUC Circle
- Ojus Urban Area Boundary

See Sections 33-264.83 and 33-264.99.16 of this code for specific permitted uses in each land use area.

*Residential density may be increased through the use of Severable Use Rights (SURs). See Sec. 33B-45(g)(15) of this code for applicability.









* * *

[[E. Designated Open Space Plan



Designated Open Space

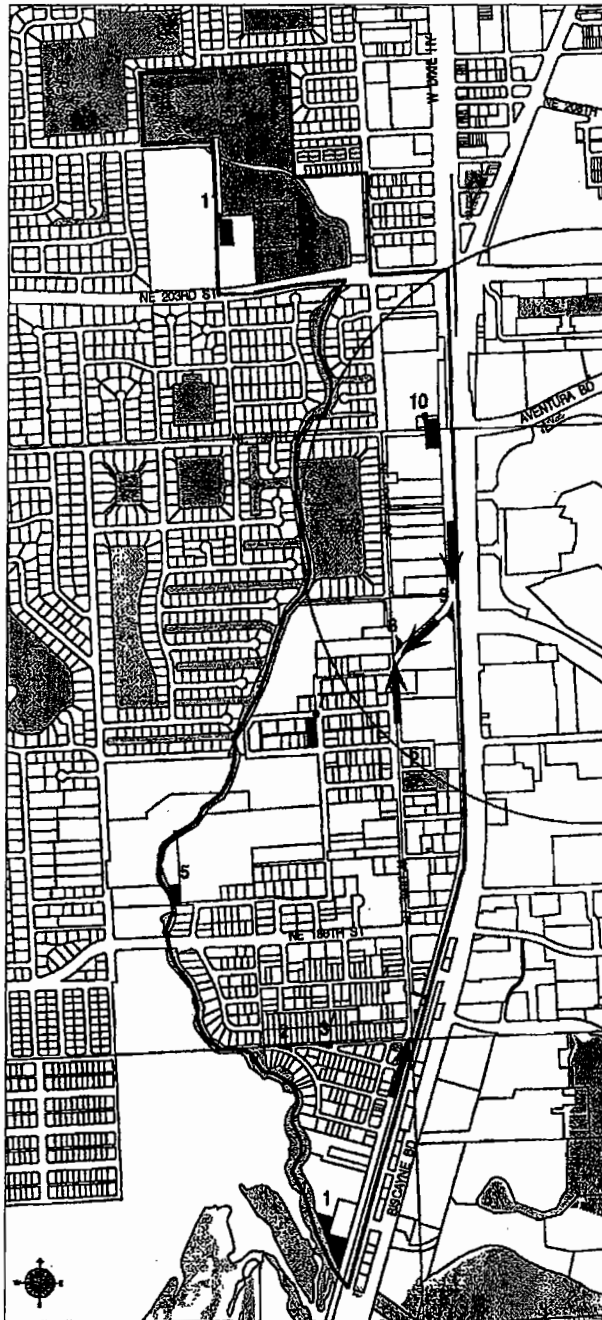
KEY

-  Existing Parks
-  Designated Open Space: G: Green; S: Square; P: Plaza
-  Preservation Area
-  Existing Water Bodies
-  Street Vista
-  Anchor Point
-  MUC Circle
-  City Urban Area Boundary

No	Type	Area
1.	G	Existing
2.	G	N/A
3.	G	N/A
4.	P	9,600 sqft
5.	G	Existing
6.	G	8,960 sqft
7.	S	Existing
8.	G	10,580 sqft
9.	G	39,500 sqft
10.	G	8,000 sqft
11.	G	9,000 sqft
12.	G	28,000 sqft.
13.	G	Existing
14.	G	19,250 sqft

The open space shall provide the general square footage shown in this Designated Open Space Plan.

>> E. Designated Open Space Plan

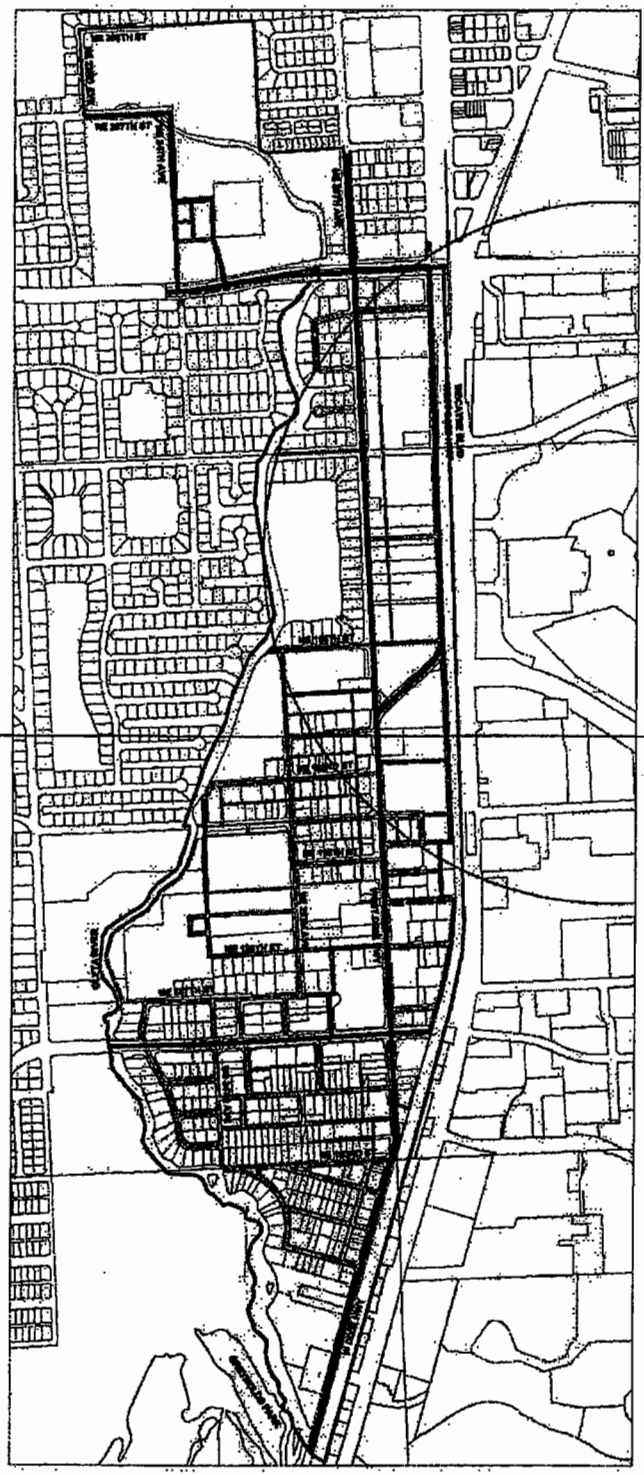


- KEY**
- Designated Open Space: G: Green; S: Square; P: Plaza
 - Existing Park
 - Existing Water Bodies
 - Street Vista
 - Anchor Point
 - MUC Circle
 - Ojus Urban Area Boundary








Number	Type	Area
1.	G	48,600 sq. ft.
2.	G	N/A
3.	G	N/A
4.	P	2,500 sq. ft.
5.	G	14,500 sq. ft.
6.	S	Existing Park
7.	G	23,500 sq. ft.
8.	G	5,500 sq. ft.
9.	G	4,000 sq. ft.
10.	G	35,500 sq. ft.
11.	G	26,000 sq. ft.

The open space shall provide the general square footage shown in this Designated Open Space Plan.

[[F.New Streets Plan



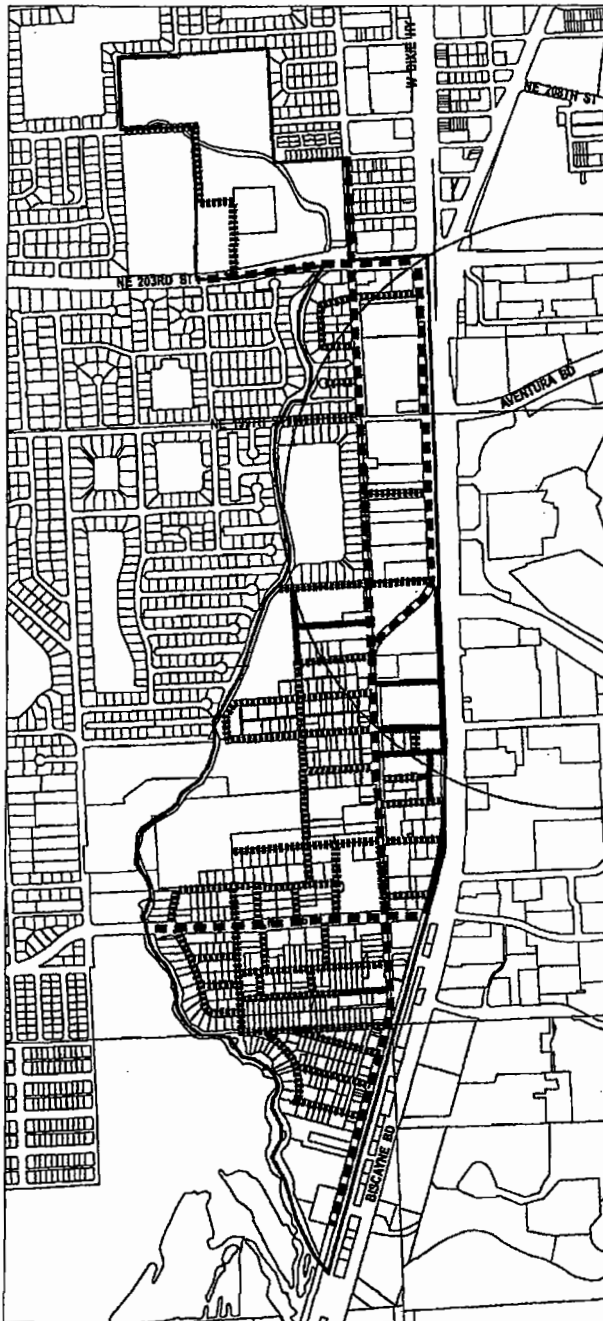
New Streets

- KEY
-  New "A" Streets
 -  Existing "A" Streets
 -  New "B" Streets
 -  Existing "B" Streets
 -  Property Ownership Pattern
 -  MUC Circle
 -  Ojus Urban Area Boundary

Note: New street allocations are based on the Illustrative Plan and are approximate.

]]

>>F. New Streets Plan



KEY

- ■ ■ ■ Existing 'A' Street
- ▬ New 'A' Street
- ▬▬▬▬ Existing 'B' Street
- ▬▬▬▬ New 'B' Street
- MUC Circle
- ▬ Ojus Urban Area Boundary
- ▨ Property Ownership Pattern

Note: New street allocations are based on the Illustrative Plan and are approximate.

<<

* * *

Section 4. Sec. 33-284.99.19 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-284.99.19 Building Placement and Street Type Development Parameters

* * *

C. Unless otherwise provided by the Building Placement and Design Parameters in section 33-284.85 of this code, the following ~~[[front and side]]~~ street setbacks shall be required >> for mixed-use/industrial buildings located in areas designated as MM, MC and ID << within the OUAD:

[[Street type	Required Setback					
	Core		Center		Edge	
	Front	Side	Front	Side	Front	Side
Main Street	0' * or 12'	0'	N/A	N/A	N/A	N/A
Boulevard (NE 26 Ave)	***	0'	***	0'	10' or 15'	**
Boulevard (Other)	0'	0' or 6'	0' or 10'	0' or 6'	10' or 15'	**
Minor Street	0' or 10'	0'	**	**	**	**
Service Road	**	**	**	**	**	**
Pedestrian Passage	**	**	**	**	**	**

Note: * 12' colonnade required when setback is 0'
 ** as provided in Section 33-284.85 of this code
 *** as provided in Section 33-284.99.19 of this code]]

>>Street Type	Required Setback		
	Core	Center	Edge
<u>Main Street</u>	<u>0' * or 12'</u>	<u>N/A</u>	<u>N/A</u>
<u>Boulevard (NE 26 Avenue)</u>	<u>N/A</u>	<u>0' or 10'</u>	<u>10' or 15'</u>
<u>Boulevard (Other)</u>	<u>0'</u>	<u>0' or 10'</u>	<u>10' or 15'</u>
<u>Minor Street</u>	<u>0' or 10'</u>	<u>0' or 10'</u>	<u>10' or 15'</u>

Note: * 12' colonnade required when setback is 0'
 ** as provided in Section 33-284.99.19 of this code
 N/A not applicable<<

* * *

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 this Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and made part of the Code of Miami-Dade County, Florida. The section 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: July 10, 2007

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Handwritten signatures of the County Attorney and Dennis A. Kerbel, with horizontal lines drawn under each signature.

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA
(Second Reading 07-10-07)

Memorandum



Date: May 22, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 7(C)

From: George M. Burgess
County Manager

Subject: Ordinance Revising Zoning and other Land Development Regulations Pertaining
to the Standard Urban Center District Regulations

O#07-93

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance updating the Standard Urban Center District (Standard) Regulations.

Scope

This ordinance has countywide impact.

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor

Not applicable.

Background

Ordinance 05-143 was adopted on July 7, 2005 and created article XXXIII(K) of the Code of Miami-Dade County - Standard Urban Center District Regulations (Standard Regulations). This article contains zoning regulations applicable to certain Urban Center zoning districts created since 2005. The purpose of this proposed ordinance is to revise certain regulatory criteria within this article to address district regulation compliance issues during the of site plan applications, and to accommodate certain existing conditions that were unanticipated at the time the regulations were originally adopted.

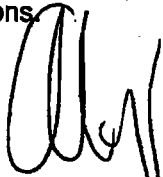
Section 1 of this ordinance revises the definitions section of the Standard Regulations and provides additional definitions, including the *urban villa*, an infill single-family residential dwelling unit to encourage development of existing platted infill lots.

Section 2 revises the permitted uses in order to provide for workforce-housing requirements in all new urban center districts, provides for the urban villa and establishes a maximum density for hotels.

Section 3 replaces the building placement and street type parameters diagrams with simplified, user-friendly 3-dimensional diagrams that provide for better building placement figures and a street type matrix instead of the street cross section diagrams. This revised section was developed with the assistance of the site plan reviewers and with input provided by the Public Works Department.

Section 4 of this ordinance revises the General Requirements section of the Standard Regulations in order to clarify and provide new language in the Lots and Blocks, Buildings, Parking, and Street, Service Roads and Utilities sections. These proposed changes are summarized below.

- **Lots and Blocks:** Amends the minimum lot requirement table to provide for (1) the urban villa dwelling unit and (2) for duplexes on existing platted lots and (3) to remove the provision on the location of irregularly shaped lots.
- **Buildings:** Clarify the required 'unobstructed' width of colonnades; permitted encroachments table and text are updated and simplified; maximum height of a story is amended to provide ~~(1) further clarification on the single story allowed to be 30 feet if a building is less than 6 stories and~~ (2) new language that allows a building of 6 or more stories to have two of stories of up to 30 feet each to allow multiple levels of parking to be provided behind the area required for habitable space.
- **Parking:** Amends the parking requirement table to (1) specify that the requirements are minimums; (2) add the urban villa dwelling unit; (3) reduce the workforce housing parking requirement in order to encourage workforce-housing units; (4) decrease the parking requirements for multi-family; (5) allow for additional reduction of parking requirements for mixed-use developments on parcels smaller than 30,000 sq. ft.; and (6) permit tandem parking for single-family homes.
- **Streets, Service Roads and Utilities:** Amends the language to provide that all B streets and service roads in the street plan are only illustrative in purpose in order to allow additional flexibility during site plan review and to accommodate difficult existing conditions.



Assistant County Manager

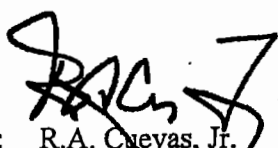


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM: 
R.A. Cuevas, Jr.
Acting County Attorney

SUBJECT: Agenda Item No. 7(C)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)

7-10-07

ORDINANCE NO. 07-93

ORDINANCE REVISING ZONING AND OTHER LAND DEVELOPMENT REGULATIONS PERTAINING TO THE STANDARD URBAN CENTER DISTRICT ("STANDARD REGULATIONS"), AMENDING SECTIONS 33-284.82 THROUGH 33-284.83, 33-284.85 THROUGH 33-284.86, CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"), PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-284.82 of the Code of Miami-Dade County, Florida is hereby amended as follows¹:

Sec. 33-284.82. Definitions.

Terms used throughout this article shall take their commonly accepted meaning unless otherwise defined in Chapters 18-A, 28 or 33 of the Code of Miami-Dade County. Terms requiring interpretation specific to this article are as follows:

* * *

>>15. Designated urban center boundaries: the boundaries of a CDMP-designated urban center.<<

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.

[[15]]>>16<<. Entertainment Center: an amusement, entertainment, cultural, ecological, or historical complex (or any combination thereof) that is open to the public, including without limitation: buildings for public assembly; mechanical rides; games and contests; exhibits and demonstrations; art exhibits and musical shows; retail sales; marketplaces, including second-hand sales; food services, including fast food restaurants; and water attractions.

[[16]]>>17<<. Fenestration: design and position of windows, entrances, and other structural openings in a building.

[[17]]>>18<<. Floorplate: the shape and size of any given floor of a building. The floorplate that touches the ground is called the footprint, after the shape it leaves on the land.

[[18]]>>19<<. Forecourt: the space between the principal building and the right-of-way where the building façade is set back and replaced by a low wall at the build-to line. The forecourt is suitable for gardens and outdoor seating and is required to be fronted by buildings on three sides.

* * *

[[19]]>>20<<. Front property line: the property line abutting the higher ranking street right-of-way. For equal ranking street rights-of-way, either frontage may be designated as the front property line.

[[20]]>>21<<. Green: an outdoor open space, mostly surrounded by residential uses, that shall not be hard surfaced for more than 20 percent of the area exclusive of dedicated rights-of-way. ~~[[Greens shall be located according to the Designated Open Space Plan, and their]]~~ >>The<< landscaping >>of greens<< shall consist primarily of lawn, trees, and garden structures.

* * *

[[21]]>>22<<. Greenway or linear park: an outdoor open space along a natural edge, including without limitation, a river front, a canal, a scenic road, or other route. Greenways provide passage for pedestrians or bicycles and are used to link nature reserves, cultural features, other parks, and open spaces and/or historic sites.

[[22]]>>23<<. Habitable space: building space the use of which involves regular human presence. Habitable space shall not include areas devoted to the parking of vehicles in parking garage structures, self-service storage facilities, or warehouses.

[[23]]>>24<<. Home office: a professional office use within a residential use, as provided in section 33-25.1 of this code.

[[24]]>>25<<. Irregularly shaped lot: a lot in areas designated Residential (R) and Residential Modified (RM) with an irregular shape due to its location on a corner or intersection or at the end of a grouping of single-family detached or attached units. The dimensions of the front yard of such lot shall be similar to the dimensions of the front yards of adjacent homes.

[[25]]>>26<<. Live-work unit: a mixed-use building type with one single-family residential dwelling located above one work space.

[[26]]>>27<<. Live-work building: a mixed-use building type with residential dwellings located above work spaces.

[[27]]>>28<<. Main street: a vehicular and pedestrian thoroughfare lined primarily with mixed-use buildings, as depicted on the Street Types Regulating Plan.

[[28]]>>29<<. Minor street: a street that is predominantly residential in character as depicted on the Street Types Regulating Plan.

[[29]]>>30<<. Mixed-use building: a building that includes a combination of two or more vertically integrated uses, such as retail and/or office uses on the ground floor, with residential uses above.

[[30]]>>31<<. Off-street parking: garage parking or surface parking not on a public or private street.

[[31]]>>32<<. On-street parking: parking on a public or private street.

[[32]]>>33<<. Outdoor produce market: an outdoor commercial establishment where produce and hand crafted items are offered for sale.

[[33]]>>34<<. Pedestal: The bottom portion of a building that creates the street frontage.

[[34]]>>35<<. Pedestrian passages: interconnected paved walkways that provide pedestrian passage through blocks and that connect directly with the network of sidewalks and open spaces.

[[35]]>>36<<. Penthouse: Topmost built area of a building with a floorplate area less than that of the tower below.

[[36]]>>37<<. Plaza: an outdoor open space fronted by retail and office uses. A minimum of 50 percent and a maximum of 75 percent of the plaza's area, exclusive of dedicated rights-of-way, shall be hard surfaced. ~~[[Plazas shall be located according to the Designated Open Space Plan, and their]]~~ >>The<< landscaping >>of plazas<< shall consist primarily of hard-surfaced areas, permanent architecture or water-oriented features, and trees that are placed in an orderly fashion and that are regularly spaced as shown below.

* * *

[[37]]>>38<<. Residential Building Type: one of the following residential building types permitted in the Urban Center Districts: single-family detached, duplex, rowhouse, courtyard house, side yard house, and apartment.

[[38]]>>39<<. Rowhouse: a single-family attached dwelling unit of a group of 3 or more units, each separated from the adjoining unit by a common party fire wall. Each common party fire wall shall extend to the roof line or above the roof of units that it serves and shall have no openings therein. Each rowhouse unit shall be serviced with separate utilities and shall otherwise be independent of any other unit.

[[39]]>>40<<. Service road: a private or public vehicular passageway providing primary, secondary, or service access to the sides or rear of building lots.

[[40]]>>41<<. Sideyard house: a single-family dwelling that provides an extensive porch oriented toward a side yard; the side yard is screened from the view of the street by a 6-foot masonry wall along the build-to line.

* * *

[[41]]>>42<<. Square: an outdoor open space that shall be flanked by streets on at least 3 sides and shall not be hard-surfaced for more than 50 percent of the area exclusive of dedicated rights-of-way. ~~[[Squares shall be located according to the Designated Open Space Plan, and their]]~~
>>The<< landscaping >>of squares<< shall consist primarily of hard-surfaced walks, lawns, and trees that are placed in an orderly fashion and that are regularly spaced as shown below.

* * *

[[42]]>>43<<. Storefront: the portion of a building at the first story of a mixed-use building consisting of habitable space to be used for business, office, or institutional purposes.

[[43]]>>44<<. Story: an enclosed floor level within a building containing habitable space.

[[44]]>>45<<. Street network: a system of intersecting and interconnecting streets and service roads.

[[45]]>>46<<. Street Type Development Parameters: the design criteria that establish the required elements for the placement and size of the following: sidewalks, curbs and gutters, parking, medians, bike lanes, traffic lanes, street trees, and landscape strips in the public right of way.

[[46]]>>47<<. Street vista: a view through or along a street centerline terminating with the view of a significant visual composition of an architectural structure or element. Street Vistas are indicated on the Open Space Regulating Plan by arrows; direction of the vista is indicated by the direction of the arrow. Garages and blank walls are not significant visual compositions.

[[47]]>>48<<. Tower: The middle portion of a building above the pedestal and below the penthouse.

[[48]]>>49<<. Urban Center District: a zoning district resulting from the implementation of an area plan for a CDMP-designated urban center that has been accepted by the Board of County Commissioners.

>>50. Urban Villa: A single-family dwelling where the primary structure shall be built in close proximity to the front property line as depicted in the building placement diagrams in this article. Walled courts, patios or roof terraces may be used to provide open space. Vehicular parking areas and driveways shall be screened from the view of the street by garage doors and/or walls.<<

[[49.]] >>51.<< Weather protection elements: architectural elements that provide protection from the sun and the rain, including without limitation, colonnades, awnings, bus shelters, or projecting roofs.

>>52. Work-force housing unit or WHU: a dwelling unit, the sale, rental or pricing which is restricted to households whose income is within the workforce housing target income range.

53. Workforce housing target income range: households whose income range is established at 65% up to 140% of the most recent median family income for the County reported by the U.S. HUD as maintained by the Department of Planning and Zoning.<<

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

Sec. 33-284.83. Uses.

* * *

A. Permitted Uses.

1. Residential uses. Residential uses are permitted in the areas designated in the Land Use Regulating Plan as Residential (R), Residential Modified (RM), Mixed-Use Corridor (MC), Mixed-Use Main Street (MM), and Mixed-Use Optional (MO), as provided in the table below. Limited residential uses shall also be permitted in areas designated Industrial District (ID), pursuant to sub-paragraph (4) and the table below. In addition, density averaging shall be permitted when a unified development is located on multiple parcels, with different land uses or Sub-district designations, under the same ownership. >>All residential or mixed-use developments that: (a) are located within the Designated Urban Center Boundaries of an Urban Center District established by the Board or County Commissioners after the effective date of this ordinance, and (b) have more than four (4) residential units, shall provide a minimum of 12.5 percent of their units as work-force housing units.<<

Land Use Areas						Permitted Residential Uses
R	RM	MC	MM	MO	ID	
X						detached single family dwelling
X	X					courtyard and sideyard dwellings
X	X					duplex
X	X					rowhouse
>>X	X			X		urban villa<<
X	X					family day care (upon compliance with the applicable requirements of the RU-1 zoning district regulations)
X	X					group home (upon compliance with the applicable requirements of the RU-1 zoning district regulations)
X	X					municipal recreation building, playground or park owned and operated by a municipality, county, state, or the federal government
X	X					civic uses: only on sites no greater than three acres and only in accordance with the Building Placement and Design Development Parameters
	X	X	X	X		Multiple family apartment units are permitted in RM >>, MO and MC, as provided herein.<< and when vertically integrated with other lawful uses in [[MC,] MM [[and MO]]
					X	Limited residential uses are permitted in areas designated Industrial District (ID), pursuant to sub-paragraph (3) below

(X) permitted in the Land Use Area

* * *

3. **Mixed uses.** The vertical or horizontal integration of residential, business and office, and institutional uses shall be permitted as provided herein. Vertical integration allows any combination of primary uses, with business uses typically located on the ground floor and office and/or residential uses on the upper floors. Horizontal integration allows any combination of parcels with different primary uses within the same block. The following uses shall be permitted in accordance with the Land Use Regulating Plan, in the areas designated as Mixed-Use Optional (MO), Mixed-Use Main Street (MM) and Mixed-Use Corridor (MC):

* * *

- h. hotels and apartment hotels >>, density not to exceed seventy-five (75) dwelling units per net acre.<<

* * *

Section 3. Sec. 33-284.85 of the Code of Miami-Dade County, Florida, is hereby deleted and replaced as follows:

~~>>Sec. 33-284.85. **Building Placement and Street Type Development Parameters.**~~

- A. The following diagrams establish the Building Placement and Design Parameters by land use and sub-district. Building setbacks shall be required as illustrated in the Building Placement parameters; where setbacks reference a Frontage Table, such table specific to each Urban Center shall be provided in the individual Urban Center District ordinance. For permitted uses see Sect. 33-284.83.

I. Building Placement, MIXED-USE BUILDING

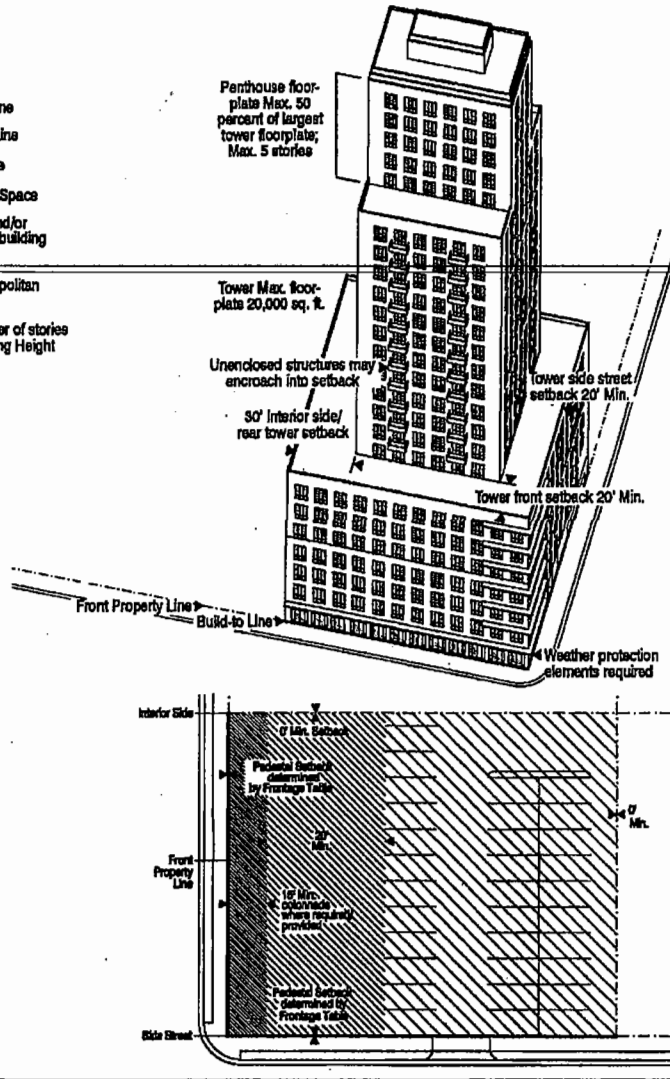
MIXED-USE/INDUSTRIAL (MM, MO, MC, ID) - CORE/CENTER/EDGE

METROPOLITAN URBAN CENTERS (MUC)

Min: Minimum
Max: Maximum
Req: Required

- Build to Line
- - - Property Line
- ▨ Colonnade
- ▧ Habitable Space
- ▩ Parking and/or allowable building area

- Applies to Metropolitan Urban Centers.
- Maximum number of stories limited by Building Height Regulating Plan.



Building Frontage Required. 80 Percent minimum at build-to line.

All on-site parking shall be accessed from a service road or as provided for in the Urban Center District Regulations. Where a service road is not accessible parking shall be accessed from the minor street only. The vehicular entry width permitted shall be a maximum of 33'. Up to 60% of required parking may be provided off site within a 500' radius.

Front pedestal setback as provided in Frontage Table; see Sec. 33-284.85. The interior side/rear setback for the pedestal shall be 0'. The interior side/rear setback for the tower and penthouse shall be a minimum of 30'.

Entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

Colonnades shall be 2 stories high and a minimum of 15' deep. The colonnade depth shall not exceed the colonnade height. The exterior of the colonnade shall be no closer than 2' from curb line.

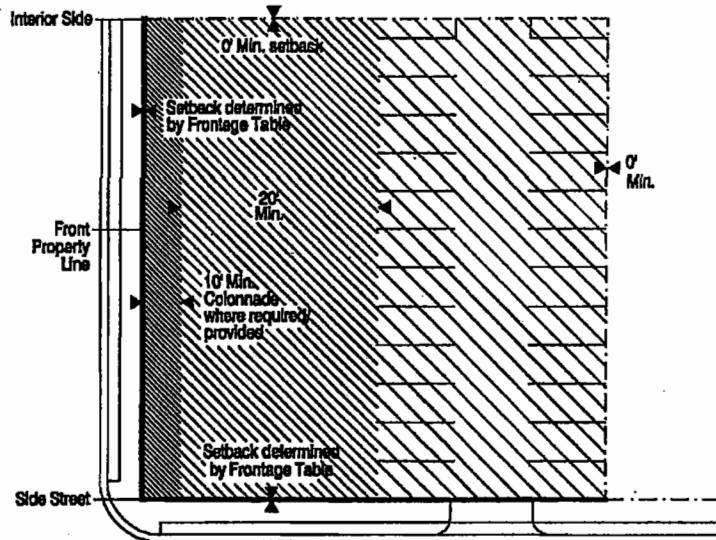
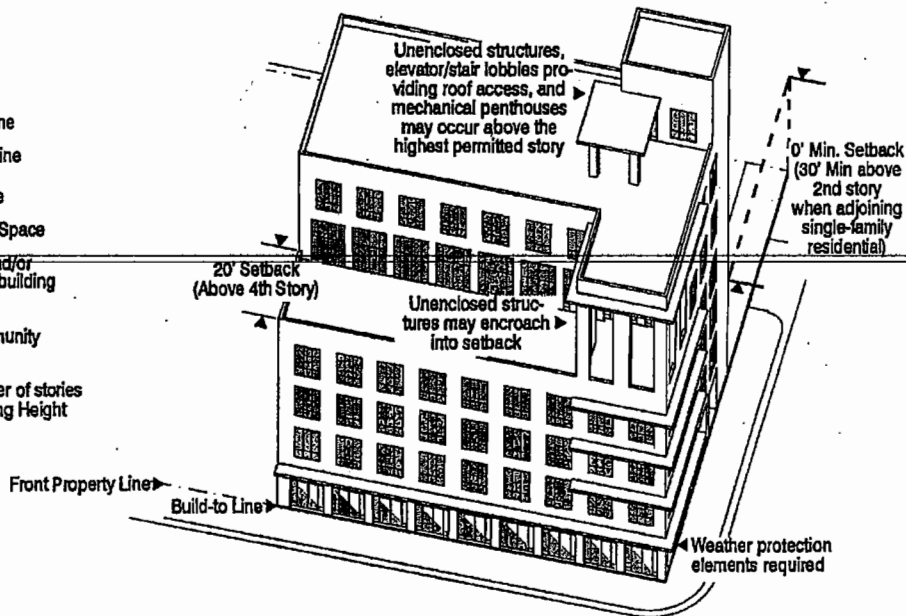
2 Building Placement, MIXED-USE BUILDING

MIXED-USE/INDUSTRIAL (MM, MO, MC, ID) CORE/CENTER/EDGE

COMMUNITY URBAN CENTERS

- Min: Minimum
- Max: Maximum
- Req: Required
- Build to Line
- - - Property Line
- ▨ Colonnade
- ▧ Habitable Space
- ▩ Parking and/or allowable building area

- Applies to Community Urban Centers.
- Maximum number of stories limited by Building Height Regulating Plan.



Building Frontage Required. 100 Percent Minimum at build-to line in the Core Sub-district; 80 percent minimum at build-to line in the Center and Edge Sub-districts. Minimum frontage requirement applies along the front property line only.

The interior side/rear setbacks shall be as shown above. Front and side street setbacks as provided in Frontage Table; see Sec. 33-284.85.

The front setback shall be hard surfaced and finished to match the adjoining sidewalk. A minimum of 5' clear width

within the setback shall be kept unobstructed for pedestrians.

3. Building Placement, INDUSTRIAL BUILDING

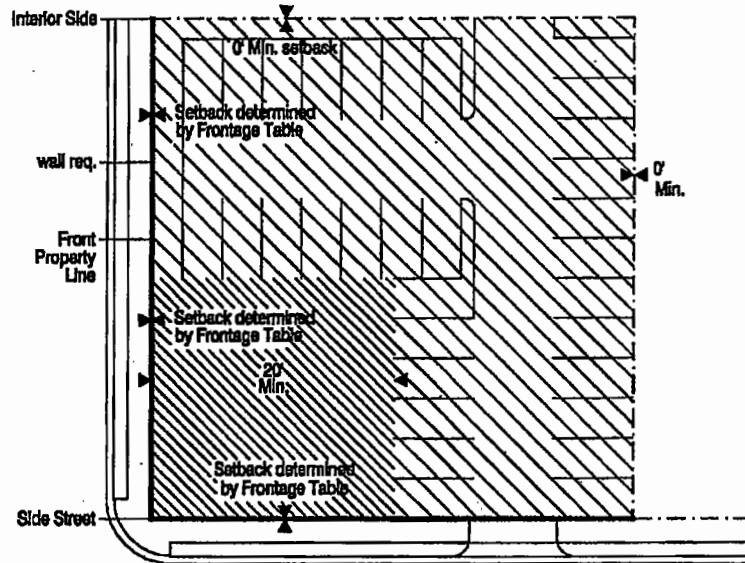
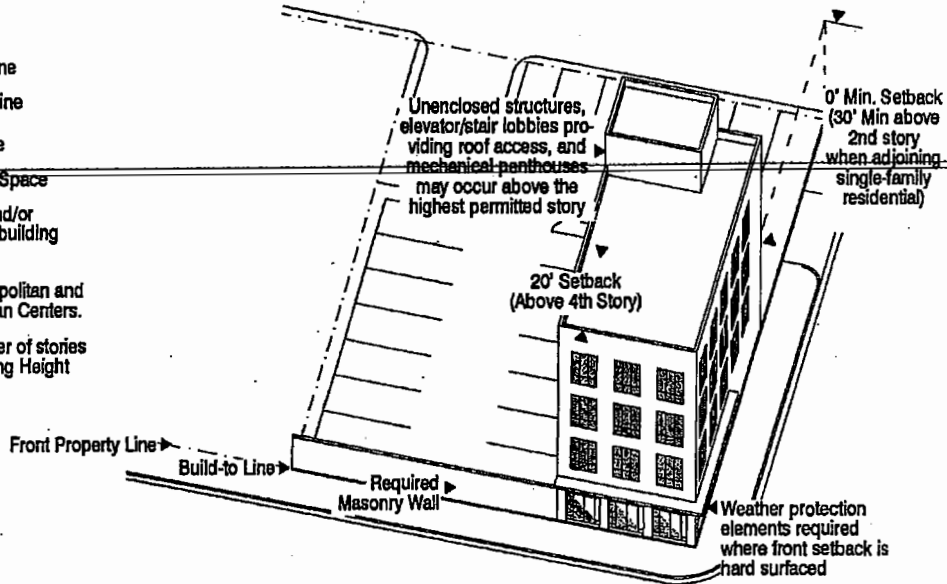
INDUSTRIAL (ID) CORE/CENTER/EDGE

METROPOLITAN/COMMUNITY URBAN CENTERS

Min: Minimum
Max: Maximum
Req: Required

- Build to Line
- - - Property Line
- ▨ Colonnade
- ▧ Habitable Space
- ▩ Parking and/or allowable building area

- Applies to Metropolitan and Community Urban Centers.
- Maximum number of stories limited by Building Height Regulating Plan.



Building Frontage Required. 25 percent minimum at build-to line. Minimum frontage requirement applies along the front property line only. Along any part of the build-to line not occupied by a building shall be a minimum 8' masonry wall unpierced except to provide pedestrian and vehicular egress.

The interior side/rear setbacks shall be as shown above. Front and side street setbacks as provided in Frontage Table; see Sec. 33-284.85.

The front setback shall be landscaped or hard surfaced and finished to match the adjoining sidewalk.



4. Building Placement, APARTMENTS AND ROWHOUSES (with parking courts)

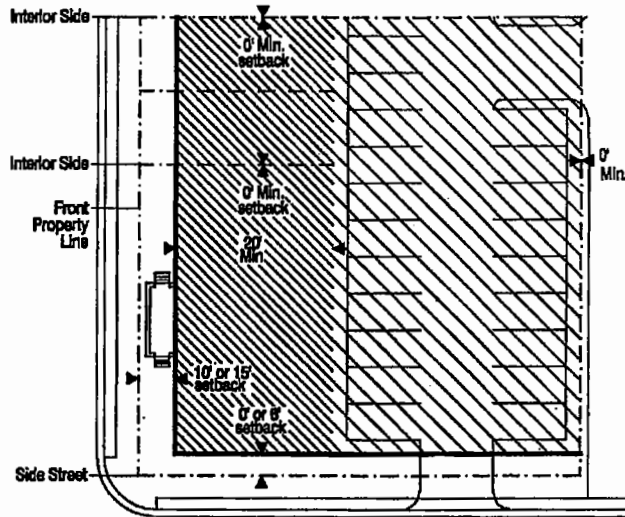
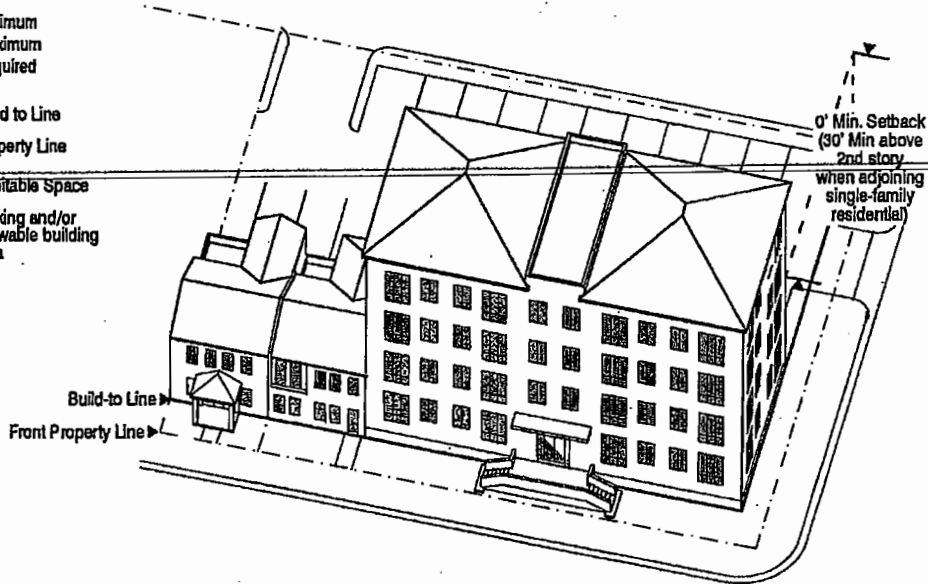
RESIDENTIAL (MC, MO, RM, R) CORE/CENTER/EDGE

METROPOLITAN AND COMMUNITY URBAN CENTERS

Min: Minimum
Max: Maximum
Req: Required

— Build to Line
- - - Property Line

 Habitable Space
 Parking and/or allowable building area



Building Frontage Required. 80 Percent Minimum at build-to line. Minimum frontage requirement applies along the front property line only.

All on-site parking shall be accessed from the service road or adjacent minor street. Up to 60% of required parking may be provided off site within a 500' radius.

The front setback shall be landscaped.

Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

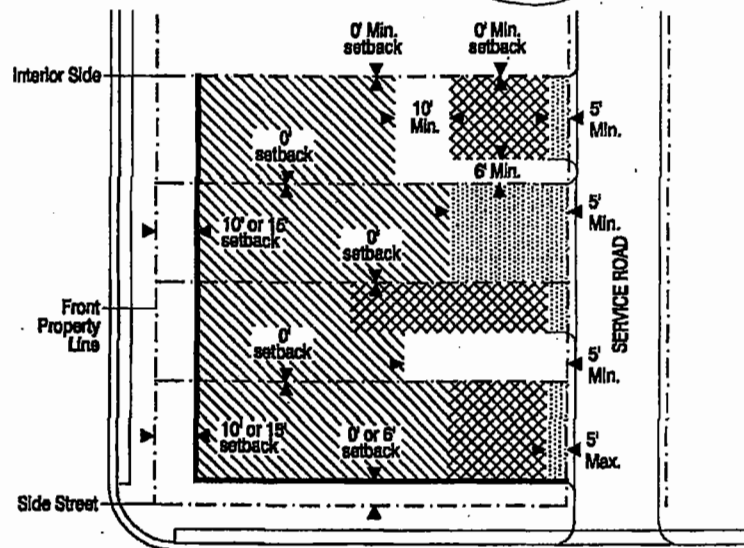
5. Building Placement, ROWHOUSES

RESIDENTIAL (RM, R) CENTER/EDGE

METROPOLITAN AND COMMUNITY URBAN CENTERS

Min: Minimum
Max: Maximum
Req: Required

-  Build to Line
-  Property Line
-  Habitable Space
-  Accessory Building/Dwelling/Parking Area
-  Driveway/Parking Area



Building Frontage Required. 100 percent at build-to line except at end of building groups. Minimum frontage requirement applies along the front property line only.

For Rowhouses all on-site parking shall be accessed from the service road.

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The front setback shall be landscaped.

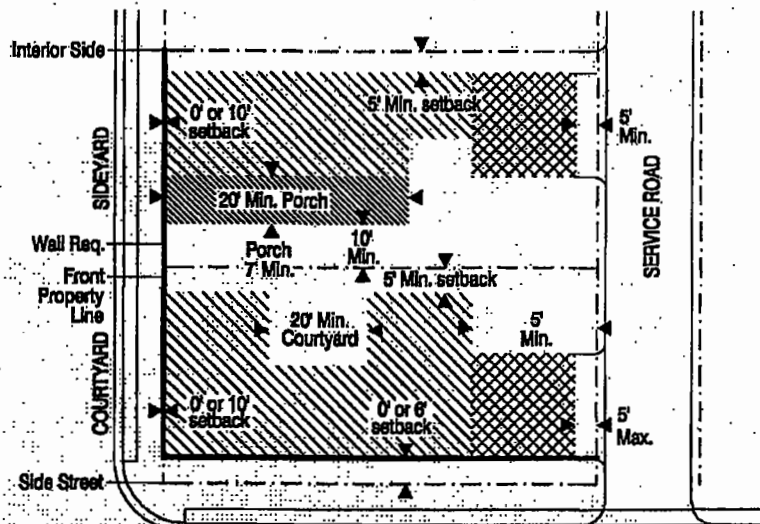
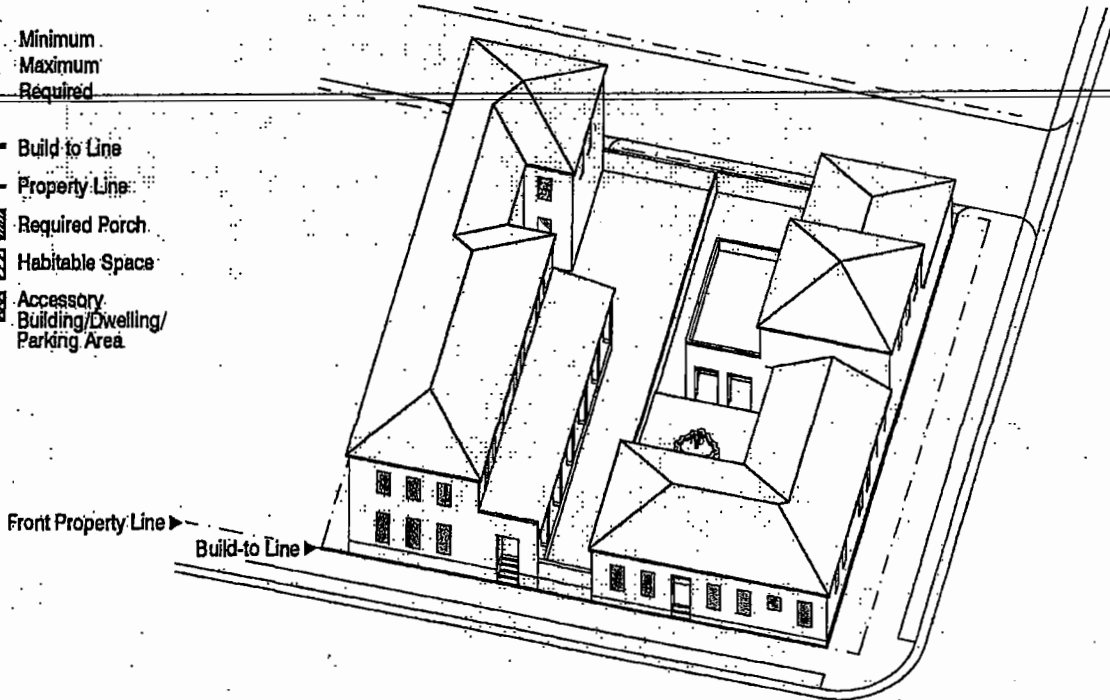
Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

6. Building Placement, COURTYARD AND SIDEYARD HOUSES

RESIDENTIAL (RM, R) CENTER/EDGE

METROPOLITAN AND COMMUNITY URBAN CENTERS

- Min: Minimum
- Max: Maximum
- Req: Required
- Build to Line
- - - Property Line
- ▨ Required Porch
- ▧ Habitable Space
- ▩ Accessory Building/Dwelling/Parking Area



For Sideyard and Courtyard Houses all on-site parking shall be accessed from the service road.

The front setback shall be landscaped.

Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

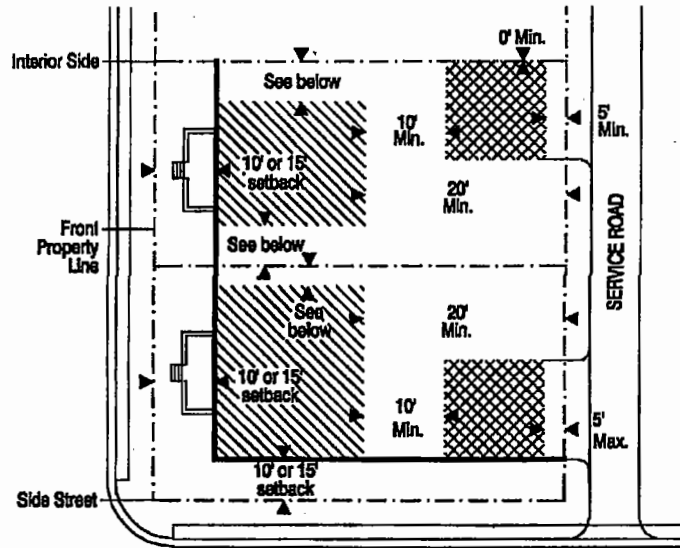
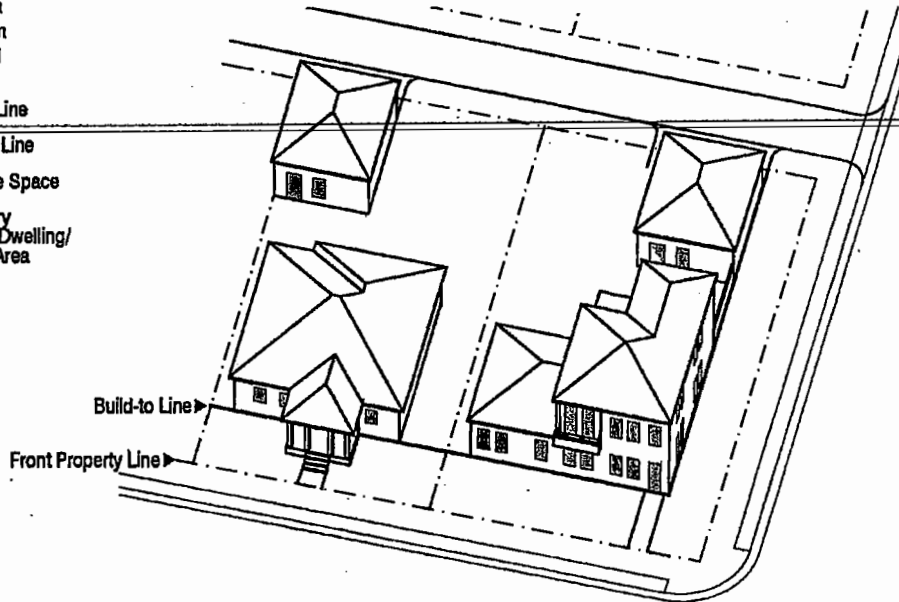
7. Building Placement, SINGLE-FAMILY DETACHED (with service road)

RESIDENTIAL (R) EDGE

METROPOLITAN AND COMMUNITY URBAN CENTERS

- Min: Minimum
- Max: Maximum
- Req: Required

- Build to Line
- - - Property Line
- ▨ Habitable Space
- ▩ Accessory Building/Dwelling/Parking Area



All on-site parking shall be accessed from the service road where provided.

For lots with frontages between 50 and 75 feet, the minimum interior side setback shall be 10% of the lot frontage;

for lots with frontage greater than 75 feet, the interior side setback shall be a minimum of 7.5'.

The front setback shall be landscaped.

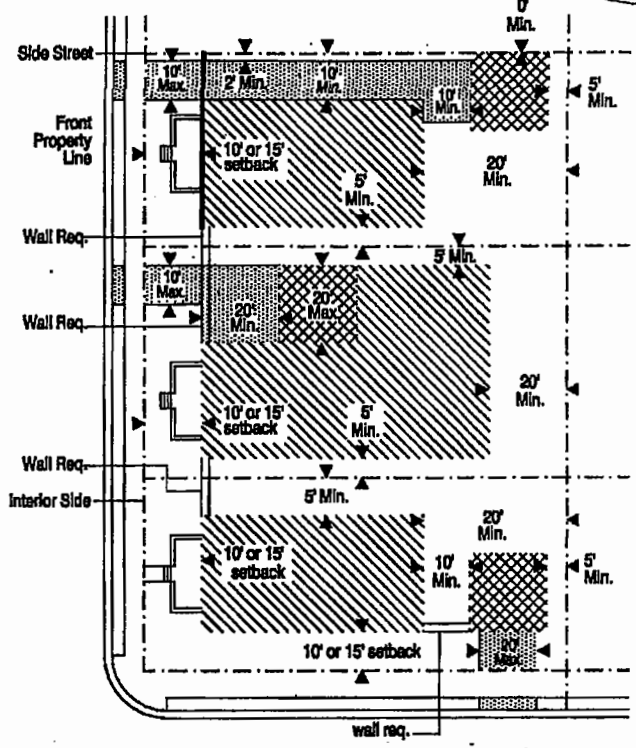
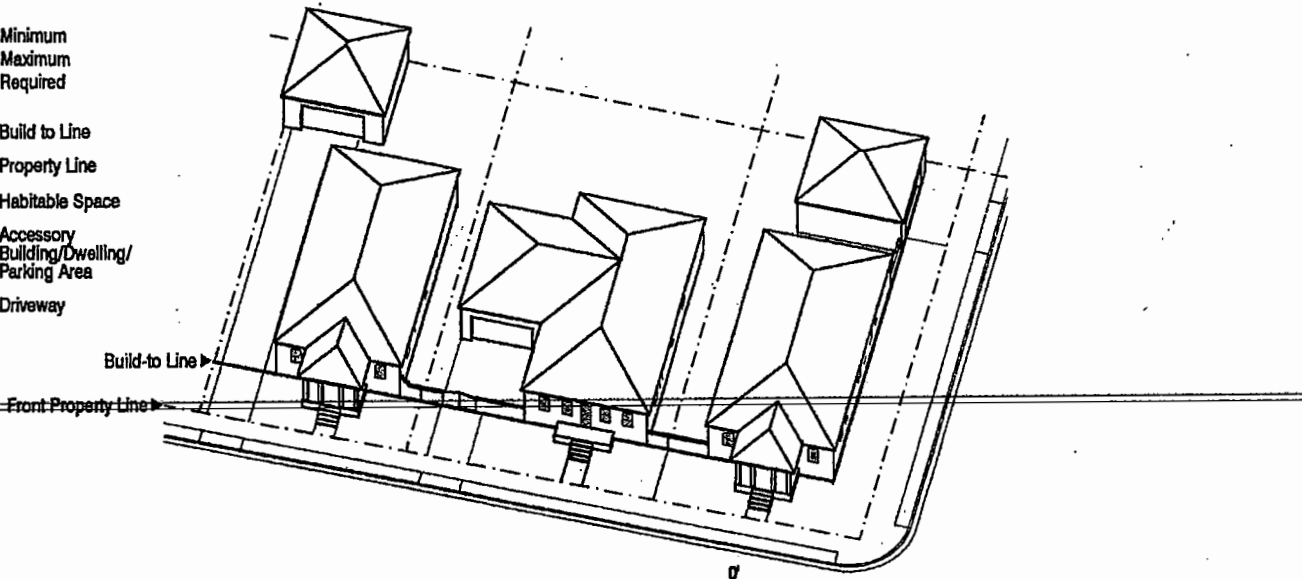
Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

8. Building Placement, SINGLE-FAMILY DETACHED (without service Roads)

RESIDENTIAL (R) EDGE

METROPOLITAN AND COMMUNITY URBAN CENTERS

- Min: Minimum
- Max: Maximum
- Req: Required
- Build to Line
- - - Property Line
- ▨ Habitable Space
- ▩ Accessory Building/Dwelling/Parking Area
- ▧ Driveway



All on-site parking shall be accessed from the street as shown above.

The front setback shall be landscaped.

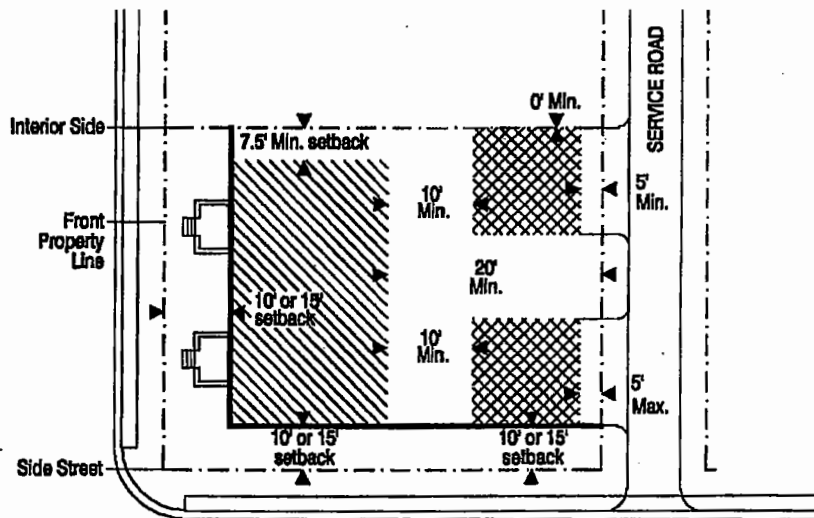
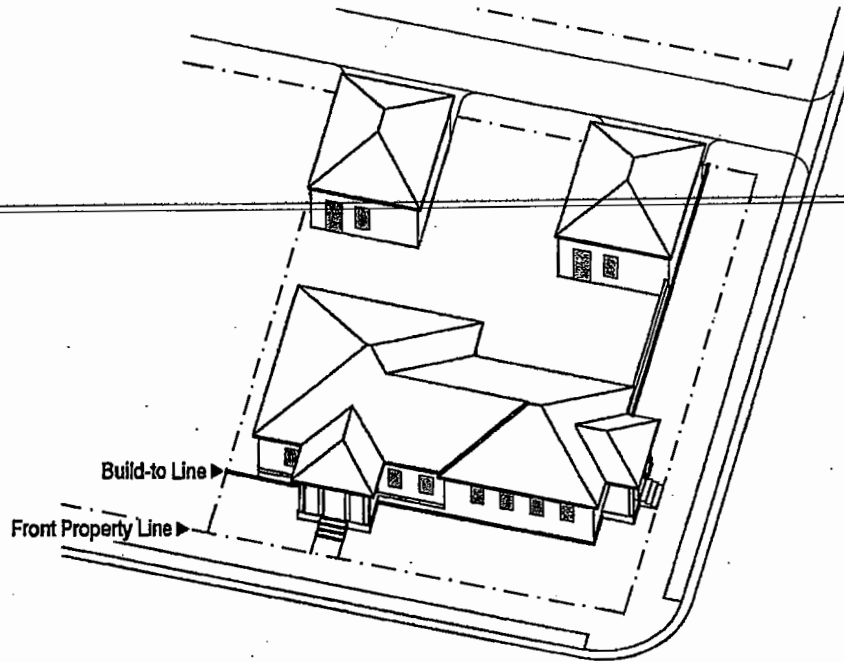
Where a driveway intersects a sidewalk, the sidewalk shall remain at a continuous level.

9. Building Placement, DUPLEX

RESIDENTIAL (R/RM) CENTER/EDGE

METROPOLITAN AND COMMUNITY URBAN CENTERS

- Min: Minimum
- Max: Maximum
- Req: Required
- Build to Line
- - - Property Line
- ▨ Habitable Space
- ▩ Accessory Building/Dwelling/Parking Area



All on-site parking shall be accessed from the service road where provided.

The front setback shall be landscaped.

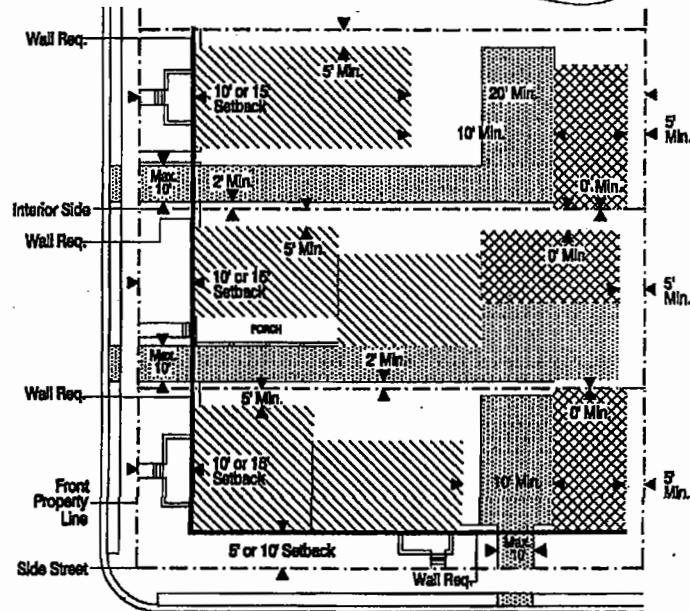
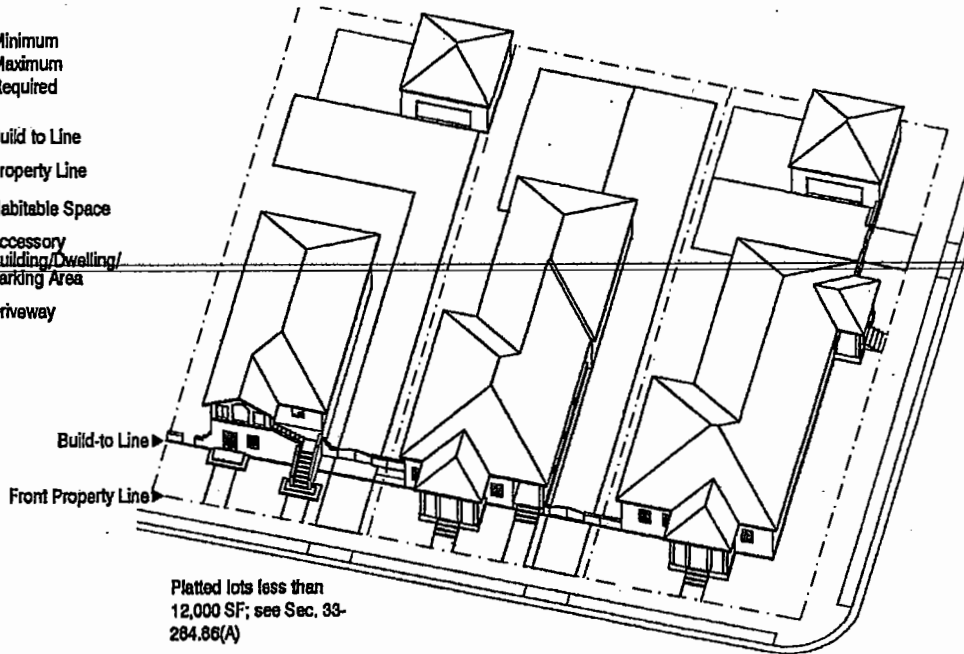
Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements.

10. Building Placement, DUPLEX (on existing platted lots with less than 12,000 square feet)

RESIDENTIAL (R/RM) CENTER/EDGE

METROPOLITAN AND COMMUNITY URBAN CENTERS

- Min: Minimum
- Max: Maximum
- Req: Required
- Build to Line
- - - Property Line
- [Hatched Box] Habitable Space
- [Cross-hatched Box] Accessory Building/Dwelling/Parking Area
- [Dotted Box] Driveway



Building Frontage Required. 60 percent minimum at build-to line. The garage shall not count toward the frontage requirements.

Minimum frontage requirement applies along the front property line only.

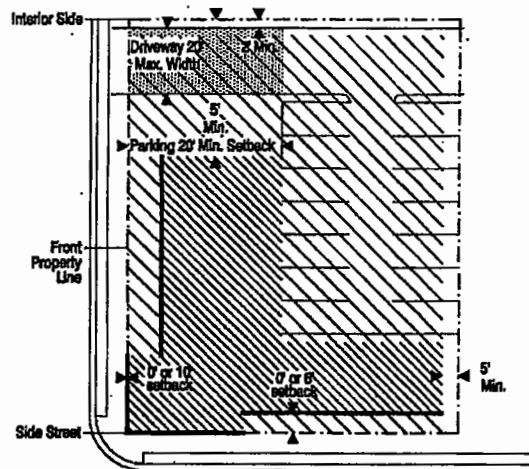
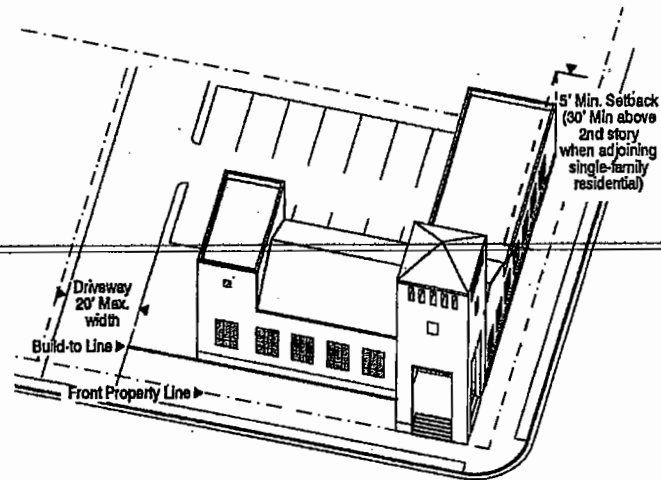
All on-site parking for duplex units on lots without access to a service road shall be provided as shown above. Driveways between the front property line and build-to line shall be a maximum of 10 feet wide.

11. Building Placement, CIVIC USES

RESIDENTIAL/INSTITUTIONAL (RM, R, I) CORE/CENTER/EDGE

METROPOLITAN AND COMMUNITY URBAN CENTERS

- MIn: Minimum
- MEx: Maximum
- Req: Required
- Build to Line
- - - Property Line
- [Hatched Box] Habitable Space
- [Hatched Box] Driveway
- [Hatched Box] Parking and/or allowable building area



Building Frontage Required. 25 Percent Minimum at build-to line. Minimum frontage requirement applies along the front property line only.

All on-site parking shall be accessed from the service road where provided. For properties without an adjoining service road, parking may be accessed from the front property line through a driveway as shown above.

The front setback shall be 0' or 10' in order to implement urban design principles. The side and rear setback shall be as shown above.

The front setback shall be landscaped.

Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General

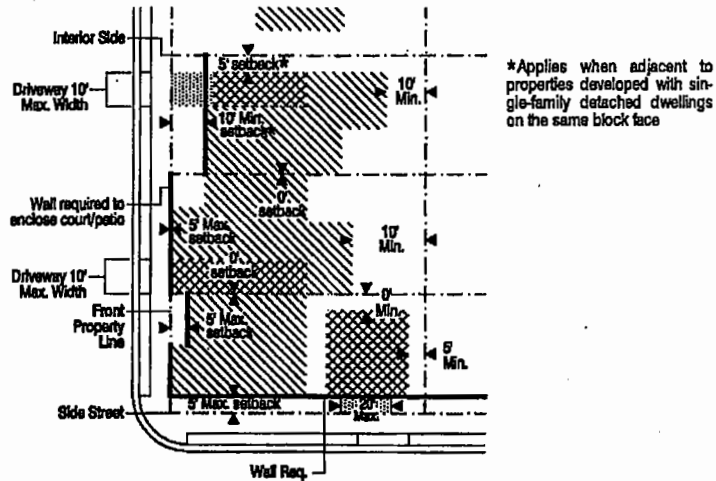
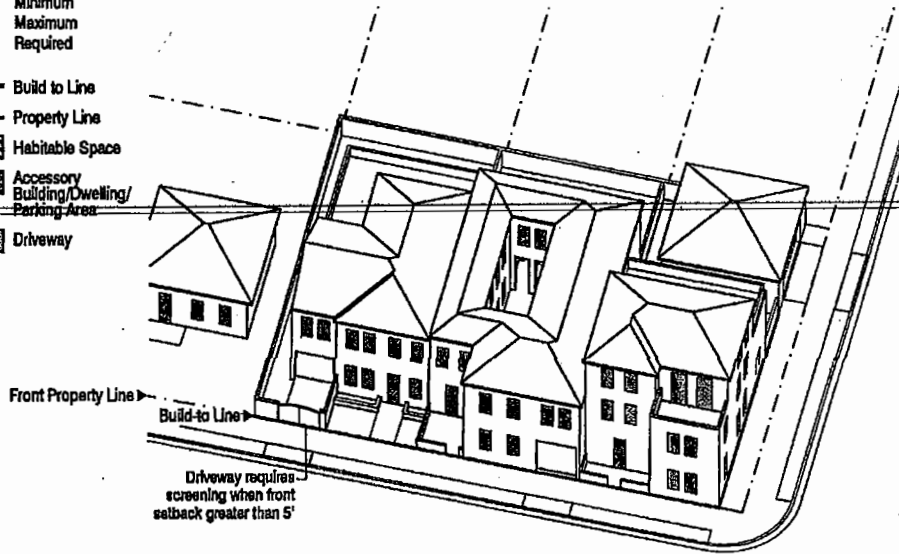
Requirements.

12. Building Placement, URBAN VILLAS

RESIDENTIAL (R, RM, MO) CENTER/EDGE

METROPOLITAN AND COMMUNITY URBAN CENTERS

- Min: Minimum
- Max: Maximum
- Req: Required
- Build to Line
- - - Property Line
- ▨ Habitable Space
- ▩ Accessory Building/Dwelling/
Parking Area
- ▧ Driveway



Building Frontage Required. 80 Percent Minimum at build-to line. Minimum frontage requirement applies along the front property line only. At least 50 Percent of Urban Villas along a block face shall provide a walled court or patio between the front property line and the building face; maximum setback shall be 15' only where such court or patio is provided.

Parking may be accessed from the front property line through a driveway as shown above. Garage entrances accessed from the front property line shall be a maximum of 10' in width and no further than 10' from the front property line. Walled courts or patios shall not be used for parking.

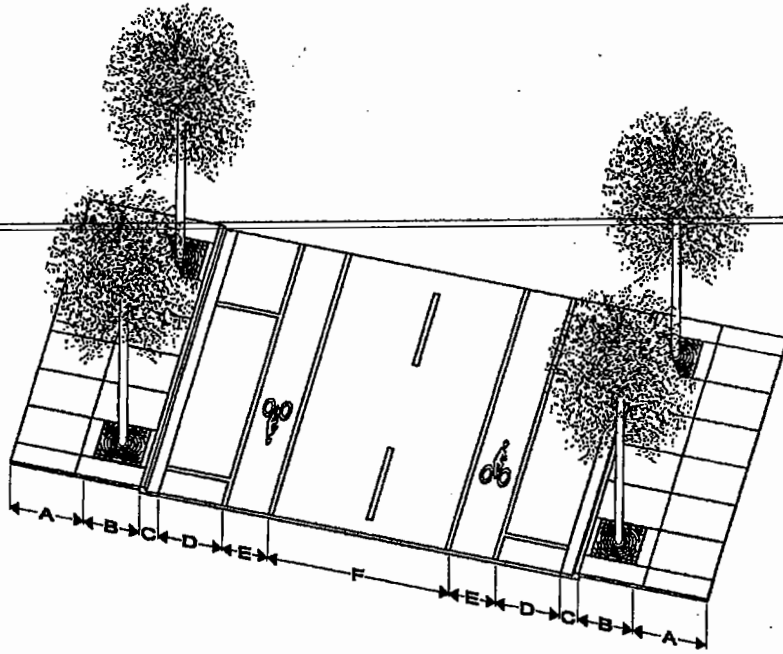
The front, interior side, rear, and side street setbacks shall be as shown above.

The minimum height for an Urban Villa shall be 2 stories. The front setback shall be landscaped.

Perimeter walls, fences, hedges, entrances and pedestrian pass throughs shall be provided as specified in the General Requirements. Parking areas shall be screened at the build-to line.

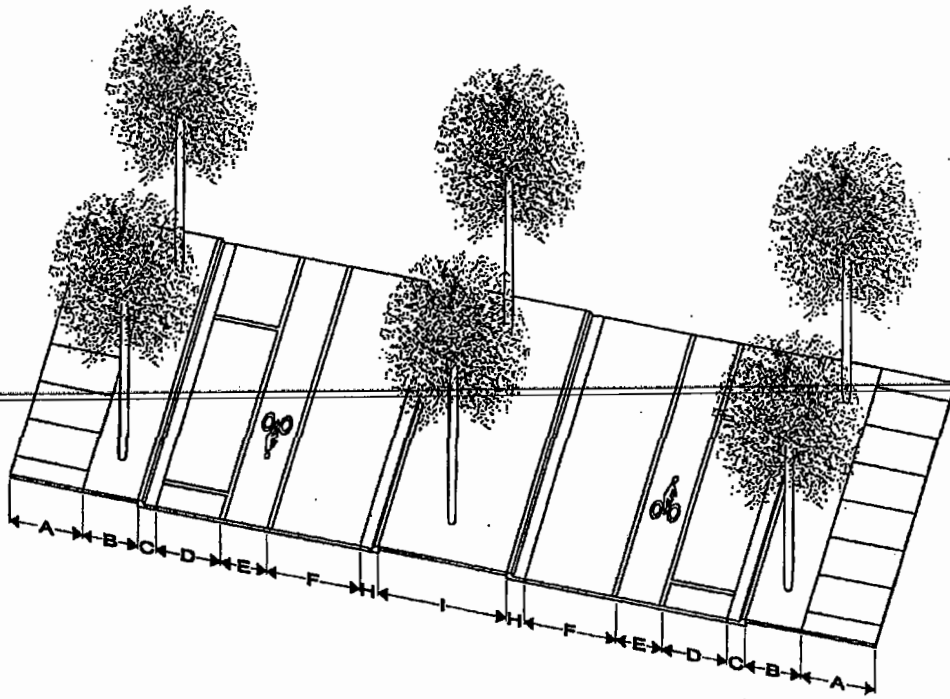
A. The following diagram and table establish the Street Type Parameters by sub-district.

1. Typical Minor Street Illustration



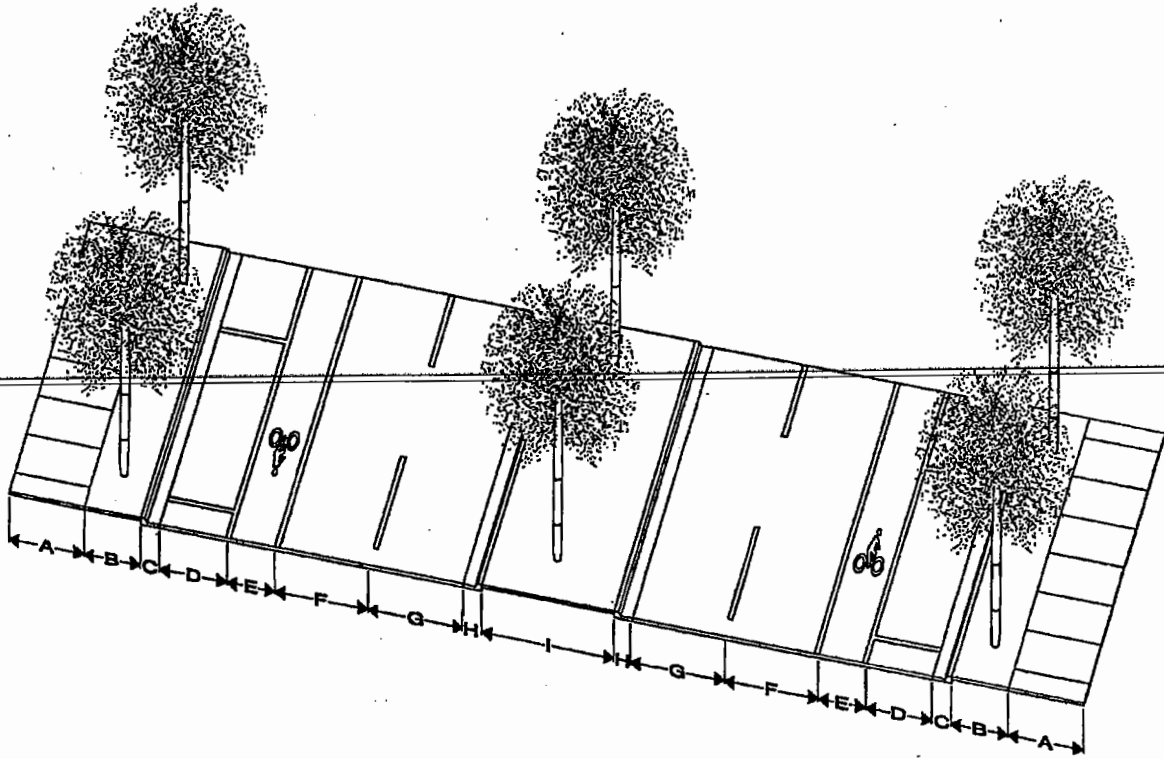
2. Typical Two-Lane Boulevard Street Illustration

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2. Typical Four-Lane Boulevard Street Illustration

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	A. Sidewalk [11]	B. Landscape [2,3]	C. Curb/Gutter [4]	D. Parking Lane [5]	E. Bike Lane	F. Travel Lanes [6]	G. Additional Travel/Turn Lanes	H. Curb/Gutter	I. Median
Type 1 Boulevard (Parking both sides) Core/Center	9' Min. (Core) 8' Min. (Center) Required	25 sq. ft. Min. tree grates or 6' Min continuous landscape strip Required (Center only)	2'	7' Required	5' Required where indicated on Bike Route Plan	11'	10' Min. where provided	2' Required	14' Min. required
Type 1 Boulevard (Parking both sides) Edge	6' Min. Required	8' Min continuous landscape strip Required	2'	7' Required	5' Required where indicated on Bike Route Plan	11'	10' Min. where provided	2' Required	14' Min. required
Type 2 Boulevard (No Parking) Core/Center	9' Min. (Core) 8' Min. (Center) Required	25 sq. ft. Min. tree grates or 6' Min continuous landscape strip Required (Center only)	2'	N/A	4' Required where indicated on Bike Route Plan	11'	10' Min. where provided	2' Required	14' Min. required
Type 2 Boulevard (No Parking) Edge	6' Min. Required	8' Min continuous landscape strip Required	2'	N/A	4' Required where indicated on Bike Route Plan	11'	10' Min. where provided	2' Required	14' Min. required
Type 3 Minor Street (Parking both sides) Core/Center	9' Min. (Core) 8' Min. (Center) Required	25 sq. ft. Min. tree grates or 6' Min continuous landscape strip Required (Center only)	2'	7' Required	5' Required where indicated on Bike Route Plan	10'	10' Where provided	N/A	N/A
Type 3 Minor Street (Parking both sides) Edge	6' Min. Required	8' Min continuous landscape strip Required	2'	7' Required	5' Required where indicated on Bike Route Plan	10'	10' Where provided	N/A	N/A
Type 4 Minor Street (Parking one side) Core/Center/Edge	9' Min. (Core) 8' Min. (Center) 6' Min. (Edge) Required	25 sq. ft. Min. tree grates or 6' Min continuous landscape strip Required (Center/Edge only)	2'	7' Required on one side	5' when adjacent to parking lane; 4' when adjacent to curb/swale Required where indicated on Bike Route Plan	10'	10' Where provided	N/A	N/A
Type 5 Minor Street (No Parking) Core/Center	9' Min. (Core) 8' Min. (Center) Required	25 sq. ft. Min. tree grates or 6' Min continuous landscape strip Required (Center only)	2'	N/A	4' Required where indicated on Bike Route Plan	10'	10' Where provided	N/A	N/A
Type 5 Minor Street (No Parking) Edge	6' Min. Required	8' Min continuous landscape strip Required	2'	N/A	4' Required where indicated on Bike Route Plan	10'	10' Where provided	N/A	N/A
Type 6 Minor Street (Canal Side) Core/Center	9' Min. (Core) 8' Min. (Center) Required	25 sq. ft. Min. tree grates or 6' Min continuous landscape strip Required (Center only)	2'	7' Required on side opposite canal	5' adjacent to parking lane; 4' along canal Required where indicated on Bike Route Plan	10'	10' Where provided	N/A	N/A
Type 6 Minor Street (Canal Side) Edge	6' Min. Required	8' Min continuous landscape strip Required	2'	7' Required on side opposite canal	5' adjacent to parking lane; 4' along canal required where indicated on Bike Route Plan	10'	10' Where provided	N/A	N/A
Type 7 Service Road Core/Center/Edge	N/A	N/A	N/A	N/A	N/A	10' Min	N/A	N/A	N/A

Notes:

1. Landscape area is exclusive of the minimum sidewalk width.
2. Parking lot buffers and street trees shall meet all requirements of Chapter 18A of this Code and Article except street trees shall have a minimum diameter breast height of 4".
3. Permanent irrigation is required.
4. In all sub-districts curb and gutter shall be provided at all intersections and roadway edges of arterials, boulevards and Main Street in Core and Center sub-districts curb and gutter shall be provided at all intersections and roadway edges of minor streets.
5. On-street parking shall count towards the minimum required parking.
6. The minimum required width of one lane/one way travel lanes shall be determined by the Public Works and Fire Rescue Departments on a case by case basis during the Administrative Site Plan Review.<<

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Section 4. Sec. 33-284.86 of the Code of Miami-Dade County, Florida, is

hereby amended as follows:

Sec. 33-284.86. General Requirements.

Setbacks, building frontage, and building placement shall be as set forth in the Building Placement and Design Parameters in section 33-284.85 of this code, except as specifically provided herein.

A. Lots and blocks. The following shall be required:

>>All new development within the Urban Center Districts shall be developed with an interconnected network of blocks and streets.<<

Minimum Lot Requirements		
	Size (Square Feet)	Frontage (Feet)
Rowhouse	1,200* >>1,250*	20 18<<
Courtyard house and Sideyard house	3,000*	35
Single-family detached	5,000 ** 4,375 ***	50
>>Urban villa	3,000	30<<
Duplex	7,500>>*<<	75
>>Duplex on parcels with less than 12,000 square feet ****	3,000	40<<
Live-work units	1,700	20 (max 40)
Irregularly shaped lots		15 [[(****)]]
All lots shall share a frontage line with a street or an open space		
(*) service roads are required when these types are provided.		
(**) when service roads are not provided.		
(***) when service roads are provided.		
[[****)such lots shall be located only at the end of a series of lots.]]		
>>**** parcels established prior to the effective date of this ordinance.<<		
Block Requirements		
Unless otherwise provided in the Regulating Plans the perimeter of a block shall not exceed 1,600 feet, and the maximum length of a block shall be:		
In the Edge Sub-district	660 feet	
In the Core and Center Sub-districts	500 feet	

B. Buildings.

* * *

1. All colonnades shall comply with the following:
 - a. Finished floor elevation of the colonnade shall match the adjoining sidewalk.
 - b. Colonnades shall have a minimum ~~>>unobstructed<<~~ clear height of 10 feet ~~[[including lighting]]~~ and a minimum ~~>>unobstructed<<~~ clear width of 10 feet ~~[[on the first floor from build-to-line-to-exterior-building-face, excluding supporting structures]]~~. Awnings shall be permitted but shall not count towards the required colonnades. Colonnades shall not cause roof drainage into the public right-of-way. Colonnades shall be attached to buildings. In no instance shall the depth of a colonnade exceed the colonnade's height.
 - c. Free-standing colonnades shall not satisfy the build-to line requirement.

* * *

7. ~~[[In the Center and Edge Sub-districts, awnings,]]~~ ~~>>~~Awnings~~<<~~ balconies, stoops, stairs, open porches, and bay windows shall be permitted to extend into the minimum required setbacks, to a maximum of:

	Front >>, <u>Rear, Side Street Setbacks</u><< [[Setback, Side Street Setback]]		Interior Side
	In a setback of 10 feet >><u>or less</u><<	In a setback >><u>greater than 10</u><< [[of 15]] feet	
Bay windows	3 feet	3 feet	3 feet
Balconies	6 feet	6 feet	3 feet
Awnings	6 feet	6 feet	3 feet
Stoops	6 feet	6 feet	3 feet
Stairs	6 feet	8 feet	3 feet
Porches	6 feet	8 feet	3 feet

>>*<<			
>>* The encroachment of porches shall only be permitted in conjunction with residential single-family units.<<			

Roof eaves, chimneys, signs, and ramps may encroach into all setbacks. Porticoes, canopies, and colonnades shall be guttered, and drainage shall be deposited onsite.

8. ~~[[In the Core and Center Sub-districts, where]]~~ >>Where<< a 0-foot setback is permitted, roof eaves, bay windows and balconies may encroach beyond the property line a maximum of 3 feet, except when abutting private property. In ~~[[the Core and Center]]~~ >>all<< Sub-districts, awnings may encroach into the right[[s]]-of-way ~~[[but shall not extend into the street]]~~ >>no<< more than 6 inches from the face of the curb. All right-of-way encroachments shall be a minimum of 11 feet above the sidewalk.

* * *

12. Each story shall have a maximum height of 16 feet, as measured from floor to floor. Any height above 16 feet shall count as an additional story, except ~~[[that]]~~ >>as follows:

(a) Buildings with less than six stories may have<< a single story [[may have]] >>with<< a maximum height of 30 feet, provided that no mezzanine area >>intended for commercial use<< exceeds 10 percent >>and no mezzanine area intended for residential use exceeds 80 percent<< of the floor area of that story. >>Multiple levels of parking shall be permitted within this single story provided that they are in compliance with Sec. 33-284.86(E)(10) of this code.

(b) Buildings with 6 or more stories, may have two stories with a maximum height of 30 feet, provided that no mezzanine area intended for commercial use exceeds 10 percent and no mezzanine area intended for residential use exceeds 80 percent of the floor area of a story. Multiple levels of parking shall be permitted within these two stories provided that they are in compliance with Sec. 33-284.86(E)(10) of this code.<<

* * *

>>19. Parcels with less than 25,000 square feet shall not be required to comply with the minimum height requirement on the Building Heights Plan.<<

* * *

E. Parking. Except as provided herein, parking shall be provided as required by section 33-124 of this code.

1. Multi-story parking garages, parking lots, and on-street parking shall count toward all parking requirements except for the parking requirements of detached single-family residences, courtyard and sideyard houses, >>urban villas,<< rowhouses, or duplexes.

a. >>At minimum, parking<< ~~[[Parking]]~~ shall be provided as follows:

Single Family Residential (off-street):
single family detached: 2 spaces/unit
courtyard or sideyard house: 2 spaces/unit
Rowhouse >>or urban villa<<: 2 spaces/unit
duplex: 2 spaces/unit
Multi-family Residential:
>>1<< [[1.5]] spaces/1 bedroom unit
>>1.5<< [[1.75]] spaces/2 bedroom unit
>>1.75<< [[2]] spaces/3 or more bedroom units
>>Workforce Housing Units:
<u>Work-housing units may reduce the parking requirements of this section by 0.25 spaces/unit.</u> <<
Hotel: 1 space/first 40 guest rooms and 1 additional space/ every 2 guest rooms or suites thereafter
Retail: 1 space/250 square feet of gross floor area
Office: 1 space/400 square feet of gross floor area
Restaurants: 1 space/ 50 square feet of patron area
Industrial and Institutional: shall comply with section 33-124 of this code.
Live-work units:
(1) residential component: 2 spaces/unit, and
(2) workshop component: 1 space/325 square feet of workshop area
Live-work buildings:
(1) residential component: shall comply with the multi-family residential requirements described in this sub-section, and
(2) work space, non-residential component: shall comply with [[See-]] section 33-124 [[Standards,]] of this code.
Civic uses: shall comply with section 33-284.51(B)(4) of this code.

All other uses shall comply with the parking standards provided in section 33-124 of this code.

3. The ~~>>minimum<<~~ combined parking requirement for mixed-use development shall be ~~[[90 percent of the total parking otherwise required in this section; provided, however, that in the Core Sub-district, the combined parking required for mixed-use development shall be 80 percent of the total parking otherwise required in this section.]]~~ >>as follows:

<u>Size of Parcel (Square Feet)</u>	<u>Percentage of parking required as otherwise provided in this section</u>	
	<u>Core</u>	<u>Center</u>
<u>0 to 15,000</u>	<u>60 %</u>	<u>60 %</u>
<u>15,001 to 30,000</u>	<u>70 %</u>	<u>70 %</u>
<u>>30,000</u>	<u>80 %</u>	<u>90 %</u>

Note: the combined parking requirement shall also apply to live-work units located in the Edge Sub-district.

In addition, the provisions of Sec. 33-131 of this code shall not apply to the required parking for mixed-use developments.<<

* * *

12. Parking for detached single family homes, courtyard or sideyard houses, and duplexes in the Edge Sub-district shall be subject to the following:
- a. Where there is no service road, parking shall be in the form of individual garages or carports accessed through a driveway from the street. Along the front property line the maximum width of the driveways in front of the build-to line shall be 10 feet. On any other frontage the maximum width of the driveway shall be 20 feet.
 - b. The parking area shall be screened at the build-to line through the use of walls, hedges, or fences.
 - c. In the Edge Sub-district and when provided, attached garages and carports shall be placed as shown in the building placement diagrams for residential areas without service roads.
 - d. The sidewalk shall be continuous and remain at a constant level at all instances where a driveway intersects it.
 - >>e. Required parking may be provided in a tandem configuration.<<

* * *

13. Streets, service roads and utilities.

1. All streets shall be located according to the New Streets Plan and the
Street Type Development Parameters.

>>a.<< All new A streets shall be in the same general location shown on the New Streets Plan and may be modified with respect to alignment, provided that the final alignment is in keeping with the principles of good urban design. >>No new A streets shall be deleted.<< ~~[[All new B streets shall be in the same general location as shown on the New Streets Plan and may be modified or deleted as provided in (2) below.]]~~

>>b. B streets and service roads shown on the New Streets Plan are encouraged to promote connectivity and to conform with block length requirements. New B streets and service roads may be modified or deleted as provided in (2) below. When B streets or service roads are provided, they shall comply with Sections 33-284.85 and 33-284.86 of this code.<<

>>c.<< All streets shall allow general public access. Privately built streets shall provide an approved plat restriction to allow general public access. No gates that impede through traffic are permitted along A or B streets. ~~[[No new A streets shall be deleted.]]~~

2. The Director shall approve the modification of A or B streets >>and service roads<< or the deletion of a B street >>or service road<< if the following conditions are satisfied:

* * *

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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 this Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and made part of the

Code of Miami-Dade County, Florida. The section 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: July 10, 2007

Approved by County Attorney as to form and legal sufficiency:

LMC

Prepared by:

BAK

Dennis A. Kerbel

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MEMORANDUM

Amended
Agenda Item No. 7(B)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

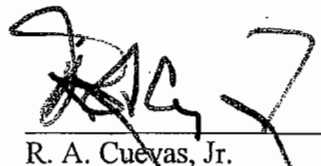
DATE: July 10, 2007

FROM: R. A. Cuevas, Jr.
Acting County Attorney

SUBJECT: Ordinance amending Chapter
33, Article XXXVII of the
Code pertaining to the Airport
Zoning Area for Miami
International Airport
(Wilcox Field)

O#07-92

The accompanying ordinance was prepared and placed on the agenda at the request of Chairman Bruno A. Barreiro.



R. A. Cuevas, Jr.
Acting County Attorney

RAC/bw

MIAMI-DADE COUNTY
OFFICE OF THE COUNTY MANAGER
1000 BISCAYNE BLVD., SUITE 1000
MIAMI, FL 33134

Memorandum



Date: July 10, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George J. Burgess
County Manager

Subject: Ordinance pertaining to the Airport Zoning Area for Miami International Airport (Wilcox Field)

The ordinance pertaining to the Airport Zoning Area for Miami International Airport will not have a fiscal impact on Miami-Dade County.

Alex Muñoz
Assistant County Manager

Fis00907



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM: 
R.A. Caevas, Jr.
Acting County Attorney

SUBJECT: Amended
Agenda Item No. 7(B)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor Amended
Veto _____ Agenda Item No. 7(B)
Override _____ 07-10-07

ORDINANCE NO. 07-92

ORDINANCE AMENDING CHAPTER 33, ARTICLE XXXVII OF THE CODE OF MIAMI-DADE COUNTY PERTAINING TO THE AIRPORT ZONING AREA FOR MIAMI INTERNATIONAL AIRPORT (WILCOX FIELD); CREATING AND AMENDING PROVISIONS RELATING TO ALLOWABLE HEIGHTS OF PERMANENT AND TEMPORARY STRUCTURES AND TREES, AND CERTAIN TEMPORARY EVENTS THAT MAY AFFECT AIR TRAVEL, ALLOWABLE LAND USES, PERMIT ISSUANCE AND REVIEW, AND ENFORCEMENT OF REGULATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section .1 Section 33-330.1 of the Code of Miami-Dade County is hereby amended as follows:¹

Sec. 33-330.1. Legislative intent, findings and purposes.

* * *

A maximum coordination of the airport system requirements and land use policy decisions is therefore essential to optimize the role of the airport system as a potent tool for implementing the desired patterns of metropolitan development in Miami-Dade County. >>To this end, height limitations for the high structure set-aside (HSA) height zoning district were developed in coordination with the Federal Aviation Administration (FAA) and the City of Miami. The height limitations for the HSA are at the maximums tolerable under the current state of aviation technology and should not be

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.

raised unless and until technological advances make greater height limits in the HSA both safe and feasible.<<

* * *

Section 2. Section 33-332 of the Code of Miami-Dade County is hereby amended as

follows:

Sec. 33-332. Definitions.

[[In construing the provisions hereof and each and every word, term, phrase or part thereof, where the context will permit, the definitions provided in Section 1.01, Florida Statutes, and Section 33-1 and Section 33-302 of the Code of Miami-Dade County, Florida, and]] >>For purposes of this article,<< the following definitions shall apply:

* * *

- (4) Height: ~~[[For the purpose of determining the height limits in all districts set forth in this article and shown on the Airport Height Zoning Area Map (MIA), as defined herein,]]~~ Height shall mean the maximum vertical distance ~~[[between]]~~ >>Above<< Mean Sea Level (>>A<<MSL) ~~[[and]]~~ >>to<< the ~~[[top]]~~ >>highest point<< of the ~~[[object or]]~~ structure >>or tree <<.
- (5) Instrument runway means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing or takeoff of aircraft under restricted visibility conditions. The instrument runways at Miami International Airport are designated as Runways 8R/26L, 9/27 and 12/30. Their centerlines are described as follows:
- (a) Runway 8R/26L: Commencing at the SE corner of the NW 1/4 of Section 29, Township 53 South, Range 41 East, Miami-Dade County, Florida; thence N 1° 43' 33.8" W a distance of 459.03 feet; thence S 87° 04' 03" W a distance of 1685.80 feet to the east end of the runway and the point of beginning; thence S 87° 04' 03" W a distance of ~~[[10,500]]~~ >>10,502<< feet to the west end of the runway.

* * *

- (12) Structure means an object constructed<>>, << [[~~or~~]] installed<>>, or transported<< by man, including, but without being limited to, buildings, >>, flagpoles, lightning rods, parapets, antennas, spires, cell towers, roof-mounted equipment or appurtenances, << derrick, draglines, cranes and other boom-equipped machinery, towers, signs, smokestacks, utility poles, or overhead transmission lines>>, whether temporary or permanent<<.
- (13) Tree means ~~[[any object of natural growth]]~~ >>trees or other flora, whether naturally occurring or placed by man or machine, whether temporary or permanent.
- (14) All Objects AMSL Review Boundary shall be defined by constructing 2000 foot radius arcs from the centerline of each runway end and connecting the outermost arcs with tangent lines. This boundary shall encircle the airport.
- (15) 35 foot AMSL Review Boundary shall be defined by connecting the 200 foot AMSL height limits contained in the various airport height zoning districts established within this article. This boundary shall encircle the airport.
- (16) 200 foot AMSL or greater review area shall be defined by all areas beyond the 35 foot AMSL Review Boundary and lying within the airport zoning area defined in Section 33-333 of this article.
- (17) Development Permit is any building permit, zoning permit or approval, subdivision approval, rezoning, certification, special exception, variance, or any other official action of the County or any municipality having the effect of permitting the development, alteration, use or occupancy; or change of use or occupancy, of any land or structure.<<

Section 3. Section 33-334 of the Code of Miami-Dade County is hereby deleted in its entirety and new Section 33-334 is hereby created as follows:

Sec. 33-334. >>Establishment of airspace review criteria.

The Board of County Commissioners hereby adopts, approves and ratifies the map entitled "Airspace Review Criteria MIA" as

prepared by the Miami-Dade Aviation Department (MDAD), dated January 2, 2007. This map depicts the regions within the Airport Zoning Area in which structures and trees of varying height levels are subject to review by MDAD. The map is on file in the Miami-Dade Aviation Department and the Department of Planning and Zoning. Such map shall be the official height review criteria map for Miami International Airport, and shall establish the locations and heights of structures and trees that shall be reviewed by MDAD for the issuance of a letter of determination by MDAD pursuant to Section 33-349 of this article prior to the issuance of any development permit.

If a property, parcel, or project (as defined by its folio number(s)) is bifurcated by any of the review boundaries defined in this section and depicted in the Airspace Review Criteria MIA Map, then the more restrictive review criteria shall apply to the entire property, parcel, or project.

For the purposes of this article, the following shall establish the criteria, based upon a structure or tree's height and location, that determines if such structure or tree is subject to MDAD's review pursuant to Section 33-349.

Within the All Objects Review Boundary, MDAD shall review all applications for development permits.

Between the All Objects Review Boundary and the 35 foot AMSL Review Boundary, all development permit applications for structures or trees greater than or equal to 35 feet AMSL shall be reviewed by MDAD.

Outside of the 35 foot AMSL Review Boundary but within or partially within the MIA Airport Zoning Area, all development permit applications for structures or trees greater than or equal to 200 feet in height shall be reviewed by MDAD.

Any crane use within the airport zoning area shall be coordinated with MDAD and the Federal Aviation Agency (FAA) for a "Determination of No Hazard" by the FAA.<<

Section 4. Section 33-336 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-336. Establishment of >>airport<< land use zoning [[classification]] map[[s]], criteria and use restrictions for Miami International Airport and surrounding [[area]] >> zones and sub-zones<<.

The Board of County Commissioners hereby adopts, approves and ratifies the map "Airport Land Use Zoning Map for Miami International Airport and Surrounding Area," as prepared by the Miami-Dade Aviation Department >>MDAD<<, dated July 19, 2004, reflecting the location and identifying Miami International Airport and other topographic data pertinent thereto depicting the boundaries of the airport zoning area and the [[airport]] >>land use<< zone>>s and sub-zones<< [[sub-areas]]. Such map establishes the boundaries of the airport zoning area>>, land use zones and sub-zones<< [[and sub-areas]], and >>the<< [[all]] prohibitions, restrictions and limitations on uses permitted thereon. The above defined map, which is on file in the Miami-Dade County Department of Planning and Zoning, shall be an official land use zoning map for the Miami International Airport and surrounding area, shall evidence the boundaries of the [[areas and sub-areas]] >>zones and sub-zones<< depicted thereon, and shall be applicable to and controlling of zoning for such [[areas and sub-areas]] >>land use zones and sub-zones<<.

* * *

(B) No land, body of water or structure shall be used, or permitted to be used and no structures shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in the Miami International Airport (Wilcox Field) Zoning Area, which is designed, arranged, or intended to be used or occupied for any purpose otherwise permitted in the underlying zoning district, except in compliance with the following restrictions, limitations and prohibitions:

- (1) Inner Safety Zone (ISZ). New residential construction, educational facilities (excluding aviation related schools), and buildings for public assembly in excess of 1000 persons are prohibited

within this land use zone. It is provided, however, that the prohibition on buildings for public assembly shall not apply to hotels ~~[[;]]~~ >>or<< motels ~~[[; or hospitals]]~~ and their ancillary uses. Additionally, the prohibition on buildings for public assembly as provided herein shall not apply to structures used in connection with public transportation. In no event shall this prohibition be varied.

- (2) Outer Safety Zone (OSZ). New residential construction, educational facilities (excluding aviation related schools), and buildings for public assembly in excess of 1000 persons are prohibited within this zone. It is provided, however, that the prohibition on buildings for public assembly shall not apply to hotels ~~[[;]]~~ >>or<< motels ~~[[; or hospitals]]~~ and their ancillary uses. Additionally, the prohibition on buildings for public assembly as provided herein shall not apply to structures used in connection with public transportation. There shall be no variance pertaining to the residential and educational uses prohibited herein nor any variance permitting a use for public assembly other than as permitted in this ~~[[paragraph]]~~ >>Section 33-336<<.

* * *

Section 5. Section 33-338 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-338. >>Airport land use zoning<< ~~[[N]]~~
>>n<<onconforming uses, regulations not retroactive.

The regulations prescribed by this article or any amendment thereto shall not be construed to require the ~~[[removal, lowering, or other]]~~ change or alteration of any permanent structure ~~[[or tree]]~~ or use lawfully in existence not conforming to the ~~[[regulations as of July 19, 1969]]~~ >>land use regulations of this article<<, or otherwise interfere with the >>lawful<< continuance of any >>legal<< nonconforming use. ~~[[After the effective date of this ordinance, property owners shall not be permitted to erect any~~

~~structure or to grow or maintain trees to heights in excess of those provided herein. Notwithstanding the preceding provisions of this section, the owner of any such nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such marking, or marking and lighting, as shall be deemed necessary by the Director of the Miami-Dade County Aviation Department, to indicate to the operators of aircraft in the vicinity of the airport the presence of an airport hazard. Such marking, or marking and lighting, and the installation, operation and maintenance thereof, or such disposition of the hazard as may be agreed upon by and between the owner and the Director of the Miami-Dade County Aviation Department in lieu of such marking, or marking and lighting, shall be at the expense of the Miami-Dade County Aviation Department.]]~~

Section 6. Section 33-339 of the Code of Miami-Dade County is hereby amended as

follows:

Sec. 33-339. >>Airport land use zoning<< [[A]]
>>a<<administration and enforcement.

It shall be the duty of the Director of the Department of Planning and Zoning of Miami-Dade County, Florida, to administer the >>Airport Land Use Zoning<< regulations prescribed herein in accordance with Section [[2-118]] >>2-105<<, Code of Miami-Dade County, Florida within unincorporated Miami-Dade County. It shall be the duty of [[Team Metro]] >>the Aviation Department<< to enforce these regulations within unincorporated Miami-Dade County. The appropriate municipal official shall administer and enforce these regulations for Miami-Dade County in the incorporated areas.

In the event of any violation of the regulations contained herein, the person responsible for such violation shall be given notice in writing by [[Team Metro]] >>MDAD<< or the appropriate municipal administrative official. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Director of the Miami-Dade County Aviation Department as well as the Director of the Department of Planning and Zoning. The Director of the Department of Planning and Zoning or the director of the appropriate municipal office or designee shall order discontinuance of use of land or buildings; removal of trees >>in their entirety<<

to conform with height limitations set forth herein; removal of buildings, additions, alterations, structures, or objects; discontinuance of any work being done; or shall take any or all other action necessary to correct violations and obtain compliance with all the provisions of this article.

Section 7. Section 33-340 of the Code of Miami-Dade County is hereby deleted in its entirety and a new Section 33-340 is hereby created as follows:

Sec. 33-340. >>Airport land use zoning permits.

Applications for development permits in incorporated areas of Miami-Dade County that are located within any airport zone or sub-zone established in section 33-336 shall be reviewed by the appropriate municipal board(s) or official(s) for the purpose of assuring compliance with the minimum airport land use zoning standards set forth in this article. Applications for development permits in the unincorporated areas of Miami-Dade County that are located within any airport zone or sub-zone shall be reviewed by the appropriate County board(s) or official(s) for the purpose of assuring compliance with the minimum airport land use zoning standards set forth in this article. In all such instances, whether in the incorporated or unincorporated areas, a copy of the application for development permit shall be provided to the Director of the Miami-Dade Aviation Department and the Director of the Miami-Dade Planning and Zoning Department at the time such application is submitted.

The directors of MDAD and the Planning and Zoning Department shall submit in writing, to the appropriate board or official, any objections they may have to an application for development permit regulated by this article. All permits for traditional public school facility projects will be issued through the Miami-Dade Public School Building Department. Written notice of such school facility projects shall be submitted to the Directors of MDAD and the Planning and Zoning Department in sufficiently reasonable time to allow them to file written objections prior to the issuance of any permit.

The Director of MDAD and the Director of the Planning and Zoning Department are authorized to appeal or otherwise legally contest decisions of any municipality or other governmental agency granting a development permit regulated by this article for

failure to comply with the airport land use zoning standards of this article.<<

Section 8. Section 33-341 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-341. >>Airport land use zoning:<<
[[N]]>>n<<onconforming uses abandoned or
destroyed.**

~~Whenever the appropriate >>building,<< zoning>>, or other County or municipal official<< determines that the [[height limits or]] >>airport land<< use >>zoning<< standards of this article will be violated by the reconstruction, substitution or replacement of an existing nonconforming use, structure or tree, no >>development<< permit shall be granted for such reconstruction, substitution or replacement>>, regardless of whether such nonconforming use could otherwise be reconstructed, substituted, or replaced pursuant to Section 33-35 of this Chapter, or pursuant to any otherwise applicable law of the County or any municipality.<< [[Whether application is made for a permit under this paragraph or not, the appropriate zoning official may by appropriate action require the owner of the nonconforming structure or tree to permit the Miami Dade County Aviation Department at its expense to lower, remove, or mark, or mark and light such object as may be necessary to conform to these regulations. No permit shall be granted that would allow the establishment or creation of an airport hazard or would permit a nonconforming structure or tree or nonconforming use to be made or become higher or to become a greater hazard to air navigation that it was when this ordinance was adopted or than when the application for permit is made.]]~~

Section 9. Section 33-342 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-342. Variances and exceptions limited.

- (1) Any person desiring to ~~[[erect or increase the height of any structure, or permit the growth of any tree, or otherwise]]~~ use property not in accordance with the >> land use or any

other<< regulations prescribed in this article, shall follow the procedures set forth below for a variance or exception from such regulations>>, except in such instances where this article expressly prohibits variances or exceptions from certain regulations<<.

* * *

Section 10. Section 33-343.1 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-343.1. Notice of airport proximity >>(airport land use zoning)<<.

All approval of uses in the CA-A sub-zone, including but not limited to approvals of permits, site plans, exceptions and variances, shall include the following notice prominently displayed:

NOTIFICATION OF AIRPORT PROXIMITY

* * *

Section 11. Section 33-344 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-344. Penalties and Enforcement.

Each violation of this article or of any regulation, order, or ruling promulgated hereunder shall be punishable as provided by Section 33-39, Code of Miami-Dade County, Florida >>or in any other manner allowed by law; and any violation of any height, land use or other regulation of this article may be remedied by Miami-Dade County in any manner and through any means allowed by law.<<

Section 12. Section 33-346 of the Code of Miami-Dade County is hereby created as follows:

Sec. 33-346. Establishment of airport height zoning districts for airport obstruction analysis area.

The Board of County Commissioners hereby adopts, approves and ratifies the map entitled "Airport Height Zoning District Map Miami International Airport", dated September 20, 2006, ("MIA Height Map") reflecting the location and identifying Miami International Airport and other topographic data pertinent thereto depicting the boundaries of the airport height zoning districts. Such map establishes the boundaries of the airport height zoning districts, and the prohibitions, restrictions, and limitations on heights permitted thereon by this article.

The above defined map, which is on file in the Miami-Dade Aviation Department and the Department of Planning and Zoning, shall be the official height use zoning map for the Miami International Airport and surrounding area, shall evidence the boundaries of the districts depicted thereon, and shall be applicable to and controlling of height zoning for such districts.

(A) For the purpose of this article all of the airport height classification areas for Miami International Airport (Wilcox Field), as the same is created, established and described hereinbefore, is hereby divided into height zoning districts as follows:

- (1) L or Landing districts (Primary Surfaces). A "landing district" is established for each instrument and non-instrument runway. A landing district for an instrument runway shall have a uniform width of one thousand (1,000) feet. A landing district for a non-instrument runway shall have a uniform width of five hundred (500) feet. All landing districts shall extend for the full length of such runway plus a distance of two hundred (200) feet beyond each end thereof and shall include such runway and be symmetrical about the centerline thereof. Each landing district shall embrace and include all of the land and water area lying vertically beneath an imaginary surface referred to as the "primary surface" which shall have an elevation equal to the elevation of the nearest point on the runway centerline.
- (2) IA or Instrument approach districts. An "instrument approach district" is established for each end of each instrument runway for instrument landings and

takeoffs, and it is further established that each instrument approach district shall embrace and include all of the land and water area lying vertically beneath an imaginary inclined surface which shall hereafter, for the purposes of this article, be referred to and described as the instrument approach surface.

The instrument approach surface shall begin on a base one thousand (1,000) feet wide, such base to be at a position two hundred (200) feet beyond the end of the runway and from such base the approach surface shall widen uniformly to sixteen thousand (16,000) feet at a horizontal distance of fifty thousand two hundred (50,200) feet beyond the end of the runway, the centerline of this surface being the extension of the centerline of the runway.

Within the high structure set-aside district, the imaginary inclined instrument approach surface shall terminate in its intersection with any of the HSA districts as defined in Section 33-346(6), subsections (a) through (e) hereinafter described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of the instrument approach surfaces.

The instrument approach surface shall extend outward and upward from its one thousand-foot-wide base, the elevation of which base is ten (10) feet MSL.

- (a) For runways 8R, 26L, 12 and 30, the approach surface shall slope upward one (1) foot vertically to sixty-five (65) feet horizontally for the first ten thousand (10,000) feet of its length, and from thence it shall slope upward one (1) foot vertically to forty (40) feet horizontally for the remaining forty thousand (40,000) feet.
- (b) For runways 9 and 27, the approach surface shall slope upward one (1) foot vertically to fifty (50) feet horizontally for the first ten

thousand (10,000) feet of its length, and from thence it shall slope upward one (1) foot vertically to forty (40) feet horizontally for the remaining forty thousand (40,000) feet.

- (3) HZ or Horizontal districts. A "horizontal district" is established by swinging arcs of ten thousand (10,000) feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The horizontal district does not include the landing, instrument approach and transition districts. The surface of the horizontal district is a horizontal plane at an elevation of one hundred fifty (150) feet above the hereinbefore established airport elevation.
- (4) CN or Conical district. A "conical district" is established commencing at the periphery of the horizontal district and extending outward for a horizontal distance of four thousand (4,000) feet. The surface of the conical district commences at the elevation of the surface of the horizontal district and extends outward and upward at a slope of one (1) foot vertically to twenty (20) feet horizontally. Within the high structure set-aside district, the imaginary inclined conical surface shall terminate in its intersection with any of the HSA districts as defined in Section 33-246 (6), subsections (a) through (e) hereinafter described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of the conical surfaces.
- (5) DZ or Departure zone district. A "departure zone district" is hereby established adjacent to each instrument runway, and it is further established that each departure zone district shall embrace and include all of the land and water area lying vertically beneath imaginary inclined surfaces which shall hereafter, for the purpose of this article, be referred to and described as departure zone surface 1 and departure zone surface 2 as depicted on the Airport Height Zoning Area Map for Miami

International Airport as defined herein. The high structure set-aside district, which is hereinafter established and described, shall not be a part of and is hereby specifically excluded from the departure zone district.

- (6) HSA or High structure set-aside district. A "high structure set-aside district" is established which identifies an area where tall buildings and other structures may be permitted with limited impact on the capacity and operation of Miami International Airport. When in conflict with any other imaginary surface specified within this article, the herein defined HSA districts shall be the prevailing height limitation. The high structure set-aside district embraces and includes all of the land and water lying within an area in the City of Miami, Florida bounded by the following five (5) sub-districts as follows:

- (a) This district shall be known as the 1010-foot AMSL boundary district. It shall have a maximum allowable height of 1010 feet AMSL. This district shall be bounded by an imaginary polygon connecting the following six (6) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:

Northwestern most corner: Point #10
Latitude: 25° 46' 47.5296" Longitude:
80° 11' 37.7784"
Then east to Point #16 Latitude: 25° 46'
49.646" Longitude: 80° 11' 6.9859"
Then east to Point #9 Latitude: 25° 46'
50.2126" Longitude: 80° 10' 56.2165"
Then southeast to Point #8 Latitude: 25°
46' 31.6176" Longitude: 80° 10' 47.7207"
Then southwest to Point #7 Latitude: 25°
45' 21.8290" Longitude: 80° 11' 08.4645"
Then northwest to Point #6 Latitude: 25°
45' 32.3210" Longitude: 80° 11' 38.2714"

Then northeast to Point #17 Latitude: 25°
45' 42.3695" Longitude: 80° 11' 35.448"
Then north back to the first point.

- (b) This district shall be known as 709-foot
AMSL boundary district. It shall have a
maximum allowable height of 709 feet
AMSL. This district shall be bounded by an
imaginary line connecting the following
polygon consisting of seven (7) NAD 83
Latitude and Longitude coordinates starting
with the Northwest corner traversing in a
clockwise manner and overlies all the land
and water area bounded as follows:

Northwestern most corner: Point #12
Latitude: 25° 47' 10.4625" Longitude: 80°
11' 38.7278"
Then easterly to Point #18 Latitude: 25°
47' 09.0115" Longitude: 80° 11' 24.5157"
Then Northeast to Point #23 Latitude: 25°
47' 10.2132" Longitude: 80° 11' 19.4348"
Then northeast to Point #19 Latitude: 25°
47' 13.4815" Longitude: 80° 11' 11.6725"
Then east to Point #14 Latitude: 25° 47'
14.1187" Longitude: 80° 11' 07.1561"
Then south to Point #16 Latitude: 25° 46'
49.646" Longitude: 80° 11' 06.9859"
Then west to Point #10 Latitude: 25° 46'
47.5296" Longitude: 80° 11' 37.7784"
Then north back to the first point.

- (c) This district shall be known as the 649-foot
AMSL boundary district. It shall have a
maximum allowable height of 649 feet
AMSL. This district shall be bounded by an
imaginary line connecting the following
polygon consisting of eleven (11) NAD 83
Latitude and Longitude coordinates starting
with the Northwest corner traversing in a
clockwise manner and overlies all the land
and water area bounded as follows:

Northwestern most corner: Point #11
Latitude: 25° 48' 41.4522" Longitude: 80°
11' 43.1295"
Then east to Point #22 Latitude: 25°
48' 40.8496" Longitude: 80° 11' 15.5784"
Then northeast to Point #24 Latitude: 25°
48' 41.4146" Longitude: 80° 11' 08.9165"
Then northeast to Point #15
Latitude: 25° 48' 41.0436" Longitude: 80°
11' 07.1879"
Then south to Point #14 Latitude: 25°
47' 14.1187" Longitude: 80° 11' 07.1561"
Then west to Point #19 Latitude: 25°
47' 13.4815" Longitude: 80° 11' 11.6725"
Then Northeast to Point #23 Latitude: 25°
47' 10.2132" Longitude: 80° 11' 19.4348"
Then southwest to Point #18 Latitude: 25°
47' 09.0115" Longitude: 80° 11' 24.5157"
Then west to Point #12 Latitude: 25°
47' 10.4625" Longitude: 80° 11' 38.7278"
Then north to Point #20 Latitude: 25°
47' 17.2495" Longitude: 80° 11' 39.0561"
Then northwest to Point #21 Latitude: 25°
47' 18.5731" Longitude: 80° 11' 40.7420"
Then north back to the first point.

- (d) This district shall be known as the High Set-Aside Transitional District. Boundary end shall vary in its slope depending on the allowable heights that are adjacent to this district as set forth in this article. It shall have a maximum allowable height of 310 feet AMSL along some portions of the western boundary and increase to a maximum allowable height of 1010 feet AMSL along those areas that are adjacent to the 1010-foot boundary.

This district shall be bounded by an imaginary line connecting the following polygon consisting of eleven (11) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a

clockwise manner and overlies all the land and water area bounded as follows:

Northwestern most corner: Point #1
Latitude: 25° 47' 37.6803" Longitude: 80° 12' 18.9273"

Then east to Point #13 Latitude: 25° 47' 38.5695" Longitude: 80° 11' 41.318"
Then south to Point #21 Latitude: 25° 47' 18.5731" Longitude: 80° 11' 40.7420"
Then southeast to Point #20 Latitude: 25° 47' 17.2495" Longitude: 80° 11' 39.0561"
Then south to Point #12 Latitude: 25° 47' 10.4625" Longitude: 80° 11' 38.7278"
Then south to Point #10 Latitude: 25° 46' 47.5296" Longitude: 80° 11' 37.7784"
Then south to Point #17 Latitude: 25° 45' 42.3695" Longitude: 80° 11' 35.448"
Then southeast to Point # Latitude: 25° 45' 32.3210" Longitude: 80° 11' 38.2714"
Then northwest to Point #5 Latitude: 25° 45' 43.2122" Longitude: 80° 11' 59.4724"
Then north to Point #32 Latitude: 25° 46' 46.9187" Longitude: 80° 12' 01.4771"
Then north to Point #2 Latitude: 25° 47' 02.6758" Longitude: 80° 12' 01.9730"
Then back to the first point of this district.

- (e) This district shall be known as 310-foot AMSL boundary district. It shall have a maximum allowable height of 310 feet AMSL. This district shall be bounded by an imaginary line connecting the following polygon consisting of twelve (12) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:

Northwestern most corner: Point #3
Latitude: 25° 47' 41.6854"
Longitude: 80° 13' 40.3263"
Then east to Point #25 Latitude: 25° 47'

33.8427" Longitude: 80° 12' 17.0685"
Then south to Point #2 Latitude: 25°
47' 02.6758" Longitude: 80° 12' 01.9730"
Then south to Point #32 Latitude: 25°
46' 46.9187" Longitude: 80° 12' 01.4771"
Then south to Point #5 Latitude: 25°
45' 43.2122" Longitude: 80° 11' 59.4724"
Then northwest to Point #4 Latitude: 25°
46' 18.54" Longitude: 80° 13' 50.8037"
Then northwest to Point #26 Latitude: 25°
46' 31.8645" Longitude: 80° 14' 15.3849"
Then northeast to Point #27 Latitude: 25°
46' 29.9925" Longitude: 80° 14' 04.5838"
Then north to Point #28 Latitude: 25°
46' 53.1392" Longitude: 80° 13' 15.1815"
Then northwest to Point #29 Latitude: 25°
46' 55.9420" Longitude: 80° 14' 5.6983"
Then northeast to Point #30 Latitude: 25°
46' 56.6371" Longitude: 80° 13' 54.8079"
Then north to Point #31 Latitude: 25°
47' 19.8838" Longitude: 80° 13' 55.9731"
Then back to the first point of this district.

- (7) TR or Transition districts. "Transition districts" are hereby established adjacent to each landing and each instrument approach district.

Transition districts adjacent to landing districts embrace and include all of the land and water area lying vertically beneath an imaginary inclined surface symmetrically located on each side of such landing districts. For instrument runways such imaginary inclined surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of one (1) foot vertically to seven (7) feet horizontally from the sides of the primary surface and from the side of the approach surface.

Transition districts adjacent to instrument approach districts embrace and include all of the land and water area lying vertically beneath imaginary inclined surfaces which extend outward and upward from the long sides of the instrument approach

surfaces as hereinbefore described, with a slope of one (1) foot vertically to seven (7) feet horizontally.

Within horizontal districts, this imaginary inclined transition surface shall terminate when it reaches an elevation of one hundred sixty (160) feet AMSL. Within conical districts, the imaginary inclined transition surface shall terminate in its intersection with the conical surface as hereinbefore described under "conical district." Within the departure zone district, the imaginary inclined transition surface shall terminate in its intersection with the departure zone surface hereinbefore described under "departure zone district." Within the high structure set-aside district, the imaginary inclined transition surface shall terminate in its intersection with any of the HSA districts as defined in section 6, subsection (a) through (e) of this article hereinbefore described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of the transitional surfaces.

- (8) NA or Non-instrument approach districts. A "non-instrument approach district" is established for each end of each non-instrument runway for non-instrument landings and take-offs and it is further established that each such non-instrument approach district shall embrace and include all of the land and water area lying vertically beneath an imaginary inclined surface which shall hereafter, for the purposes of this article, be referred to and described as the non-instrument approach surface.

The non-instrument approach surface shall begin, and shall have a base five hundred (500) feet wide, at a distance of two hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond the end of the runway, the centerline of this surface being the continuation of the centerline of the runway.

The non-instrument approach surface shall extend outward and upward from its five hundred-foot-wide base, the elevation of which is base is ten (10) feet AMSL.

For Runways 8L and 26R, the approach surface shall slope upward one (1) foot vertically to thirty-four (34) feet horizontally for its entire length.

- (B) Criteria included in the Miami-Dade County Comprehensive Development Plan shall be utilized in the review of land use and zoning modifications which are requested in the hereinbefore established airport zoning area.

Section 13. Section 33-347 of the Code of Miami-Dade County Florida is hereby created as follows:

Sec. 33-347. Establishment of height limitations for height zoning districts in the airport zoning area.

Except as otherwise provided elsewhere in this article, no structure or object shall be erected or altered and no tree shall be allowed to grow or be maintained in any height zoning district created and established by this article to a height in excess of the height limits herein established for such district, as depicted by the MIA Height Map. In applying the provisions of this article, such height limitations shall be corrected to elevations referred to the heretofore established mean sea level datum plane, by adding such height limitations to the mean sea level elevation of the point, line or plane to which such height limitation is referenced, or to the airport elevation, as the context of this article requires. An area, structure, or tree located in more than one (1) of the described districts is considered to be only in the district with the more restrictive height limitation.

The MIA Height Map adopted in Section 33-346 of this article shall be the official height zoning map for the Miami International Airport, shall establish the maximum height of structures and trees and shall be applicable to and controlling of such height limitations established herein.

Height limitations are hereby established for the districts of the MIA Height Map as follows:

- (1) Instrument Approach Districts:
 - (a) For Runways 8R, 26L, 12 and 30: One (1) foot vertically for each sixty-five (65) feet horizontally beginning at a point two hundred (200) feet from the end of each instrument runway and extending for a distance of ten thousand two hundred (10,200) feet from the end of each runway; thence one (1) foot vertically for each forty (40) feet horizontally for a distance of forty thousand (40,000) feet to a point fifty thousand two hundred (50,200) feet from the end of each runway. Within the high structure set-aside district, this imaginary inclined surface shall terminate in its intersection with any of the HSA districts as defined in Section 33-346(6), subsections (a) through (e) hereinbefore described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of these surfaces.
 - (b) For Runways 9 and 27, one (1) foot vertically for each fifty (50) feet horizontally beginning at a point two hundred (200) feet from the end of these instrument runways and extending for a distance of ten thousand two hundred (10,200) feet from the end of each runway; thence one (1) foot vertically for each forty (40) feet horizontally for a distance of forty thousand (40,000) feet to a point fifty thousand two hundred (50,200) feet from the end of each runway. Within the high structure set-aside district, this imaginary inclined surface shall terminate in its intersection with any of the HSA districts as defined in Section 33-346(6), subsections (a) through (e) hereinbefore described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of these surfaces.
- (2) Horizontal district: One hundred fifty (150) feet above the hereinbefore established airport elevation.
- (3) Conical district: One (1) foot vertically to twenty (20) feet horizontally beginning at the periphery of the hereinbefore described horizontal district for a horizontal distance of

four thousand (4,000) feet. Within the high structure set-aside district, the imaginary inclined Conical surface shall terminate in its intersection with any of the HSA districts as defined in Section 33-346(6), subsections (a) through (e) hereinbefore described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of the conical surfaces.

- (4) Departure zone district: For departure zone surface 1, one (1) foot vertically to forty (40) feet horizontally beginning at the departure end of each runway at an elevation of forty-five (45) feet AMSL and extending outward a distance of two (2) nautical miles (12,152 feet) from the end of the runway. For departure zone surface 2, one (1) foot vertically to forty (40) feet horizontally beginning at the edge of each runway and the edge of the departure zone surface 1, and at an elevation of three hundred forty-nine (349) feet AMSL, which is the elevation at the high end of the departure zone 1 surface, then extending until an elevation of one thousand five hundred ten (1,510) feet AMSL is reached. The one thousand five hundred ten-foot elevation continues outward from the airport as a horizontal plane to the boundaries of the airport zoning area. The height restrictions in the departure zone district do not apply within the high structure set-aside district.
- (5) HSA or High structure set-aside district. A "high structure set-aside district" is established which identifies an area where tall buildings and other structures may be permitted with limited impact on the capacity and operation of Miami International Airport. When in conflict with any other imaginary surface specified within this article, the herein defined HSA sub-districts shall be the prevailing height limitation. The high structure set-aside district embraces and includes all of the land and water lying within an area in the City of Miami, Florida bounded by the following five (5) sub-districts as follows:
 - (a) This sub-district shall be known as the 1010-foot AMSL boundary district. It shall have a maximum allowable height of 1010 feet. This sub-district shall be bounded by an imaginary polygon connecting the following six (6) NAD 83 Latitude

and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:

Northwestern most corner: Point #10 Latitude:
25° 46' 47.5296" Longitude: 80° 11' 37.7784"
Then east to Point #16 Latitude: 25° 46' 49.646"
Longitude: 80° 11' 6.9859"
Then east to Point #9 Latitude: 25° 46' 50.2126"
Longitude: 80° 10' 56.2165"
Then southeast to Point #8 Latitude: 25° 46'
31.6176" Longitude: 80° 10' 47.7207"
Then southwest to Point #7 Latitude: 25° 45'
21.8290" Longitude: 80° 11' 08.4645"
Then northwest to Point #6 Latitude: 25° 45'
32.3210" Longitude: 80° 11' 38.2714"
Then northeast to Point #17 Latitude: 25° 45'
42.3695" Longitude: 80° 11' 35.448"
Then north back to the first point.

- (b) This sub-district shall be known as 709-foot AMSL boundary district. It shall have a maximum allowable height of 709 feet. This sub-district shall be bounded by an imaginary line connecting the following polygon consisting of seven (7) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows :

Northwestern most corner: Point #12 Latitude:
25° 47' 10.4625" Longitude: 80° 11' 38.7278"
Then easterly to Point #18 Latitude: 25° 47'
09.0115" Longitude: 80° 11' 24.5157"
Then Northeast to Point #23 Latitude: 25° 47'
10.2132" Longitude: 80° 11' 19.4348"
Then northeast to Point #19 Latitude: 25° 47'
13.4815" Longitude: 80° 11' 11.6725"
Then east to Point #14 Latitude: 25° 47' 14.1187"
Longitude: 80° 11' 07.1561"
Then south to Point #16 Latitude: 25° 46'
49.646" Longitude: 80° 11' 06.9859"
Then west to Point #10 Latitude: 25° 46'

47.5296" Longitude: 80° 11' 37.7784"

Then north back to the first point.

- (c) This sub-district shall be known as the 649-foot AMSL boundary district. It shall have a maximum allowable height of 649 feet. This sub-district shall be bounded by an imaginary line connecting the following polygon consisting of eleven (11) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:

Northwestern most corner: Point #11 Latitude:

25° 48' 41.4522" Longitude: 80° 11' 43.1295"

Then east to Point #22 Latitude: 25° 48' 40.8496"

Longitude: 80° 11' 15.5784"

Then northeast to Point #24 Latitude: 25° 48'

41.4146" Longitude: 80° 11' 08.9165"

Then northeast to Point #15 Latitude: 25° 48'

41.0436" Longitude: 80° 11' 07.1879"

Then south to Point #14 Latitude: 25° 47'

14.1187" Longitude: 80° 11' 07.1561"

Then west to Point #19 Latitude: 25° 47'

13.4815" Longitude: 80° 11' 11.6725"

Then Northeast to Point #23 Latitude: 25° 47'

10.2132" Longitude: 80° 11' 19.4348"

Then southwest to Point #18 Latitude: 25° 47'

09.0115" Longitude: 80° 11' 24.5157"

Then west to Point #12 Latitude: 25° 47'

10.4625" Longitude: 80° 11' 38.7278"

Then north to Point #20 Latitude: 25° 47'

17.2495" Longitude: 80° 11' 39.0561"

Then northwest to Point #21 Latitude: 25° 47'

18.5731" Longitude: 80° 11' 40.7420"

Then north back to the first point.

- (d) This sub-district shall be known as the High-Set Aside Transitional District. Boundary end shall vary in its slope depending on the allowable heights that are adjacent to this sub-district as set forth in this article. It shall have a maximum allowable height of 310 feet AMSL along some portions of the western boundary and increase to a maximum

allowable height of 1010 feet AMSL along those areas that are adjacent to the 1010-foot boundary.

This sub-district shall be bounded by an imaginary line connecting the following polygon consisting of eleven (11) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:

Northwestern most corner: Point #1 Latitude: 25° 47' 37.6803" Longitude: 80° 12' 18.9273"
Then east to Point #13 Latitude: 25° 47' 38.5695" Longitude: 80° 11' 41.318"
Then south to Point #21 Latitude: 25° 47' 18.5731" Longitude: 80° 11' 40.7420"
Then southeast to Point #20 Latitude: 25° 47' 17.2495" Longitude: 80° 11' 39.0561"
Then south to Point #12 Latitude: 25° 47' 10.4625" Longitude: 80° 11' 38.7278"
Then south to Point #10 Latitude: 25° 46' 47.5296" Longitude: 80° 11' 37.7784"
Then south to Point #17 Latitude: 25° 45' 42.3695" Longitude: 80° 11' 35.448"
Then southeast to Point #6 Latitude: 25° 45' 32.3210" Longitude: 80° 11' 38.2714"
Then northwest to Point #5 Latitude: 25° 45' 43.2122" Longitude: 80° 11' 59.4724"
Then north to Point #32 Latitude: 25° 46' 46.9187" Longitude: 80° 12' 01.4771"
Then north to Point #2 Latitude: 25° 47' 02.6758" Longitude: 80° 12' 01.9730"
Then back to the first point of this district.

- (e) This sub-district shall be known as 310-foot AMSL boundary district. It shall have a maximum allowable height of 310 feet. This sub-district shall be bounded by an imaginary line connecting the following polygon consisting of twelve (12) NAD 83 Latitude and Longitude coordinates starting with the Northwest corner traversing in a clockwise manner and overlies all the land and water area bounded as follows:

Northwestern most corner: Point #3 Latitude: 25°
47' 41.6854" Longitude: 80° 13' 40.3263"
Then east to Point #25 Latitude: 25° 47' 33.8427"
Longitude: 80° 12' 17.0685"
Then south to Point #2 Latitude: 25° 47'
02.6758" Longitude: 80° 12' 01.9730"
Then south to Point #32 Latitude: 25° 46'
46.9187" Longitude: 80° 12' 01.4771"
Then south to Point #5 Latitude: 25° 45'
43.2122" Longitude: 80° 11' 59.4724"
Then northwest to Point #4 Latitude: 25° 46'
18.54" Longitude: 80° 13' 50.8037"
Then northwest to Point #26 Latitude: 25° 46'
31.8645" Longitude: 80° 14' 15.3849"
Then northeast to Point #27 Latitude: 25° 46'
29.9925" Longitude: 80° 14' 04.5838"
Then north to Point #28 Latitude: 25° 46'
53.1392" Longitude: 80° 13' 15.1815"
Then northwest to Point #29 Latitude: 25° 46'
55.9420" Longitude: 80° 14' 5.6983"
Then northeast to Point #30 Latitude: 25° 46'
56.6371" Longitude: 80° 13' 54.8079"
Then north to Point #31 Latitude: 25° 47'
19.8838" Longitude: 80° 13' 55.9731"
Then back to the first point of this district.

- (6) Transition district: One (1) foot vertically for each seven (7) feet horizontally from the sides of the primary surfaces and from the sides of the approach surfaces (instrument or non-instrument). Transition surfaces extend from the primary surfaces to the horizontal surface, and from the approach surfaces to the adjacent horizontal surface, conical surface or departure zone surface. Within the high structure set-aside district, the imaginary inclined transition, conical, and approach surfaces shall terminate in its intersection with any of the HSA districts as defined in section 6, subsection (a) through (e) of this article hereinbefore described under "high structure set-aside district." The HSA districts shall have precedence when they are in conflict or coincide with any of the approach, conical, or transitional surfaces.

(7) Non-Instrument approach districts:

For Runways 8L and 26R, the non-instrument approach surface shall extend outward and upward from its base, the elevation of which shall be the same as that of the runway end adjacent thereto, with a slope of one (1) foot vertically to thirty-four (34) feet horizontally for its entire length.

Section 14. Section 33-348 of the Code of Miami-Dade County is hereby created as follows:

Sec. 33-348. Administration and enforcement of airport height zoning.

Notwithstanding any other provision of this chapter or Code to the contrary, it shall be the duty of the Director of the Miami-Dade Aviation Department (MDAD), to administer and enforce the regulations prescribed herein relating to height zoning within unincorporated Miami-Dade County and all incorporated municipalities therein.

In the event of any violation of the regulations contained herein, the Aviation Department shall provide notice of such violation to the appropriate administrative official, with a copy to the owner of the property where such violation occurred. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Director of the Department of Planning and Zoning. The Director of the Miami-Dade Aviation Department or the director of the appropriate municipal office or designee shall order discontinuance of use of land or buildings; removal of structures or trees to conform with height limitations set forth herein; removal of buildings, additions, alterations, or structures; discontinuance of any work being done; or shall take any or all other action necessary to correct violations and obtain compliance with all the provisions of this article.

Section 15. Section 33-349 of the Code of Miami-Dade County Florida is hereby created as follows:

Sec. 33-349. Airspace approvals.

No permanent structure may be erected, constructed, located or otherwise established within the MIA Airport Zoning Area unless it has been issued an appropriate development permit(s) by Miami-Dade County or the municipality in which it is located. Except as provided for hereunder, no development permit for any structure or tree (whether permanent or temporary, natural or man made) to be erected, planted, located or otherwise established, within the MIA Airport Zoning Area shall be issued by the county or any municipality unless such development permit has been approved in writing by MDAD and meets the review criteria created pursuant to this article.

For permanent structures or trees, such approval is required for (1) all structures or trees on property located within or bifurcated by the all objects review boundary; (2) for all structures or trees greater than or equal to 35 feet AMSL on property located within or bifurcated by the 35 foot AMSL review boundary; and for all structures or trees greater than or equal to 200 feet AMSL on property located within or partially within the MIA airport zoning area but outside the 35 foot AMSL review boundary. For temporary cranes or other temporary structures, such approval is required if such structures meet either the crane review criteria or the events review criteria set forth in this section.

In all instances, whether in the incorporated or unincorporated areas of Miami-Dade County, a copy of any application for a development permit that requires approval by MDAD pursuant to this section 33-349 must be submitted to MDAD for review prior to the issuance of any development permit based on such application. Each such application for a development permit shall indicate the height (AMSL) of all applied-for structures. Any development permit subject to the review and approval process of this section 33-349 that is issued without the written approval of MDAD shall be voidable through an original action by a court of competent jurisdiction regardless of the expiration of any otherwise applicable appeal period for the challenge of such development permit.

Temporary cranes or other temporary structures, which meet the crane review criteria of this article, but which do not require a development permit for their erection, installation, siting, operation, or use, shall receive written approval from MDAD prior to their erection, installation, siting, operation or use if so erected, installed, sited, operated or used anywhere within the MIA airport zoning area. Temporary events, which meet the temporary events review criteria of this article, but which do not require a development permit for their installation, siting, operation or use, shall receive written approval from MDAD prior to their installation, siting, operation or use if so installed, sited, operated or used anywhere within the MIA airport zoning area.

In addition, neither Miami-Dade County nor any municipality or other entity shall issue any development permit, or allow the use of a crane, or otherwise allow any other structure to be erected, located or otherwise established within the airport zoning area unless such structure has been reviewed and approved by the FAA if the structure meets FAA notification criteria set forth in Title 14 of the Code of Federal Regulations, Part 77, as amended.

Notwithstanding any provisions of this chapter, in approving any permit under this article, the Director of the Miami-Dade Aviation Department shall require the owner of the structure for which a permit is being sought, to install, operate and maintain thereon at the owner's sole expense, such marking and lighting as may be necessary to indicate to aircraft pilots the presence of a structure, such marking and lighting to conform to the specific standard established by rule of the Department of Transportation and Federal Aviation Administration Advisory Circular 70/7460-1k change 1, or most recent update.

In order to comply with Federal Aviation Regulations, the Director of the Miami-Dade Aviation Department shall have the right to order structure or tree heights to be lower than the height limitations established in this article. For the sake of aviation safety and airport viability, there shall be no variances from or exceptions to the height zoning limitations of this article.

The Director of the Miami-Dade Aviation Department or designee is authorized to appeal or otherwise legally contest decisions of a municipality granting development permits that are subject to compliance with this article, for failure to comply with the airport height zoning standards of this article.

Applicant shall pay any applicable review fees to MDAD for its reviews performed in accordance with this article. Review shall not commence until the appropriate fees are paid to MDAD.

- (A) Permanent structures or trees.
 - (1) Review process for permanent structures or trees shall be as follows:
 - (a) Applicant shall provide the Latitude and Longitude coordinates in NAD 83 (in degrees, minutes, and seconds format and to an accuracy of three decimal places for the seconds), job site address, height to tallest point of structures and trees, name of structures and trees, folio number(s), site location sheet and profile sheet (both 11x17 inch format) indicating the maximum height AMSL of the structures and trees. If any structure or tree meets the FAA notification criteria set forth in Title 14 of the Code of Federal Regulations, Part 77, a valid "Determination of No Hazard" issued by the FAA must be submitted to MDAD at the same time.
 - (b) Upon receipt of the required information, MDAD shall initiate the review process. Should MDAD require more information, MDAD shall notify the applicant of this deficiency and place the review process on hold until receipt of the requested information.
 - (c) For permanent structures or trees, MDAD shall issue a letter indicating if the proposed structure or tree height does or does not conform to the criteria established within this article. The letter shall also indicate whether the applicant needs to submit their information to the FAA for their own evaluation. No building permit or other development permit shall be issued by any incorporated municipality or Miami-Dade County unless the applicant can provide a

valid "Determination of No Hazard" issued by the FAA, if the project meets FAA notification criteria as stated in Title 14 of the Code of Federal Regulations, Part 77. No building permit or other development permit shall be issued for, and no structure or tree shall be allowed to a height greater than the lower of (1) that height stated on a valid "Determination of No Hazard" issued by the FAA, or (2) that height allowed by the regulations set forth in this article.

- (2) Certificate of Use and Certificate of Occupancy requirements for permanent structures. Upon completion of any project, no certificate of occupancy or certificate of use shall be issued by a municipality or Miami-Dade County until approval is obtained from MDAD certifying that the structure was built no higher than the height approved by MDAD in compliance with this article. This approval shall be issued by MDAD after submittal by applicant of the required information including as-built elevations certified and prepared, signed and sealed by a State of Florida licensed surveyor, architect or engineer. Such elevation as-built certification shall be 8.5" x 11" in size and contain an elevation view of as-built construction with Latitude and Longitude coordinates in NAD 83 (in degrees, minutes, seconds format with at least 2 decimal places accuracy for the seconds number) noted for the height of the structure and the height of any appurtenances thereto. The height shall also be indicated for the point closest to Miami International Airport.
- (B) Temporary Cranes and Other Temporary Structures.
- (1) Crane review criteria. Any crane or other temporary structure shall be reviewed if its height may at any time exceed an imaginary surface extending outward and upward at a slope of 100 to 1 from the nearest point of the nearest runway at MIA, or if its height may at any time equal or exceed 200 feet AMSL.

- (2) No temporary crane or other temporary structure meeting the crane review criteria above shall be erected, installed, sited, operated or used unless it has been approved in writing by MDAD.
- (3) Review and approval process for temporary cranes and other temporary structures shall be as follows:
 - (a) Applicant shall provide to the Aviation Department the Latitude and Longitude coordinates in NAD 83 (in degrees, minutes, and seconds format and to an accuracy of three decimal places for the seconds), job site address, height to tallest point of crane or structure, dates and times of operation, whether nighttime operation is requested, applicant's name, phone number, email, fax number, and the crane or structure operator's 24 hour phone number. This information should be provided to the MDAD, Aviation Planning Division, using MDAD's "Permissible Crane Height Determination" form. If the structure meets FAA notification criteria as stated in Title 14 of the Code of Federal Regulations, Part 77, a valid "Determination of No Hazard" as issued by the FAA must be submitted at the same time.
 - (b) Upon receipt of the required information, MDAD shall process the application. Should MDAD require more information, MDAD shall notify the applicant of this deficiency and place the review process on hold until receipt of the requested information.
 - (c) MDAD shall indicate on the "Permissible Crane Height Determination" form the allowable crane or structure height. MDAD shall not approve an application unless a valid FAA "Determination of No Hazard" has been attached, if the crane or structure meets FAA notification criteria set forth in

Title 14 of the Code of Federal Regulations,
Part 77.

- (4) Crane lighting. Any crane or other temporary construction equipment shall comply with FAA Advisory Circular 70/7460-1K "Obstruction Marking and Lighting", as amended.
- (C) Temporary Events Affecting Navigable Airspace
- (1) Temporary events review criteria. A temporary event that could affect navigable airspace shall be reviewed by MDAD if its height may at any time exceed an imaginary surface extending outward and upward at a slope of 100 to 1 from the nearest point of the nearest runway at MIA, or if its height may at any time equal or exceed 200 feet AMSL.
 - (a) Balloons, kites, unmanned rockets and unmanned free balloons shall be reviewed, operated, and marked in accordance with Title 14 of the Code of Federal Regulations, Part 101, as amended.
 - (b) Fireworks shall be reviewed and operated in accordance with Title 14 of the Code of Federal Regulations, Part 101, as amended.
 - (c) Outdoor laser operations shall be reviewed in accordance with FAA Advisory Circular 70-1, as amended.
 - (d) Radio controlled aircraft or other radio controlled objects shall be operated in accordance with FAA Advisory Circular 91-57, as amended.
 - (2) Review and approval process for temporary events impacting airspace shall be as follows:
 - (a) Applicant shall provide a written request to MDAD indicating the nature of the temporary event and any other pertinent details including the Latitude and Longitude coordinates in NAD 83 (in degrees, minutes,

and seconds format and to an accuracy of three decimal places for the seconds), address where the temporary event will be located, operated, sited, installed, launched or otherwise used, height to tallest reasonably anticipated point of the temporary event, dates and times of operation, whether nighttime operation is requested, applicant's name, phone number, email, fax number, and the temporary event operator's 24 hour phone number. This information should be provided to MDAD, Aviation Planning Division, using MDAD's "Permissible Crane Height Determination" form. If the temporary event meets FAA notification criteria as stated in Title 14 of the Code of Federal Regulations, Part 77, a valid "Determination of No Hazard" as issued by the FAA must be submitted at the same time.

- (b) Upon receipt of the required information, MDAD shall process the application. Should MDAD require more information, MDAD shall notify the applicant of this deficiency and place the review process on hold until receipt of the requested information.
- (c) MDAD shall respond in writing stating whether the temporary event will be allowed to be used, operated or installed, and, if allowed, the allowable maximum height of the temporary event. MDAD shall not approve an application unless a valid FAA "Determination of No Hazard" has been attached, if the temporary event meets FAA notification criteria set forth in Title 14 of the Code of Federal Regulations, Part 77.
- (d) In addition, the following temporary events shall meet and comply with the following criteria prior to approval from MDAD:

1. Lasers. Outdoor laser operations must receive and submit to MDAD a letter of non-objection from the FAA and be operated in accordance with FAA Advisory Circular 70-1.
2. Fireworks. Fireworks operations shall receive and submit to MDAD an acknowledgement letter from the FAA indicating that the operation meets the criteria of FAR Title 14, Part 101. Operations shall abide by all conditions prescribed in such FAA-issued acknowledgement letter.
3. Balloons, kites, unmanned rockets, and unmanned free balloons. These operations shall receive and submit to MDAD a waiver issued by the FAA as specified in FAR Title 14, Part 101.

(D) *Violations.* In addition to any other remedies or penalties set forth in this article or elsewhere in this code for violations of the provisions of this article, any structure, tree, temporary crane or structure, or temporary event that violates the provisions of this article is subject to a stop work order issued by MDAD or other appropriate county or municipal official, and is also subject to an order to lower, remove, or cease the operation or use of the structure, tree, temporary crane or structure, or temporary event that is in violation of the provisions of this article.

Section 16. Section 33-350 of the Code of Miami-Dade County Florida is hereby created as follows:

Sec. 33-350. Airport Height Zoning: nonconforming uses abandoned or destroyed.

Whenever the appropriate building, zoning, or other County or municipal official determines that the height limits of this article will be violated by the reconstruction, substitution or replacement of an existing legal nonconforming use, structure or tree, no permit shall be granted for such reconstruction, substitution or

replacement, regardless of whether such nonconforming use could otherwise be reconstructed, substituted, or replaced pursuant to Section 33-35 of this Chapter or pursuant to any otherwise applicable law of the County or any municipality. Notwithstanding any other provision of this Code or otherwise applicable municipal law, an appropriate County or municipal official may require the owner of a nonconforming structure or tree to allow the Miami-Dade Aviation Department, at the owner's expense to lower, remove, or mark, or mark and light, such structure or tree as may be necessary to conform such structure or tree to the height regulations of this article, or to give visual warning of such structures or trees that do not conform to the height regulations of this article. No development permit shall be granted that would allow the establishment or creation of an airport hazard or would permit a nonconforming structure or tree or nonconforming use to be made or become higher or to become a greater hazard to air navigation that it was when this ordinance was adopted or than when the application for permit was made.

Section 17. 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 18. 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 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 19. This ordinance shall become effective ten (10) days after the date of enactment, or upon execution of the Interlocal Agreement between Miami-Dade County and the City of Miami's Board of City Commissioners pertaining to the City of Miami's consistency and compliance with specific requirements for the protection of navigable airspace for Miami

Amended
Agenda Item No. 7(B)
Page No. 37

International Airport, whichever comes later, unless otherwise vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: July 10, 2007

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Jay W. Williams

Handwritten signature of Jay W. Williams, consisting of a stylized 'JW' with a flourish underneath.

Sponsored by Chairman Bruno A. Barreiro

MEMORANDUM

Amended
Agenda Item No. 7(A)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

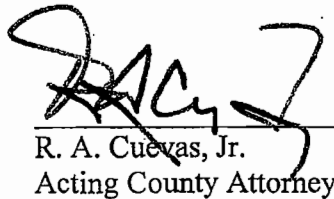
DATE: (Second Reading 7-10-07)
May 8, 2007

FROM: R. A. Cuevas, Jr.
Acting County Attorney

SUBJECT: Ordinance pertaining to
zoning regulation of signs

0#07-91

The accompanying ordinance was prepared and placed on the agenda at the request of
Chairman Bruno A. Barreiro.



R. A. Cuevas, Jr.
Acting County Attorney

RAC/bw

MEMORANDUM FOR THE BOARD OF COUNTY COMMISSIONERS
DATE: JULY 10, 2007
SUBJECT: ZONING REGULATION OF SIGNS

Memorandum



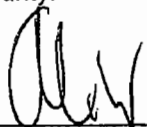
Date: July 10, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to the zoning regulation of signs

The ordinance pertaining to the zoning regulation of signs will not have a fiscal impact to Miami-Dade County.



Alex Munoz
Assistant County Manager

Fis01407



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM: 
R.A. Cuevas, Jr.
Acting County Attorney

Amended
SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(A)
07-10-07

ORDINANCE NO. 07-91

ORDINANCE PERTAINING TO ZONING REGULATION OF SIGNS; AMENDING ORDINANCE NO. 07-61 OF MIAMI-DADE COUNTY, FLORIDA; MODIFYING AREA WHERE MURAL SIGNS MAY BE PERMITTED; INCREASING NUMBER OF MURALS ALLOWED; MODIFYING MURAL SPACING REQUIREMENTS; PERMITTING MURAL SIGNS TO COVER WINDOWS UNDER SPECIFIED CIRCUMSTANCES; AMENDING SECTION 33-107 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE), TO MODIFY SIGN MAINTENANCE NOTICE REQUIREMENTS; PROVIDING PENALTIES; AMENDING CHAPTER 8CC OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 2 of Ordinance No. 07-61 of Miami-Dade County, Florida is hereby amended to read as follows:¹

Section 2. Section 33-84 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-84. Definitions.

* * *
(y) *City of Miami* ~~[[Downtown]]~~ >>*Urban*<< *Core* shall mean the geographic area commencing at Biscayne Bay and the ~~[[South side of NE 17th Terrace; thence West along the South side of NE 17th Terrace to the East side of Biscayne Boulevard; thence South~~

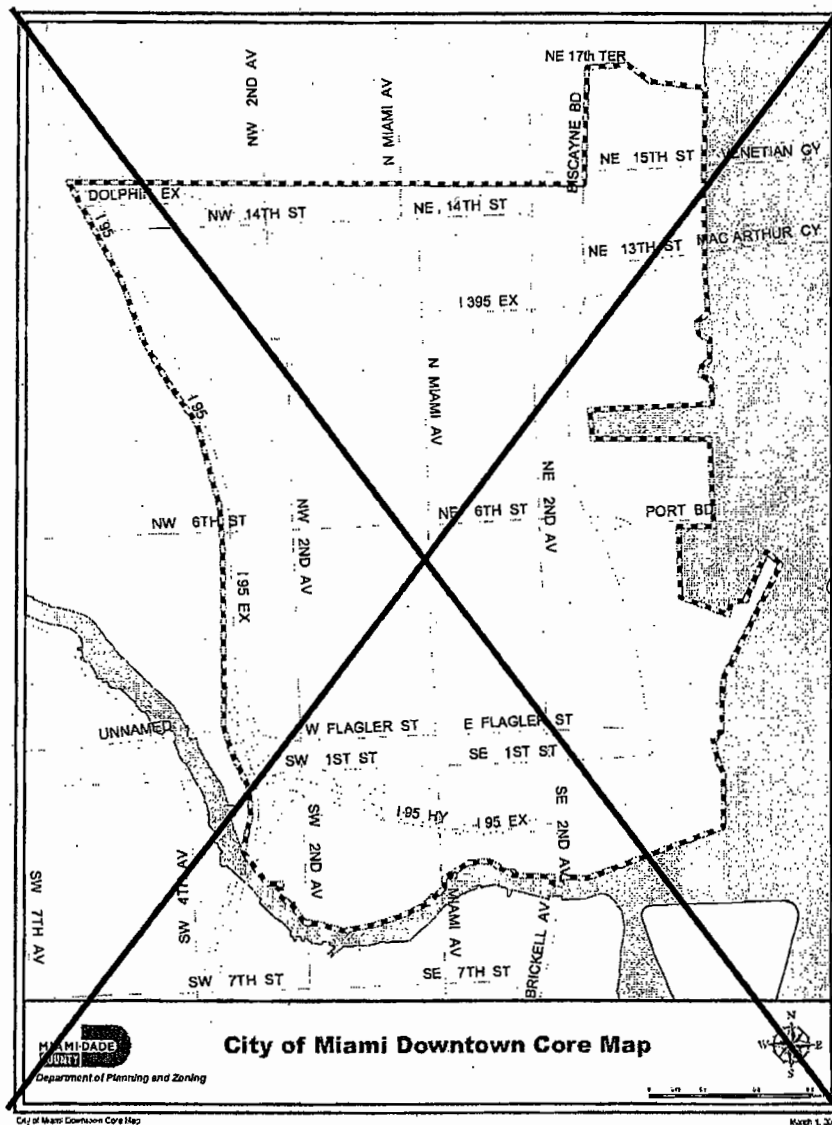
¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

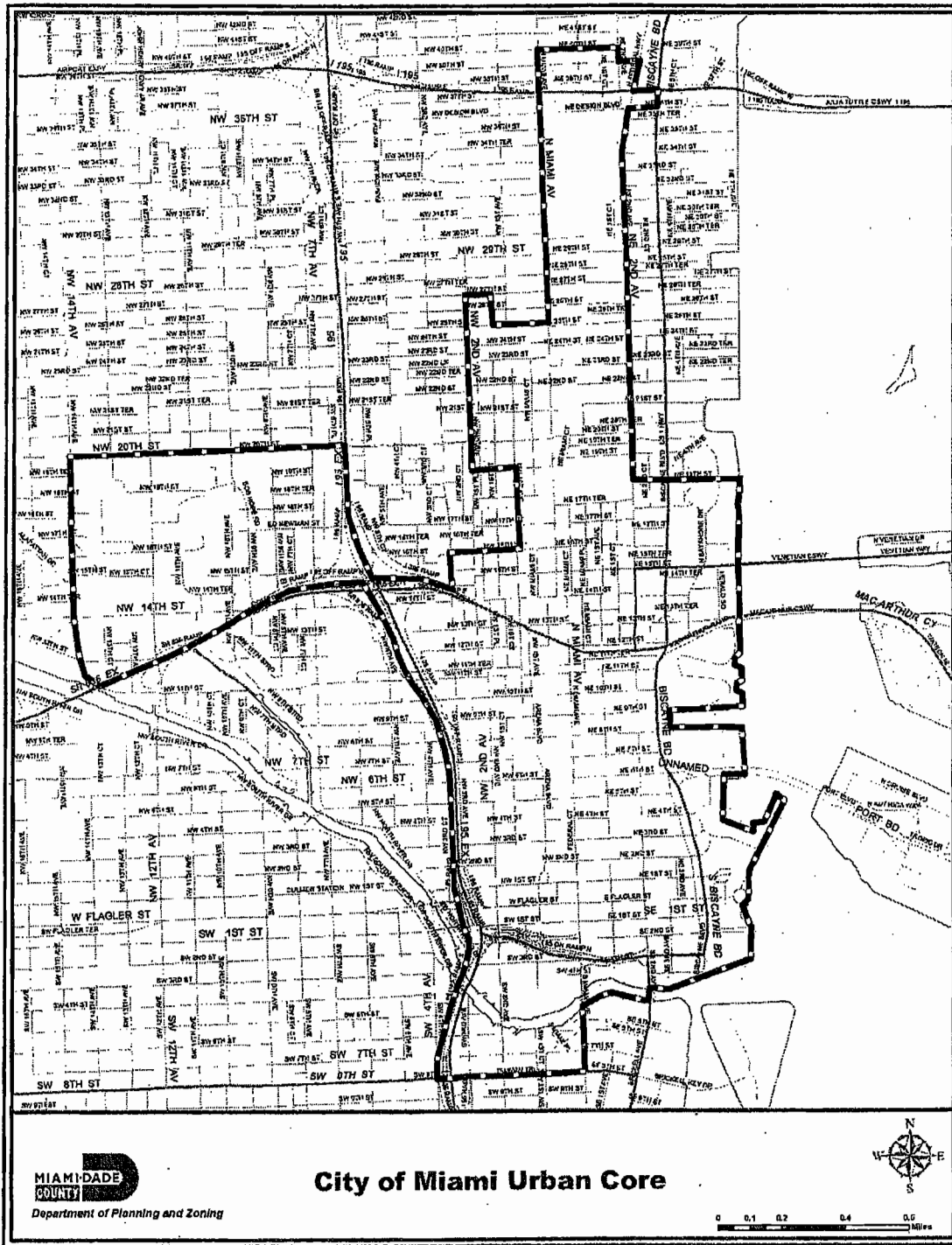
~~along the East side of Biscayne Boulevard to the South side of the Dolphin Expressway; thence West along the South side of the Dolphin Expressway to the East side of I-95; thence south along the east side of I-95 to the North side of the Miami River; thence East along the north side of the Miami River to Biscayne Bay; thence North along the Biscayne Bay shoreline to the point of beginning, as shown on the City of Miami Downtown Core Map shown below-]] >>~~North side of NE 18th Street; thence West along the North side of NE 18th Street to the East side of NE 2nd Avenue; thence North along the East side of NE 2nd Avenue to the South side of NE 36th Street; thence East along the South side of NE 36 Street to the West side of Biscayne Boulevard; thence North along the west side of Biscayne Boulevard to the North side of I-195; thence West along the North side of I-195 to the East side of N. Federal Highway; thence North along the East side of N. Federal Highway to the North side of NE 39th Street; thence West along the North side of NE 39th Street to East side of NE 2nd Avenue; thence North along the East side of NE 2nd Avenue to North side of NE 40th Street; thence West along the North side of NE 40th Street to West side of N. Miami Avenue; thence South along West side of N. Miami Avenue to the North side of NW 25th Street; thence West along the North side of NW 25th Street to the East side of the theoretical extension thereto of NW 1st Court; thence North along the East side of the theoretical extension of NW 1st Court to the North side of NW 27th Street; thence West along the North side of NW 27th Street to the West side of NW 2nd Avenue; thence South along the West side of NW 2nd Avenue to the South side of NW 19th Street; thence East along the South side of NW 19th Street to the West side of NW 1st Avenue; thence South along the West side of NW 1st Avenue to the North side of NW 16th Street; thence West along the North side of NW 16th Street to the West side of NW 3rd Avenue; thence South along the West side of NW 3rd Avenue to the North Side of the Dolphin Expressway; thence West along the North side of the Dolphin Expressway to the East side of I-95; thence North along the East side of I-95 to North side of NW 20th Street; thence West along the North side of NW 20th Street to the West side of NW 14th Avenue; thence South along the West side of NW 14th Avenue to the South side of the Dolphin Expressway; thence East along the South side of the Dolphin Expressway to the West side of I-95; thence South along the West side I-95 to the South side of SW 8th Street; thence East along the South side of SW 8th Street to the East side of S. Miami Avenue; thence North along the East side of S. Miami Avenue to the South side of the Miami River; thence

5

East along the South side of the Miami River to the East side of Brickell Avenue; thence North along the East side of Brickell Avenue to the North side of the Miami River; thence East along the North side of the Miami River to Biscayne Bay; thence North along the Biscayne Bay shoreline to the point of beginning, as shown on the City of Miami Urban Core map shown below. <<

[[Deleted]]





May 1, 2007

Section 2. Section 5 of Ordinance No. 07-61 of Miami-Dade County is hereby amended to read as follows:

Section 5. Section 33-107 of the Code of Miami Dade County is hereby amended to read as follows:

Sec. 33-107. Class C commercial signs.

Types of signs permitted: Billboard; bulletin board; poster board; mural in locations specified herein.

* * *

Murals. Notwithstanding the Class C sign limitations contained in this section, mural signs located within the City of Miami ~~[[Downtown]]~~ >>Urban<< Core shall be permitted, subject to the following conditions:

* * *

- (3) No more than ~~[[30]]~~>>45<< mural signs shall be permitted at any one time within the entire City of Miami ~~[[Downtown]]~~ >>Urban<< Core.
- (4) No mural sign shall be placed closer than ~~[[100]]~~ >>200<< feet to any single-family residential zoning district boundary or >>100 feet from any nonconforming<< single-family >>or duplex<< residential use.
- (5) Mural sign shall be placed only on blank walls as defined in the article. >>It is provided, however, that a mural may be permitted to cover windows if the material covering the windows is (i) composed of adhesive-backed perforated vinyl transparent to the occupants of the building, (ii) does not prevent opening of windows intended to be opened, and (iii) does not prevent ingress or egress.<<

* * *

Section 3. Section 33-107 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-107. Class C commercial signs.

Type of signs permitted: Billboard; bulletin board; poster board; mural in locations specified herein.

* * *

Maintenance. In addition to the general maintenance requirements for this section, the owner and/or the erector of the sign shall be responsible for maintaining any landscaping required by this article and the signs concerned in good condition and appearance. Ground mounted Class C sign sites shall be maintained free from trash or debris. Failure to do so shall constitute cause for cancellation of the permit and removal of the sign, if owner and/or erector fails to correct same within ~~[[10]]~~ >>15<< days after written notice of nonconformance. >>Written notice shall be provided to both the property owner and, if known, the erector of the sign.<<

* * *

Section 4. Section 8CC-4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-4. Civil penalties and related terms construed.

* * *

(c) "Continuing violations" are those violations which remain uncorrected beyond the reasonable time period for correction contained in either the civil violation notice or the final order of the Hearing Officer, whichever is applicable. For each day of continued violation after the time for correction has run, an additional penalty in the same amount as that prescribed for the original violation shall be added. The maximum total penalty for any one (1) continuing violation shall be fixed at twenty (20) times the original penalty amount >>, provided, however, that continuing violations of the provisions of section 33-107 relating to murals shall be fixed at thirty (30) times the original penalty amount. When the maximum penalty for a continuing violation of the provisions of section 33-107 relating to murals has accrued, the violation shall be referred to the county attorney's office for appropriate enforcement action.<<

* * *

Section 5. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of Penalties

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
>>33-107	<u>Unlawfully erecting, permitting an unauthorized Class C sign.<<</u>	<u>1,000</u>

* * *

Section 6. 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 7. 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 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 8. 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.

Section 9. All provisions of this Ordinance shall stand repealed on the date provided in Ordinance No. 07-61 with the exception of Sections 3 and 5.

PASSED AND ADOPTED: July 10, 2007

Approved by County Attorney as
to form and legal sufficiency:

Maely
CAC/JAC

Prepared by:

Craig H. Coller/ Joni Armstrong Coffey

Sponsored by Chairman Bruno A. Barreiro

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

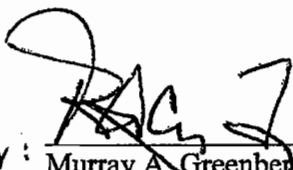
(Second Reading 06-26-07)
DATE: March 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance pertaining to
zoning regulation of signs;
authorizing municipalities to
opt out of regulations
restricting sign placement in
proximity to expressways

O#07-84

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz and Commissioner Dorrin D. Rolle.


MAY: Murray A. Greenberg
County Attorney


MAG/bw

Memorandum

MIAMI-DADE
COUNTY

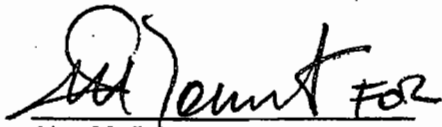
Date: June 26, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: 
George M. Burgess
County Manager

Subject: Ordinance pertaining to the zoning regulation of signs, authorizing municipalities to opt out of regulations restricting sign placement in proximity to expressways

The ordinance pertaining to the zoning regulation of signs, authorizing municipalities to opt out of regulations restricting sign placement in proximity to expressways will not have a fiscal impact on Miami-Dade County.



Alex Muñoz
Assistant County Manager

fiscal00507



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: June 26, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
06-26-07

ORDINANCE NO. 07-84

ORDINANCE PERTAINING TO ZONING
REGULATION OF SIGNS; AUTHORIZING
MUNICIPALITIES TO OPT OUT OF REGULATIONS
RESTRICTING SIGN PLACEMENT IN PROXIMITY
TO EXPRESSWAYS; AMENDING SECTION 33-121.11
OF THE CODE OF MIAMI-DADE COUNTY;
PROVIDING SEVERABILITY, INCLUSION IN THE
CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-121.11 of the Code of Miami-Dade County, Florida is
hereby amended to read as follows:¹

Sec. 33-121.11. Applicability

This division shall apply to both the incorporated and unincorporated area >>, except that, notwithstanding section 33-82 of this code, this division shall not apply in those municipalities that by ordinance have opted out of this division and have established their own regulations of signs in proximity to expressways. A copy of each municipal ordinance establishing regulations differing from this division shall be filed with the Director within 15 days after adoption by the municipality. It is further provided that<< ~~[[A]]~~ >>a<<ny municipality >>that has not opted out of this division<< may establish and enforce more restrictive regulations as such municipality may deem necessary.

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.

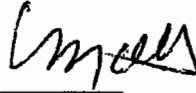
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. 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 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 4. 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: June 26, 2007

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Craig H. Coller

Sponsored by Commissioner Jose "Pepe" Diaz and
Commissioner Dorrin D. Rolle

MEMORANDUM

Agenda Item No. 7(G)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance relating to
murals and signs

O#07-61

The accompanying ordinance was prepared and placed on the agenda at the request of Chairman Bruno A. Barreiro.

for. 

Murray A. Greenberg
County Attorney

MAG/bw

Memorandum



Date: April 24, 2007


To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Antonas
County Manager

Subject: Ordinance pertaining to the zoning regulation of signs and billboards; amending Chapter 33 of the Code of Miami-Dade County, Florida; permitting the placement of mural signs within the City of Miami Downtown Core

This ordinance amending Chapter 33 of the Code of Miami-Dade County, pertaining to zoning regulation of signs and billboards, allowing for the placement of mural signs within the City of Miami Downtown Core will not have a fiscal impact on Miami-Dade County within the Department of Planning and Zoning. The impact on Team Metro for enforcement will depend on the amount and nature of complaints received. It should be noted that this situation exists today and enforcement is required.

The ordinance, once implemented will permit non-commercial messages where commercial messages are permitted and will also allow for murals to be included.



Roger Carlton
Assistant County Manager

fiscal00107



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(G)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(G)
04-24-07

ORDINANCE NO. 07-61

ORDINANCE PERTAINING TO ZONING REGULATION OF SIGNS; PROVIDING DEFINITIONS; CREATING LIMITED EXEMPTION FOR CERTAIN MURAL SIGNS WITHIN THE CITY OF MIAMI DOWNTOWN CORE; AUTHORIZING SIGNS WITH NONCOMMERCIAL MESSAGES WHERE COMMERCIAL MESSAGES ARE PERMITTED; PROVIDING TIME LIMITATION TO ISSUE SIGN PERMIT; PROVIDING APPEAL PROCEDURES; RESTRICTING APPLICATION FOR MURALS UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, the downtown core of Miami-Dade County's largest city would be aesthetically enhanced by the display of mural signs on certain blank walls within the City of Miami Downtown Core; and

WHEREAS, the City of Miami desires that, subject to conditions, Class C mural signs be allowed within the City of Miami Downtown Core; and

WHEREAS, Chapter 33 of the Code of Miami-Dade County regulates the placement and size of Class C signs within the incorporated and unincorporated areas of Miami-Dade County; and

WHEREAS, the City of Miami has requested that Chapter 33 of the Code of Miami-Dade County be amended to permit the placement of mural signs within the City of Miami Downtown Core,

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

Section 1. Section 33-83 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

Sec. 33-83. Purposes.

* * *

>>(c) The purpose of this article is also to protect noncommercial speech such that any sign authorized herein may contain, in lieu of any other message or copy, any lawful noncommercial message, so long as such sign complies with the size, height, area and other requirements of this article.<<

* * *

Section 2. Section 33-84 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 33-84. Definitions.

For the purposes of this article the following words or phrases are hereby defined as provided in this section, unless the context clearly indicates otherwise. Where there is a question as to the correct classification or definition of a sign ~~[[it shall be the prerogative of]]~~ the Director ~~[[to]]~~ >>shall<< place said sign in the strictest category and/or classification.

* * *

(h) *Class C (commercial advertising signs):* Any sign which is used for any purpose other than that of advertising to the public the legal or exact firm name of business >>or other

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.

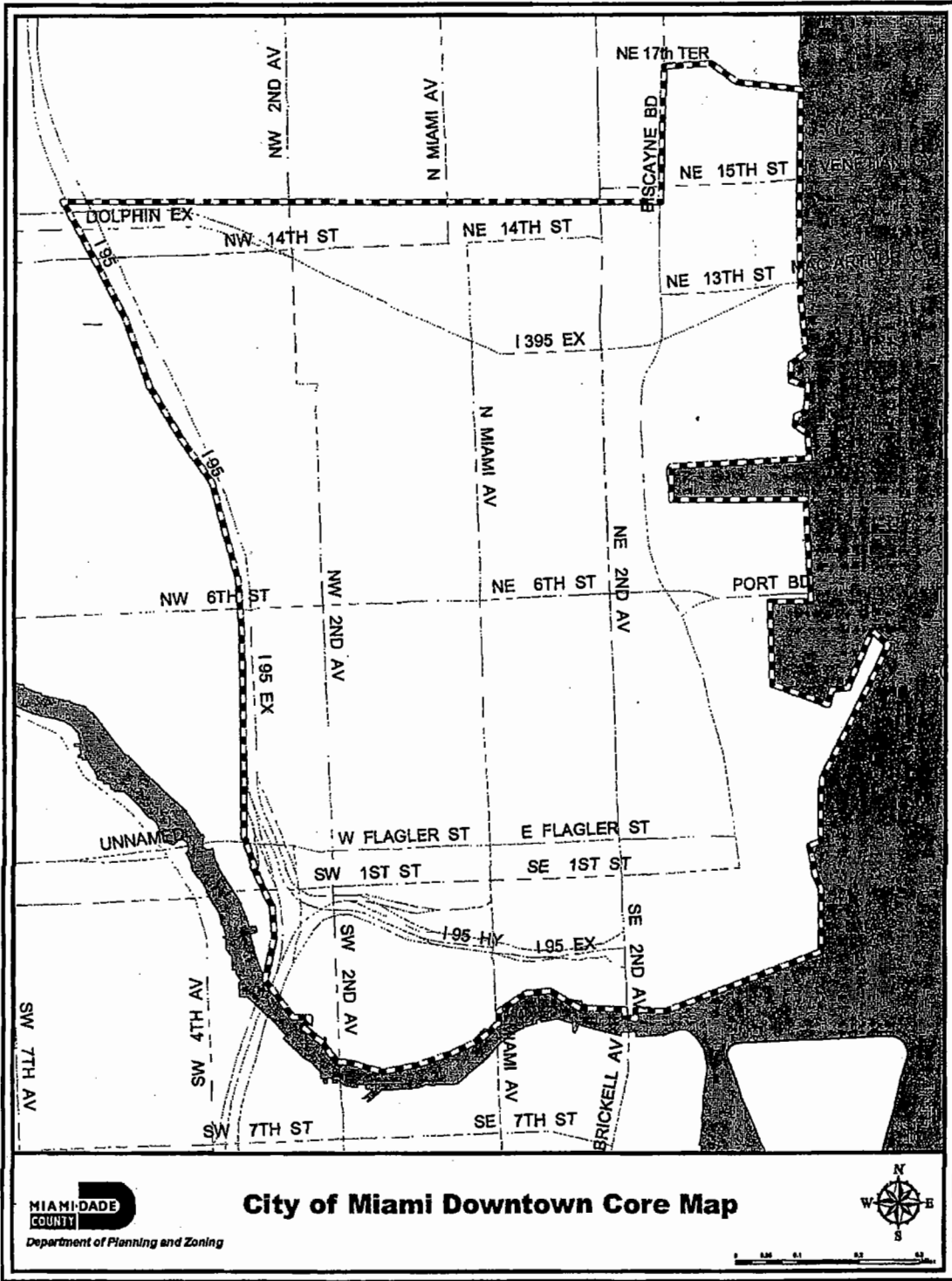
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activity<< carried on the premises, or for advertising any service or product or products actually and actively being offered ~~[[for sale]]~~ on the premises, or which is designed and displayed solely to offer for sale or rent the premises>>₁<< or to advertise construction being done, or proposed to be done, on the premises, or >>to<< advertis~~[[ing]]~~>>_e<< special events>>₁<< ~~[[approved by the Department]]~~ shall constitute a class C sign.

Class C signs may be in the form of a billboard, bulletin board, >>mural,<< or poster board, or may be affixed flat to a building or painted thereon.

* * *

>>(y) City of Miami Downtown Core shall mean the geographic area commencing at Biscayne Bay and the South side of NE 17th Terrace; thence West along the South side of NE 17th Terrace to the East side of Biscayne Boulevard; thence South along the East side of Biscayne Boulevard to the South side of the Dolphin Expressway; thence West along the South side of the Dolphin Expressway to the East side of I-95; thence south along the east side of I-95 to the North side of the Miami River; thence East along the north side of the Miami River to Biscayne Bay; thence North along the Biscayne Bay shoreline to the point of beginning, as shown on the City of Miami Downtown Core Map shown below.



City of Miami Downtown Core Map

March 1, 2007

(z) Mural. Any Class C wall sign painted on, or affixed or secured flat to the façade of a building.

(aa) Blank wall. A blank wall means the wall of a building that is free of windows, balconies, railings, articulated façade, decorative grills or gratings, or other architectural elements. Walls constructed on rooftops or as part of a parapet shall not be considered blank walls for the purposes of this article.<<

Section 3. Section 33-85 of the Code of Miami-Dade County, Florida is amended to read as follows:

Sec. 33-85. Interpretation.

Only those signs that are specifically authorized by the sign code shall be permitted. Those that are not listed or authorized shall be deemed prohibited. >>It is provided, however, that any sign authorized herein may contain, in lieu of any other message or copy, any lawful noncommercial message, so long as such sign complies with the size, height, area and other requirements of this article.<<

Section 4. Section 33-86 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 33-86. Permits required.

* * *

>>(e) Review of the application. The Department shall complete its review of a sign permit application for the unincorporated area within 30 calendar days after filing, and shall render a decision either for approval or denial within that time. Failure by the Department to render a decision within 30 calendar days shall be deemed a denial, appealable as provided herein. If the permit is denied based upon grounds set forth in this article, the applicant may file an appeal to the appropriate Community Zoning

Appeals Board. Such appeal shall be heard at the next regular meeting of such board after notice pursuant to the requirements of Section 33-310(c) of this code. Further appeal shall be as authorized pursuant to the Florida rules of court. It is provided that the procedures for the review of a sign permit application pursuant to this section shall be limited to the Department of Planning and Zoning and shall not apply to other county departments' review of a sign permit application pursuant to the Florida Building Code.

(f) Restrictions on Certain Class C Sign Permits.

- (1) No permit shall be issued for a mural on property where a civil violation notice pursuant to Chapter 8CC of this code has been issued for an unauthorized mural until such civil violation notice has been resolved.
- (2) No permit shall be issued for a mural to an erector or affiliate of such erector who has been issued a civil violation notice pursuant to Chapter 8CC of this code for erecting an unauthorized mural until such civil violation notice has been resolved.
- (3) No permit shall be issued to a property owner or owner of a mural or affiliate thereof who has been issued a civil violation notice pursuant to Chapter 8CC of this code for erecting an unauthorized mural, until such civil violation notice has been resolved.
- (4) No permit shall be issued for an existing mural in violation of this article if authorization for such mural was obtained from a municipality.
- (5) No permit for a mural shall be issued to an owner, erector or affiliate thereof, if such owner, erector or affiliate has an existing agreement with a municipality purporting to allow the establishment or continuation of a mural upon payment of fines, penalties or other payments to the municipality, if such mural is not in compliance with the requirements of this article.

- (6) For purposes of this subsection, the term "affiliate" shall mean (i) a person, corporation, partnership or other business organization ("entity"), directly controlling, controlled by, or under common control with, another entity, or (ii) any entity owning or controlling ten percent or more of the ownership interest of another entity.<<

Section 5. Section 33-107 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 33-107. Class C commercial signs.

Type of signs permitted: Billboard; bulletin board; poster board
>>mural in locations specified herein<<

* * *

Zones/districts permitting use. Class C commercial advertising signs shall be permitted in the following zones: (a) In BU-3, IU-1, IU-2 and IU-3 Zones. (b) In BU-1A and BU-2 Zones subject to the following conditions: (1) Cantilever construction. Detached class C signs in these zones must be of cantilever type construction (double-faced sign, both faces of the same size, secured back to back on the same set of vertical supports with no supporting bracing) with a minimum of 5 feet clearance between grade and bottom of board surface. Second face of sign will not be required if the rear of sign is properly and adequately concealed or hidden. (2) Sites for signs. Sites for location of each detached class C sign in these zones must conform to the same minimum lot requirements as to size and frontage as required for erection of commercial buildings, and such sites cannot be improved with buildings or other structures.

In a BU-1A or BU-2 Zone, any class C signs erected on a site shall be immediately removed from such site at the time the first building permit is issued for permanent building to be erected thereon if the sign is within 300 feet of the proposed building.

If a building exists on property, no permits for erection of class C signs thereon shall be issued if the sign is within 300 feet of an existing building.

In addition, unless approved as result of a public hearing, no class C signs shall be erected on any property zoned BU-1A, BU-2, BU-3, IU-1, IU-2 or IU-3 unless the street frontage on the opposite side of the street is zoned commercial or industrial.

Landscaping requirements. Landscaping shall be required where appropriate, as determined by the Director.

>> Murals. Notwithstanding the Class C sign limitations contained in this section, mural signs located within the City of Miami Downtown Core shall be permitted, subject to the following conditions:

- (1) Prior to permit issuance, the City of Miami Zoning Administrator shall refer all mural sign permit applications to the Director of the Miami-Dade County Department of Planning and Zoning to determine compliance with this article, including but not limited to Divisions 5 and 6 of this article (Commercial Signs on Expressway Right-of-Way and Commercial Signs on Rapid Transit System Right-of-Way).
- (2) The City of Miami Zoning Administrator shall prepare a statement indicating that the proposed mural sign complies with all applicable City of Miami regulations, and that the applicant has demonstrated that it is not a party to an existing agreement with a municipality purporting to allow the establishment or continuation of a mural upon payment of fines, penalties or other payments to the municipality, if such mural is not in compliance with the requirements of this article. Such statement shall be submitted to the Director of the Department of Planning and Zoning, together with the city-approved mural application, related plans, and Miami-Dade County application review fee.
- (3) No more than 30 mural signs shall be permitted at any one time within the entire City of Miami Downtown Core.
- (4) No mural sign shall be placed closer than 100 feet to any single-family residential zoning district boundary or single-family residential use.
- (5) Mural sign shall be placed only on blank walls as defined in the article.

- (6) No mural sign shall be placed closer than 300 feet to another mural sign oriented toward the same street. The 300-foot spacing requirement shall be measured in a straight line from the closest edge of the mural sign on one building to the closest edge of the mural sign on the other building. It is provided, however, that such spacing requirement shall not be applicable within the City of Miami Park West Entertainment District as defined in the Code of the City of Miami, Florida, on the effective date of this ordinance.
- (7) A mural sign shall be permitted to cover the entire blank portion of a wall of a building.
- (8) No more than 2 mural signs shall be placed on any one building, and any two such mural signs shall be placed on opposite or adjacent walls of the building.
- (9) Mural signs may be illuminated only in accordance with the provisions of Sections 33-96 and 33-107. Illumination of mural signs shall be limited to the hours of 6 p.m. to midnight.
- (10) No permit for a mural shall be issued less than 45 days from the effective date of this ordinance. In the event that on the 45th day after the effective date the initial number of requests for mural permits exceeds the maximum number of murals authorized by this ordinance, the City of Miami Zoning Administrator shall determine the award of mural permits by a procedure established by the City of Miami.<<

Maintenance. In addition to the general maintenance requirements for this section, the owner and/or the erector of the sign shall be responsible for maintaining ~~[[the]]~~ >>any<< landscaping >>required by this article<< and the signs concerned in good condition and appearance>>.<< ~~[[and]]~~ >>Ground mounted Class C sign sites<< ~~[[the-site]]~~ >>shall be maintained<< free from trash or debris. Failure to do so shall constitute cause for cancellation of the permit and removal of the sign, if owner and/or erector fails to correct same within 10 days after written notice of nonconformance.

* * *

Section 6. 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.

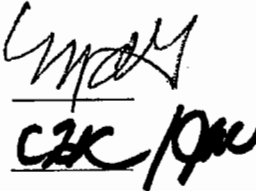
Section 7. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 8. 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.

Section 9. All provisions of this Ordinance shall stand repealed two (2) years from its effective date except Section 1, Section 3 and that portion of Section 4 that amends Sec. 33-86 of the Code to create subsection (e) pertaining to review of applications for sign permits.

PASSED AND ADOPTED: April 26, 2007

Approved by County Attorney as
to form and legal sufficiency:

Handwritten signatures in black ink. The top signature is a cursive signature, likely the County Attorney's. Below it is another signature, possibly the preparer's, with the initials 'CZK' and 'JAC' visible.

Prepared by:

Craig H. Coller/ Joni Armstrong Coffey

Sponsored by Chairman Bruno A. Barreiro

Memorandum



Date: (Second Reading 02-20-07)
December 19, 2006
To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners
From: George W. Burgess
County Manager
Subject: Ordinance Pertaining to Zoning; Amending Section 33-314 of the Code of
Miami-Dade County, Florida Pertaining to Direct Applications and Appeals to
the County Commission

Agenda Item No. 7(A)

0#07-37

RECOMMENDATION

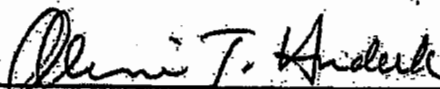
It is recommended that the Board adopt the attached ordinance pertaining to zoning jurisdiction of the Board of County Commissioners for applications by the Director of the Department of Planning and Zoning for single-family and duplex lots owned by Miami-Dade County which have been designated for development under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of the code.

BACKGROUND

Currently, applications for zoning public hearing filed by the Director of the Department of Planning and Zoning proceed to the Community Zoning Appeals Board (CZAB) having zoning jurisdiction over a parcel of land for which zoning relief is sought. An appeal of a CZAB decision may be filed by the Director to the Board of County Commissioners where it is determined that the decision has an overall impact to Miami-Dade County. It should be noted that only under very rare circumstances does the Director file such applications and/or appeals.

The proposed amendment of this ordinance will allow for a more expeditious processing of zoning applications for the construction of single-family and duplex infill housing lots owned by Miami-Dade County. As much as 90 days can be decreased from the process if the Community Zoning Appeals Board component is omitted. The Director will be able to file zoning applications for properties owned by the County to enable these lots to be utilized under the "Infill Housing Initiative" program as set forth in Article VII, Chapter 17 of this Code.

The proposed ordinance creates no fiscal impact on Miami-Dade County.


Allina T. Hudak, Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 20, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

_____ "4-Day Rule" ("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

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved, _____ Mayor
Veto: _____
Override _____

Agenda Item No. 7(A)
02-20-07

ORDINANCE NO. 07-37

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO DIRECT APPLICATIONS AND APPEALS TO THE COUNTY COMMISSION FOR INFILL HOUSING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Home Rule Charter specifically authorizes, among other things, the Board of County Commissioners to prepare and enforce comprehensive plans for the development of Miami-Dade County in the incorporated and unincorporated areas, to establish, coordinate, and enforce such zoning regulations as are necessary for the protection of the public, and to perform any other acts which are in the common interest of the people of the County; and

WHEREAS, ensuring an adequate supply of affordable infill housing is in the common interest of all residents of Miami-Dade County,

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

Section 1. Section 33-314 of the Code of Miami-Dade County is hereby amended as follows:¹

Sec. 33-314. Direct applications and appeals to the County Commission.

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

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

>>(18) Hear application for and grant or deny Director's applications for single family and duplex lots owned by Miami-Dade County which have been designated for development under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of this code.<<

Section 2. 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 3. 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 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 4. 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 20, 2007

Approved by County Attorney as to form and legal sufficiency:



Prepared by:



Joni Armstrong Coffey

Memorandum



Date: February 20, 2007

Supplement to
Agenda Item No. 7(A)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Supplemental Information Pertaining to Direct Applications and Appeals to the
County Commission for Infill Housing

This supplemental information is provided in order to identify the notifications provided to Community Councils. The companion ordinance on today's agenda is an ordinance to amend the zoning code in order to allow the direct application to the Board of County Commissioners (BCC) for certain applications filed by the Director of the Department of Planning and Zoning. Such applications would address lots owned by Miami-Dade County in the Infill Housing Program, where such lots require relief from the underlying zoning regulations. Currently, these types of zoning hearing applications are considered by the appropriate Community Zoning Appeals Board (Community Council).

At the February 8, 2007 BCC meeting, concern was expressed over the timing of notification provided to Community Council members on this item. Notification to Community Council members is routinely provided by Team Metro to Community Council members via e-mail.

Below please find the legislative schedule for this item and the corresponding notification dates:

Legislative Schedule

Notification Date

BCC First Reading
December 19, 2006

December 13, 2006

Infrastructure & Land Use Committee
January 16, 2007

January 10, 2007

BCC Second Reading
February 6, 2007

February 2, 2007

BCC Reconsideration
February 20, 2007

February 15, 2007

Assistant County Manager

Date: December 19, 2006

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Borjas
County Manager

Subject: Ordinance Pertaining to Zoning and Infill Housing; Amending Section 33-36.1
Pertaining to Administrative Adjustment Procedure for Infill Housing

Agenda Item No. 7(T)

0#07-34

RECOMMENDATION

It is recommended that the Board adopt the attached ordinance pertaining to zoning amending administrative adjustment procedure for single-family and duplex units intended to be sold under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of this code.

BACKGROUND

The proposed ordinance will make it possible for developers of infill housing involving single-family and duplex residences under "The Infill Housing Initiative" program to seek administrative adjustment approval of minor deviations from the zoning regulations. This ordinance will allow for a more expeditious processing of zoning applications for minor adjustments (building setbacks, building lot coverage, lot frontage and area) from the zoning regulations needed in order to allow the construction, or repair, of single family and duplex infill housing units.

Currently, the administrative adjustment procedure in the Code is only available to persons either residing or intending to reside on the premises. If approved, this ordinance will authorize the Director of the Department of Planning and Zoning to accept, review and decide on applications filed by developers seeking development of single-family or duplex residences under "The Infill Housing Initiative" program. The Director shall be governed by the administrative adjustment procedure contained in Section 33-36.1 of the Code in considering such applications. The Director's decision is published in a paper of general circulation and is appealable to the Community Zoning Appeals Board having jurisdiction.

The proposed ordinance creates no fiscal impact on Miami-Dade County.


Alina T. Hudak, Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(T)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

ORDINANCE NO. 07-34

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-36.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PERTAINING TO ADMINISTRATIVE ADJUSTMENT PROCEDURE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33-36.1 of the Code of Miami-Dade County, Florida is hereby amended as follows:¹

Sec. 33-36.1 Administrative adjustment procedure.

* * *

(d) *Application.* The application for administrative adjustment shall be made by the owner of the property on a form prescribed by the Department. For the purposes of this section the term "owner" shall mean the person who owns and resides at, or owns and intends to reside at, the subject premises. >>The term "owner" shall also include qualified developers participating in "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of this code. A declaration of restrictive covenants in recordable form and approved by the Director shall be submitted by such qualified developer, together with the application for administrative adjustment. Such declaration of restrictive covenants shall certify that the subject property shall be sold in accordance with "The Infill Housing Initiative."<< The application shall include (i) a certified land survey, performed in accordance with Florida Administrative Code, dated within one year proceeding the filing date of the administrative adjustment application, providing such survey reflects all current conditions of the subject

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.

property; (ii) accurately dimensioned plans showing the location of the proposed construction in relation to the existing structure(s) and the general location and use of existing structures on property adjacent to the subject property; (iii) additional plans as may be required by the Director; and (iv) a letter of intent explaining the reason and justification for the proposed administrative adjustment. It is provided however, that such survey shall not be required to depict municipal boundaries as required by Section 33-304(a).

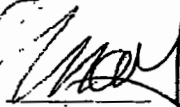
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. 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 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.

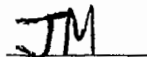
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: February 6, 2007

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



John McInnis

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum



Date: January 25, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members Board of County Commissioners

From: George J. Burgos
County Manager

Amended
Substitute
Agenda Item No. 7(D)

Subject: Proposed Amendments to Article VII of the Miami-Dade County Code, Pertaining to
Infill Housing Initiative

#07-04

This item was deferred from the November 28, 2006 Board of County Commissioners meeting at the request of Commissioner Jordan in order to give the new Miami-Dade Housing Agency director an opportunity to review the legislation and provide input into the process. Some of the changes resulting from this review include modifying the definition for "control period," "first-time homebuyer," and "low and moderate income households;" modifying the formula used to determine resale prices; and adding a provision that grants the County Manager the authority to approve land swaps between developers that have received land through the Infill Housing Program and governmental entities that require said land, provided the land received is of greater or equal value and subject to the same restrictions as the land acquired from the County.

RECOMMENDATION

It is recommended that the Miami-Dade Board of County Commissioners (Board) approve the attached ordinance amending various provisions of Article VII, Sections 17-121 thru 17-126, and creating Sections 17-124.1, 17-124.2, and 17-128 of the Miami-Dade County Code, pertaining to the Infill Housing Initiative. The proposed changes will facilitate the administration and establish the controls and enforcement of the Infill Housing Initiative.

BACKGROUND

In May of 2001, the Board adopted Miami-Dade County Ordinance No. 01-47, creating the Infill Housing Initiative to increase the availability of affordable homes for low and moderate income persons, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, and generate payment of ad valorem taxes. The Initiative developed a methodology for handling infill housing, including the identification of property; acquisition, transfer and sale of property; reversion of title to the County in the event of non-performance; forgiveness of liens; and, construction and rehabilitation loan provisions. This amendment is intended to clarify the purpose and focus of the Infill Housing Initiative as well as, to provide for improved control and enforcement measures.

The information below summarizes the various proposed amendments to the Infill Housing Initiative Ordinance.

- 17-121 Title; purpose

The program's purpose is amended to (1) maintain a stock of affordable housing; (2) ensure the equitable distribution of homeownership opportunities within the Infill Target Areas; and (3) eliminate rental housing from the program.

- 17-122 Change from "Identifying property for infill housing" to "Definitions"

Provisions related to the identification of property for infill housing have been deleted, and reserved for application by administrative order. Definitions of relevant terms have been inserted at the beginning of this section to ensure consistency in the scope and application of the Initiative.

- 17-124 Transfer or sale of property

A provision has been added that grants the County Manager the authority to authorize developers to swap land they receive through the Infill Housing Program if the property is needed by a governmental entity, provided the land they receive is of equal or greater value, and is subject to the same restrictions as the land acquired from the County. Additionally, in order to preserve the current stock of affordable housing for the long-term, the affordability control period has been adjusted from ten (10) to thirty (30) years which automatically resets for an additional 30-years, capped at 90 years, unless the home is owned by the same individual(s) for an entire 30-year period, in which case the home shall automatically be released from the affordability restrictions. As an additional control measure, a requirement for the execution of a Declaration of Restrictive Covenants has been added to the ordinance to supplement Deed restrictions, heretofore the sole means of controlling the future transfer or sale of property. The Declaration outlines the methodology of how the County will maintain the affordability of property during transfer or sale throughout the control period, including the reservation of a right of first refusal to purchase the property during the control period.

- 17-124.1 Eligibility of households for eligible housing

The proposed addition establishes the criteria and process, which did not previously exist, to be utilized for the qualification of eligible households to participate in the Infill Housing Program pursuant to an administrative order. It also provides for the issuance of affordable mortgage loans through the use of SHIP and Surtax funds to eligible households based on availability.

- 17-124.2 Affordability controls

Proposed additions include the institution of affordability controls governing the following, as outlined below: A) Initial sale; B) Resale; C) Control of resale prices; D) Resale requirements during the control period; and E) Foreclosures and other proceedings.

A) Initial Sale: Encourage a mix of housing prices that are affordable to low and moderate income qualified households for use as their primary residence. Proper notification of the offering of an eligible home must occur on behalf of the developer to the County and, in turn, the County to eligible households.

B) Resale: Any qualified household that intends to sell its eligible home prior to the expiration of the control period shall provide written notification to the County pursuant to subsection (C) "Control of resale prices" below.

- C) **Control of resale prices:** With the exception of sales under Court Order, the maximum sales price permitted on resale of an eligible home shall be based on a formula that takes into account the price paid by the current owner any increases tied to an index of area incomes during the period in which the current owner owned the property plus any documented costs for property improvements that are permanent in nature and not for decoration or maintenance purposes.
- D) **Resale requirements during the Control Period:** The County Manager may adopt additional requirements for reselling an eligible home consistent with this article.
- E) **Foreclosures and other proceedings:** This section empowers the County to enter and settle foreclosure proceedings for any mortgage granted by the County under the Infill Housing Initiative. In the event that an Infill Housing property is foreclosed upon by a senior mortgage lender, the County Manager is authorized to pay off said senior mortgage and assume ownership of the housing unit.

- **17-125 Development**

- A) **Private Property Owners:** In order to provide more control over private property owners entering the Infill Program, the proposed amendment requires each participating owner to record in the public record a declaration of restrictive covenants in a form approved by the County.
- B) **Qualified Developers:** The proposed amendment identifies the source of these loans by delineating them through the County's Surtax or SHIP programs.

- **17-126 Forgiveness of County liens:**

The proposed amendment specifies that the forgiveness of liens is applicable only to those liens imposed by the County and authorizes the County Manager to release and satisfy said liens without prior Board approval provided that the owner takes the action of recording in the public records a declaration of restrictions in a form approved by the County.

- **17-128 Enforcement and 8CC-10 Schedule of civil penalties**

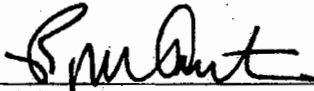
The proposed additions allows for enforcement of the Initiative in accordance with provisions of Chapter 8CC of the code. It provides for violators to be punished by the institution of civil fines and/or imprisonment, at the discretion of the county court.

- **17-128.1 Reporting**

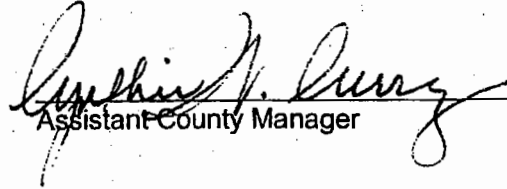
The proposed addition to the Code requires the County Manager to provide the Board of County Commissioners with an annual report to include a list of lots made available to qualified developers, number of homes built and sold to qualified households, list of County liens released on County and private property and legal actions taken against violators.

Fiscal Impact

The annual operating expense for the Infill Housing Program, as implemented and administered under the authority of the amended Article VII of the Miami-Dade County Code, is estimated to be \$970,000.00 and will initially be funded through property sales. This budget includes costs for salary and fringe of five full time employees as well as costs for monitoring the program, correcting title problems, paying liens and special assessments, conducting title searches and any other development related functions needed to make the properties buildable.



Assistant County Manager



Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Amended
Substitute
Agenda Item No. 7(D)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

5

Approved _____ Mayor
Veto _____
Override _____

Amended
Substitute
Agenda Item No. 7(D)
1-25-07

ORDINANCE NO. 07-04

ORDINANCE AMENDING ARTICLE VII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA CONCERNING THE INFILL HOUSING INITIATIVE; PROVIDING FOR RESTRICTIVE COVENANTS; DETERMINING ELIGIBILITY FOR ELIGIBLE HOUSEHOLDS; REQUIRING MORTGAGES ON PROPERTY PURCHASED BY QUALIFIED HOUSEHOLDS; PROVIDING A 20-YEAR CONTROL PERIOD; PROVIDING FOR ENFORCEMENT; CREATING SECTIONS 17.124.1 THROUGH 17.124.3; AMENDING 8CC OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 17-121 of the Code of Miami-Dade County,

Florida, is hereby amended to read as follows:¹

Sec. 17-121. Title; purpose.

This article shall be entitled, "The Infill Housing Initiative." Its purpose is to increase the availability of affordable homes for low and moderate income persons, >>maintain a stock of affordable housing<<, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, >>to equitably distribute homeownership opportunities within the Infill Target Areas,<< and generate payment of ad valorem taxes. The Infill Housing Initiative shall encourage >>the redevelopment of vacant, dilapidated or abandoned property through<< the sale or transfer of >>County property to qualified developers and the inclusion of privately owned<< vacant, dilapidated or abandoned properties. ~~[[to qualified community development corporations or qualified developers.]]~~ The qualified developers shall be required

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.

to build affordable >>single family<< homes to be sold [[or
rented]] to low and moderate income [[persons]]>>households<<.

Section 2. Section 17-122 of the Code of Miami-Dade County, Florida is
hereby amended as follows:

Sec. 17-122 ~~[[Identifying property for infill housing~~

~~(a) *County Owned or Privately Owned Property.* All property owned by the County and all vacant, abandoned or dilapidated privately owned property shall be reviewed on a continuous basis to determine if it is appropriate for development of infill housing.~~

~~(b) *Nearby or Adjacent Property Appropriate for Bundling.* Property near or adjacent to a parcel of property already identified as appropriate for infill housing development, whether County owned or privately owned, will be reviewed for appropriateness for uses as infill housing and possible bundling with other parcels of property.~~

~~(c) *Factors To Be Considered.* The following factors shall be considered when determining if a parcel of property is appropriate for infill housing: size; zoning; environmental condition; neighborhood context; infrastructure availability; status of liens; proximity to other properties identified as appropriate for infill housing; suitability for development as a park or as an economic development or revitalization project; and willingness of adjacent property owners to purchase the parcel of property.]]~~

>>Definitions

(a) *Adjusted for family size.* Adjusted in a manner that results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base income eligibility for low and moderate income households, based upon a formula established by the United States Department of Housing and Urban Development (HUD).

(b) *Affordable.* Where the mortgage payments, including taxes and insurance, does not exceed 30 percent of the amount which represents the percentage of the median annual gross income for low and moderate income households. However, it is not the intent to limit an individual household's ability to devote more than 30

percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark.

(c) *Annual gross income.* Annual income as defined under the Section 8 housing assistance payments programs in 24 C.F.R. part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes. The County shall calculate income by annualizing verified sources of income for the household as the amount of income to be received in a household during the 12 months following the effective date of the determination.

(d) *Certificate of Qualification.* A certificate issued by the Miami-Dade Housing Agency or an outside agency that has been authorized by the County to qualify households, establishing that a household is qualified to purchase an eligible home. Certificates of Qualification shall be valid for 12 months.

(e) *Control Period.* The 20-year period during which the eligible home must remain affordable. The control period begins on the initial sale date of the eligible home and resets automatically every 20 years for a maximum of 60 years, except that in the event the home is owned by the same owner for an entire 30-year period, said home shall be released from the affordability restrictions.

(f) *Dwelling Unit.* A unit, whether detached or attached to another such unit, that houses a single family and that can be sold in fee simple ownership.

(g) *Eligible Housing or Eligible Home.* Any dwelling unit that is: (i) located on an infill parcel; (ii) constructed or rehabilitated in accordance with this article; and (iii) used as the primary residence of a qualified household.

(h) *Eligible Person or Eligible Household.* One or more natural persons or a family that has not previously owned or had interest in a home during the previous three years and that has been determined by the County to meet the eligibility requirements of a low or moderate income household according to the income limits adjusted to family size published annually by the United

States Department of Housing and Urban Development based upon the annual gross income of the household.

(i) *Infill Parcel.* A parcel of land that is located within any infill target area and is suitable for the development of no more than four single family homes (attached or detached).

(j) *Infill Target Areas.* The areas of the County designated as the Urban Infill Target Area (UIA), as defined in Section 33G-3(26) of the Code, and the Targeted Urban Areas (TUA), as defined in Section 30A-129(2) of the Code. In addition, Infill Target Areas shall include those portions of Neighborhood Revitalization Strategy Areas not otherwise covered under the UIA and TUA; and any geographic locations in Miami-Dade County which are designated by the Federal Government as empowerment zones shall be included in the definition of TUA at the time of such designation.

(k) *Low Income Household.* Those households whose total annual adjusted gross income is 80 percent or less than the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within Miami-Dade County, whichever is greater as defined by HUD.

(l) *Moderate Income Household.* Those households whose total annual adjusted gross income is more than 80 percent and less than 140 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within Miami-Dade County, whichever is greater as defined by HUD.

(m) *Qualified Developer.* Any person, firm, corporation, partnership, limited liability company, association, joint venture, community based organization, not-for-profit agency, or any entity or combination of entities, excluding any governmental entity, that has been qualified by the County as having the requisite experience and capacity to build affordable housing through the Infill Housing Program.. For these purposes a community-based organization shall have among its purposes the provision of affordable housing to persons who have special needs or have low income, or moderate income within a designated area, which may include a municipality or more than one municipality or the County, and maintains, through a minimum of one-third representation on the organization's governing board,

accountability to housing program beneficiaries and residents of the designated area.

(n) *Qualified Household.* An eligible household that has received a certificate of qualification from the County or other County approved agency.

(o) *Sales Price.* The price set by the County pursuant to an administrative order, which price shall not exceed an amount affordable at the maximum income range, as defined in this article, taking into account (a) family size; (b) an annual fixed interest rate based on a thirty (30) year mortgage term; (c) payment of up to five percent (5%) down payment by a qualified household; and (d) an estimation of annual property taxes, assessments, loan insurance and financing fees, allowances for property maintenance and repairs, homeowners insurances, homeowner association fees, if any, and allowances for utilities.

(p) *State Housing Initiative Partnership (SHIP).* The affordable housing program established pursuant to Section 420.90 *et seq.* of the Florida Statutes for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

(q) *Surtax.* The discretionary tax on documents, which the County is authorized by Section 125.0167 of the Florida Statutes to levy, for the purpose of establishing and financing the County's Local Housing Assistance Loan Trust Fund to assist in the financing of construction, rehabilitation, or purchase of housing for low-income and moderate-income families.<<

Section 3. Section 17-124 of the Code of Miami-Dade County, Florida is

hereby amended as follows:

Sec. 17-124. Transfer or sale of property.

(a) *Transfer or Sale of Property.* Pursuant to all applicable state and County laws, any County owned parcel or parcels of property identified as appropriate for infill housing may be transferred or sold to a ~~[[qualified community development corporation or]]~~ qualified developer for the development of infill

housing>>subject to the requirements of Section 17-126 of this article. Notwithstanding this requirement, the County Manager is authorized to approve a conveyance of an infill property previously conveyed by the County to a qualified developer when a municipality or any other governmental entity desires said property in exchange for another infill property of equal or greater value. Said transferred infill property shall be subject to the restrictions set forth in Section 17-124 (c) and (d).<<

* * *

(c) *Reverter Clause/Affordability Period.* County deeds conveying title of any properties to a qualified community development corporation or qualified developer, under this Infill Housing Initiative, shall contain a reverter to the County in the event the property has not been reasonably developed or rehabilitated within one year of conveyance. Any >>eligible<< housing ~~[[initiative]]~~ that is developed under this Infill Housing Initiative shall remain as affordable housing for at least ~~[[ten (10)]]~~ >>thirty (30) << years.

>>(d) Declaration of Restrictive Covenants. Prior to the initial sale of an eligible home, a declaration of restrictive covenants running with the land, approved in form by the County, shall be recorded in the public records of Miami-Dade County which contains such language as is necessary to carry out the purposes of this article. Said declaration of restrictive covenants shall specify that:

(1) The restrictions of this article shall run with the land for the entire control period; and

(2) The covenant will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to or interest in the property. These covenants shall be senior to all instruments securing permanent financing; and

(3) The covenant shall be controlled for a minimum of twenty (20) years and shall automatically reset every 20 years for a maximum of 60 years, except that in the event an eligible home is owned for an entire 20-year control period by the same individual(s), said individual(s) shall automatically be released from the Declaration of Restrictive Covenants.

(4) Every eligible home constructed or rehabilitated pursuant to this article shall be offered for sale to qualified

households to be used as their primary residence. A qualified household that has purchased an eligible home shall not lease said eligible home; and

(5) Prior to the sale of an eligible home during the control period, the eligible home's owner shall obtain the County's written approval as set forth in Section 17-124.2 (c); and

(6) The initial sales price of the eligible housing shall not be offered for a price greater than the current maximum eligible home's sales price of affordable housing as determined by the County at the time of sale or its current appraised value, whichever is lower; and

(7) The County reserves its right of first refusal to purchase the eligible home prior to or at the end of control period, if it becomes available for purchase and there are no eligible persons to purchase said home. The County shall have sixty (60) days after receiving written notification from the owner that the eligible home is for sale, to advise the owner in writing of the County's intent to exercise its right of first refusal or to provide the owner with written notification of the County's intent to waive its right of first refusal. The County Manager is authorized to negotiate and execute any contracts to purchase the available eligible home, without prior approval from the Miami-Dade Board of County Commissioners, from the funds earmarked in the a separate account or any trust fund designated for this purpose. Notwithstanding this authorization to purchase, the County Manager shall bring to the Board of County Commissioners a resolution seeking ratification of said purchase at the next available Board meeting following the purchase of the eligible home.<<

Section 4. Section 17-124.1 of the Code of Miami-Dade County, Florida is

hereby created to read as follows:

>> Sec. 17-124.1. Eligibility of households for eligible housing.

(a) Eligibility requirements to purchase an eligible home shall be pursuant to an administrative order approved by the Board of County Commissioners and shall be based on household size and income. An eligible household must receive a certificate of qualification from the County or other outside agency authorized by the County to qualify households, to become a qualified

household, in accordance with the procedures prescribed by the administrative order.

(b) Each qualified household purchasing an eligible home shall be required to record a mortgage in favor of Miami-Dade County with an amount equal to the value of the land at the time of the initial sale of the home. A promissory note shall be executed by each qualified household and secured by said mortgage. Said mortgage shall set forth the same covenants, along with the refinancing and resale restrictions as those included in the restrictive covenants required by this section.

(c) Eligibility for continued ownership of an eligible home shall be contingent upon the qualified household's use of the eligible home as his or her primary residence. A qualified household that no longer occupies the home as their primary residence shall be in default of the mortgage recorded against the eligible home by the County and the Declaration of Restrictive Covenants.

(d) Effective January 1st of the year following the recording of the declaration of restrictive covenants in the Public Records stating that the home must remain affordable the assessed value of the homes constructed through the Infill Housing Program will reflect consideration of the aforementioned restriction. To ensure that the assessed value of the affordable home reflects consideration of the aforesaid restrictions, County shall submit a copy of the recorded covenant to the Miami-Dade Property Appraiser's Office immediately after closing. Upon receiving said covenant, the Property Appraiser's Office will make a notation in the records available to the public that the home is subject to affordable housing restrictions and, for subsequent assessments during the control period, will ensure that the assessed value reflects consideration of the housing restrictions.

(e) Subject to the availability of funding, the County will provide affordable mortgage loans through the use of Surtax and SHIP funds to qualified households who purchase infill housing. In order to receive a mortgage loan, the qualified household must meet the eligibility requirements for the funding.<<

Section 5. Section 17-124.2 of the Code of Miami-Dade County, Florida is hereby created to read as follows:

>>Sec. 17-124.2. Affordability controls.

(a) Initial sale.

(1) Every eligible home required to be established under this article shall be offered for sale to a qualified household to be used as their own primary residence.

(2) In order to assure the purpose of the infill program as set forth in Section 17-121, steps shall be taken by the County to encourage a mix of housing prices that are affordable to both low and moderate income households.

(3) No less than sixty (60) days prior to offering any eligible home, the developer shall notify the County of such offering. The notification from the developer shall set forth the size, sales price, and location of each eligible home offered and shall provide a description of each eligible home's finishes and availability. The County may request additional information from the developer or other property owner as it deems necessary.

(4) Upon notification from the developer, the County shall make such notice available to eligible households through its web site and other locations designated by the County.

(5) If the County determines an eligible household qualifies for an eligible home, the County will issue a certificate of qualification declaring the household a qualified household. In order to receive a certificate of qualification, an eligible household must have completed a homeownership counseling course and met the eligibility requirements of a low or moderate income household.

(b) Resale. Subject to the mortgage recorded against the eligible home in favor of the County, any qualified household that intends to sell his or her eligible home prior to the expiration of the control period shall provide written notification to the County pursuant to subsection (c) of this section. Upon resale of an eligible home, each household must ensure that a prospective qualified household has received a valid certificate of qualification.

(c) Control of resale prices

(1) The eligible home may be resold, but only to a qualified household. Any owner of an eligible home shall notify

the County in writing of his or her intent to offer the eligible home for resale.

(2) The maximum sales price permitted on resale of an eligible home shall be based on the following:

(i) a formula that takes into account the price paid by the current owner and any increases tied to an index of area incomes during the period in which the current owner owned the home;

(ii) documented costs for property improvements that are permanent in nature and not for decoration or maintenance purposes.

(3) Prior to closing a sale, the seller of the eligible home shall submit to the County for approval (which approval shall not be unreasonably withheld or delayed):

(i) a copy of the proposed sales contract; and

(ii) an affidavit signed by the owner of the eligible home and the new qualified household attesting to the accuracy of all documents and conditions of the sale.

(4) No resale of an eligible home shall be considered to be in compliance with this article until all required documents and affidavits have been submitted to and approved by the County.

(5) The County shall either approve or disapprove all required documents and affidavits in writing within fifteen business days after they are submitted to the County. If the County disapproves such documents or affidavits then the County shall provide the owner, in writing, the reasons for such disapproval and an opportunity to correct any deficiencies, and provide adequate and appropriate documentation.

(d) Foreclosures, bankruptcy, probate and other proceedings.

(1) If any qualified household of an eligible home defaults on his or her mortgage with the County and said default is not cured within the applicable time periods, then the whole debt secured by said mortgage, with all interest thereon, and all other amounts thereby secured shall, at the option of the County, become immediately due and payable. In the event any qualified household of an eligible home fails to cure the default, the County shall have the right to legally enforce the term of the mortgage or

collect the debt in any action at law, including but not limited to a proceeding in foreclosure. Any proceeds, including any expenses or expenditures incurred and recovered by the County, shall be deposited into a separate account or into any affordable housing trust fund established by the County and shall not be commingled with any other funds.

(2) In any suit, action or proceeding, including without limitation bankruptcy, probate or any other suit, action or proceeding affecting the eligible home, any monies recovered by the County shall be deposited into a separate account designated for such purposes or any affordable housing trust fund established by the County.

(3) Notwithstanding subsection e (1) and (2), in the event of default by a qualified household on any senior mortgage associated with an eligible home, the County Manager is authorized to pay off said senior mortgage and assume ownership of the eligible home by using funds from the affordable housing trust fund. The defaulting qualified household shall be required to vacate the eligible home. The County Manager is further authorized to purchase any eligible home that is sold as a result of any suit, action or proceeding, including but not limited to foreclosure, bankruptcy, probate or any suit, action or proceeding affecting the eligible home. The County Manager shall report each such purchase to the Board of County Commissioners at the next Board meeting following the purchase of the eligible home.<<

Section 6. Section 17.125 of the Code of Miami-Dade County, Florida

is hereby amended as follows:

Sec. 17-125. Development.

(a) *Private Property Owners.* The County may encourage private property owners to rehabilitate or redevelop their properties as infill housing through forgiveness of County liens as identified in section 17-126 of this article or through the availability of construction and rehabilitation loans. Subject to the availability of funding, the County will provide construction and rehabilitation loans to private property owners who are determined to be eligible for such funding. >>In order to participate in the infill housing program, each private owner participating in the infill housing program shall record in the public records one or more covenants or declarations of restrictions in a form approved by the County as set forth in Section 17-124(d).<<

(b) ~~Qualified~~ ~~[[Community Development Corporations, Qualified]]~~ ~~Developers~~. Subject to the availability of funding, the County will provide construction and rehabilitation loans >>through the County's Surtax or SHIP programs,<< to ~~[[qualified community development corporations and]]~~ qualified developers for the development of infill housing. In order to receive the construction or rehabilitation loan, the ~~[[qualified community development corporation or the]]~~ qualified developer must meet the eligibility requirements for such funding.

~~[[e) Eligible Home Buyers. Subject to the availability of funding, the County will provide affordable mortgages loans to home buyers who purchase infill housing. In order to receive a mortgage loan, the home buyer must meet the eligibility requirements for the funding.]]~~

Section 7. Section 17.126 of the Code of Miami-Dade County, Florida is

hereby amended as follows:

Sec. 17-126. Forgiveness of county liens.

(a) (1) Notwithstanding any other provision contained in the Code of Miami-Dade County, the ~~[[Board of County Commissioners by resolution]]~~ >>County Manager<< may release or satisfy any >>County<< lien placed on a >>publicly or privately owned<< property ~~[[by the County or any of its agencies and instrumentalities]]~~ if the property has been approved by the County Manager for the Infill Housing Initiative >>and the private owner records in the public records a declaration of restrictive covenants in a form approved by the County as set forth in Section 17-124(d).<<

* * *

(b) The >>satisfaction of<< ~~[[resolution releasing or satisfying]]~~ the County lien(s) shall >>be recorded<< ~~[[state that:~~

(1) ~~The underlying property has been designated by the County Manager for use as infill housing;~~

(2) ~~If the property is privately owned, the County lien or liens on the property shall not be released or satisfied until the certificates of occupancy or its equivalent is issued for the infill housing project; and~~

~~(3) The County Manager shall record both the resolution and the release or satisfaction]] in the Official Record Book of Miami-Dade County, Florida.~~

* * *

Section 8. Section 17-128 of the Code of Miami-Dade County, Florida is hereby created to read as follows:

>>Sec. 17-128. Enforcement.

(a) The provisions of this article shall apply to all agents, successors and assignees of a qualified household.

(b) This article shall be enforceable in accordance with the provisions of Chapter 8CC of this code. Violations of this article shall be punishable by a civil fine not to exceed ten thousand dollars (\$10,000.00).

(c) Violations of this article shall be punishable by a criminal fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the county court.

(d) Any continuing violations of the provisions of this article may be enjoined and restrained by injunctive order of the circuit court in appropriate proceedings instituted for such purpose.<<

Section 9. Section 17-128.1 of the Code of Miami-Dade County, Florida is hereby created to read as follows:

>>Sec. 17-128.1. Reports to the Board of County Commissioners.

The County Manager shall submit an annual report to the Miami-Dade Board of County Commissioners concerning compliance with the provisions of this article. This report shall include but not be limited to a list of lots made available to qualified developers, number of homes built and sold to qualified households, a summary of the amount of liens released on County

and private property and legal actions taken against violators of this Article of the Code.<<

Section 9. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
* * *	* * *	* * *
>>17-138	<u>Failure to comply with Chapter 17, Article VII of the Code of Miami-Dade County</u>	<u>\$10,000<<</u>
* * *	* * *	* * *

Section 10. 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 11. 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

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"section," "article," or other appropriate word.

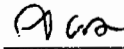
Section 12. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: January 25, 2007

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Terrence A. Smith

Sponsored by Vice-Chairwoman Barbara J. Jordan

Memorandum



Date: July 12, 2007

Special Item No. 1

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "George M. Burgess", written over the printed name.

Subject: Resolution and Public Hearing for the Transmittal to Florida Department of Community Affairs for the Special Application to Amend the Comprehensive Development Master Plan

R#848-07

Recommendation

It is recommended that the attached resolution be adopted after the public hearing on the Special Application to amend the Comprehensive Development Master Plan (CDMP) currently scheduled to begin at **9:30 AM on Thursday, July 12, 2007** in the Commission Chamber. This meeting is held in the month of July in accordance with a special schedule prescribed in Resolution No. R-613-07, adopted on May 22, 2007. The attached resolution provides for the transmittal of the 2007 Special Application to amend the CDMP to the Florida Department of Community Affairs (DCA) and other agencies as required pursuant to Section 163.3184, F.S.

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development to insure the adequate provision of facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. The 2007 Special Application has a countywide impact.

Fiscal Impact/Funding Source

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the resolution. The proposed text changes in the Special Application to amend the CDMP currently have no fiscal impact to the County.

Track Record/Monitor

CDMP Amendments do not involve contracts; therefore, a Track Record/Monitor is not applicable.

Background

The attached resolution provides for transmittal of the proposed Special Application requesting text amendments to the CDMP relating to public school facilities. The application would be transmitted to DCA for review and issuance of Objections, Recommendations and Comments (ORC) report. The application was the subject of a public hearing conducted by the Planning Advisory Board (PAB) on July 9, 2007. The recommendation of the Department of Planning and Zoning (DP&Z) on the proposed application is to "Transmit." At a public hearing held May 22, 2007, the Board of County Commissioners (the Board) adopted Resolution No. R-613-07 directing the County Manager to file a separate special application to amend the CDMP, considering a special schedule set forth on R-613-07, to comply with statutory requirements for public school facilities. Therefore, the actions required of the Board today regarding Special Item No. 1, are, after public hearing, to consider transmittal to DCA and other review agencies of the Special Application for consistency review that the Board elects to process through the regular amendment procedure.

The proposed Special Application requests revisions to the text and figure of the following CDMP Elements: Educational Element, Capital Improvements Element, and Intergovernmental Coordination Element, including revisions to the text and figure of the Preface. The proposed text amendments are

intended to address statutory requirements concerning school concurrency and intergovernmental coordination between Miami-Dade County and Miami-Dade Public School System through an interlocal agreement. State statutes mandate local governments to include a Public School Facilities Element in its comprehensive plan that is financially feasible, (s.163.3177(2) and (13), F.S.). In addition, schools are now included as one of the public facilities subject to the concurrency requirements of the Local Government Comprehensive Planning Act (s.163.3180(1)(a), F.S.). Local governments are also required to offer a "proportionate fair share" mitigation system to satisfy school concurrency requirements. The deadline DCA established for Miami-Dade County and its municipalities to adopt the element requirements and a revised interlocal agreement is January 1, 2008. If the requirements are not met, local governments are prohibited from adopting amendments to the comprehensive plan, which increase residential density until the necessary amendments have been adopted and transmitted to the state land planning agency.

It is anticipated that the DCA will return an ORC report in September 2007 addressing the transmitted special application. Preceding the final hearing by the Board, the DP&Z will respond to any DCA objections and may issue a revised recommendation, and the LPA will conduct an additional hearing and may also issue a revised recommendation. The Board is scheduled to conduct a final public hearing on the transmitted application in November or December of 2007.

Recommendations of the Department of Planning and Zoning

The Department of Planning and Zoning published its initial recommendations for the Special Application in its "Application and Initial Recommendations" report dated July 3, 2007. The initial recommendation for the proposed amendment is to "Transmit." This recommendation is also stated in the summary matrix in the agenda kit materials.

Recommendations of the Local Planning Agency

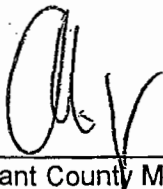
The recommendation of the Planning Advisory Board acting as Miami-Dade County's Local Planning Agency is contained in their resolution.

Resolution Format

As provided in the County Code, transmittal instructions are to be issued by Resolution. Section 1 of the attached resolution contains spaces where the Board's adopted transmittal instruction will be entered for each individual amendment application. Transmittal instructions shall be "Transmit" or "Do Not Transmit". Transmittal does not constitute adoption of an application; however, denial of transmittal in effect denies any further consideration of an application during this CDMP amendment cycle. To transmit any application, County Code requires the affirmative vote of a majority (7) of the Commissioners in office.

Section 2 of the Resolution requests DCA to review and return its ORC report on the transmitted application before the Board conducts its next public hearing to take final action on the applications.

After the Board adopts its entries to Section 1 of the Resolution, it must take a final vote to adopt the Resolution in its entirety, incorporating the foregoing entries.



Assistant County Manager

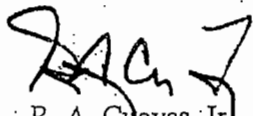


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 12, 2007

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Special Item No. 1

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Veto _____

Override _____

Special Item No. 1

07-12-07

RESOLUTION NO. R-848-07

RESOLUTION ADDRESSING A SPECIAL APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE COUNTY MANAGER WHETHER OR NOT TO TRANSMIT THE APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; REQUESTING FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO REVIEW APPLICATION; RESERVING THE RIGHT TO TAKE FINAL ACTION AT A LATER DATE; AND DECLARING INTENT TO CONDUCT ONE OR MORE SUBSEQUENT PUBLIC HEARINGS

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners (Board) in 1988; and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes and Administrative Codes; and

WHEREAS, pursuant to the direction of the Board of County Commissioners under Resolution No. R-613-07 and pursuant to Section 2-116.1 of the Code of Miami-Dade County, Florida, a special application was filed by the Miami-Dade County Department of Planning and Zoning (DP&Z) on July 3, 2007, to amend and update the CDMP text and policies of the Educational Element, Intergovernmental Coordination Element, Capital Improvements Element, and the Preface of the CDMP to implement recommendations from the Growth Management Legislation of 2005; and

WHEREAS, the DP&Z has published its initial recommendation addressing the referenced Special Application in the report titled "Application and Initial Recommendations Special Application to Amend the Comprehensive Development Master Plan" dated July 3, 2007; and

WHEREAS, the Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) conducted a duly noticed public hearing on July 9, 2007 to address the Special Application, the recommendation of the DP&Z, to formulate a recommendation regarding the proposed amendments, and to address the transmittal of the application to DCA and other State and regional agencies for review and comment; and

WHEREAS, at the conclusion of the foregoing public hearing, the PAB adopted its recommendation to the Board regarding transmittal, recommendation regarding State agency review and issuance of the Objections, Recommendations and Comments (ORC) report of the transmitted application, and recommendation regarding subsequent final action by the Board as required by Section 2-116.1, Code of Miami-Dade County, and Section 9J-11, F.A.C., with the understanding that the PAB will further evaluate the transmitted Special Application after review by the DCA and any others not reviewed by the DCA, and may issue revised recommendations on said application following one or more duly noticed public hearings in 2007; and

WHEREAS, consideration of such special application is exempt from the twice-per-year statutory limitation on adoption of comprehensive plan amendments pursuant to Chapter 163, F.S.; and

WHEREAS, this Board desires to further evaluate, without prejudice, this Special Application for review and action that is hereby transmitted,

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

Section 1. The Board, having considered the Special Application requesting amendment to the CDMP, hereby directs the County Manager to act in accordance with the transmittal instructions set forth in this section for such application. For such application where instruction is to transmit, pursuant to Section 2-116.1(3)(g), Miami-Dade County Code, the Commission directs the County Manager to transmit the application to the DCA and to all other review agencies required pursuant to Chapter 163.3184, F.S., along with all other materials required by Rule 9J-11, F.A.C.

5

Application	Applicant/Representative Miami-Dade County Department of Planning and Zoning/ Subrata Basu, Interim Director REQUESTED CHANGE TO THE CDMP ELEMENTS:	Recommended Transmittal Instruction
Special Application	Part A: Revise the text of the Educational Element	Transmit
	Part B: Revise the text of the Intergovernmental Coordination Element	Transmit
	Part C: Revise the text of the Capital Improvements Element	Transmit With Change as recommended by staff and with correction to Part C, Concurrency Management Program, Number 1, by deleting the fifth line on page 29 of the Application and Initial Recommendations Report
	Part D: Revise the text of the Preface	Transmit

Section 2. The Board hereby requests DCA to review the transmitted Special Application pursuant to Chapter 163.3184(6), F.S.

Section 3. The Board hereby reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt the pending Special Application following receipt of the ORC report from DCA, and following one or more final public hearings by this Board, all as authorized by Chapter 163.3184, F.S., and Section 2-116.1, Code of Miami-Dade County, Florida.

Section 4. The Board declares its intention to conduct and advertise one or more public hearings in 2007 to address the Special Application to amend the CDMP.

The foregoing resolution was offered by Commissioner Joe A. Martinez who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	absent	Rebeca Sosa	absent
Sen. Javier D. Souto	aye		


The Chairperson thereupon declared the resolution duly passed and adopted this 12th day of July, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: **KAY SULLIVAN**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. 

Dennis A. Kerbel

MEMORANDUM

Agenda Item No. 5(T)

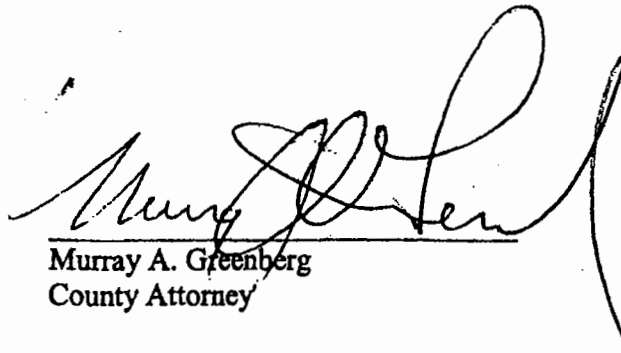
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution ordering
temporary building
moratorium and directing
County Manager to conduct
comprehensive zoning
analysis

The accompanying resolution was prepared and placed on the agenda at the request of
Commissioner Audrey M. Edmonson.



Murray A. Greenberg
County Attorney

MAG/bw



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 5(T)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved Carla A. Manly Mayor

Veto _____

Override _____

Agenda Item No. 5(T)
01-25-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-16-07

RESOLUTION ORDERING TEMPORARY BUILDING
MORATORIUM AND DIRECTING COUNTY MANAGER TO
CONDUCT COMPREHENSIVE ZONING ANALYSIS FOR A
STUDY AREA IN SOUTHWEST MIAMI-DADE COUNTY

WHEREAS, on November 28, 2006, the County Manager, pursuant to section 33-319 of the Code of Miami-Dade County, issued an administrative order prohibiting the issuance of building permits for non-residential structures and/or uses within the study area set forth in his order, for the reasons set forth in that order (a copy of which is attached hereto); and

WHEREAS, this Board must inquire into the propriety of a building moratorium for the area in question pursuant to section 33-319 of the Code; and

WHEREAS, this Board has found that a detailed comprehensive zoning analysis of the study area is reasonably necessary to determine the probability of detriment to the character of the study area by the continued application of the existing zoning districts,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby orders that a temporary moratorium on the issuance of building permits for non-residential structures and/or uses, for the study area described in the attached administrative order, be imposed for one hundred twenty (120) days from the effective date of this resolution; and that this Board directs the County Manager to prepare a comprehensive report and recommendation relating to appropriate zoning districts for the study area as soon as reasonably possible within that one hundred twenty (120) days.

The foregoing resolution was sponsored by Commissioner Audrey M. Edmonson and offered by Commissioner Audrey M. Edmonson, who moved its adoption.

The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman	aye		
	Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye		Audrey M. Edmonson	aye
Carlos A. Gimenez	aye		Sally A. Heyman	nay
Joe A. Martinez	nay		Dennis C. Moss	aye
Dorin D. Rolle	aye		Natacha Seijas	absent
Katy Sorenson	aye		Rebeca Sosa	aye
Sen. Javier D. Souto	absent			

The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of January, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



KAY SULLIVAN

Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jay W. Williams

Memorandum



Date: November 28, 2006

To: Diane O'Quinn Williams, Director
Department of Planning and Zoning

Charles Danger, Director
Building Department

From: George M. Burgess
County Manager

Subject: Imposition of Administrative Building Moratorium

In accordance with the provisions within Section 33-319(a) of the Code of Miami-Dade County, this memorandum serves as a temporary administrative order prohibiting the issuance of building permits for non-residential structures and/or uses within the area bounded by SW 136 Street on the north, SW 152nd Street on the south, SW 107 Avenue on the east, and the Homestead Extension of Florida's Turnpike State Road #821 on the west (the Study Area). Copies of two (2) zoning maps are attached for your reference.

The Study Area contains residential, commercial and agricultural zoning districts. Of particular concern is the appropriateness of the non-residential zoning districts and their intensities in close proximity to properties that are residentially zoned and improved, as well as the appropriateness of existing non-residential zoning classifications which are different from the current CDMP land use designations. The residentially zoned and improved properties are potentially at risk of being detrimentally affected by use permitted by the non-residential zoning districts should they continue to remain applicable and building permits be subsequently issued. Therefore, I find that it is in the public interest to make a comprehensive determination as to the appropriateness of these non-residential zoning districts and whether the continued existence of such zoning districts may be detrimental to the Study Area. This action is consistent with provisions of the CDMP for the review of grandfathered zoning that is different from the CDMP planned designations and therefore potentially incompatible with other properties within the Study Area.

In further accordance with the procedures contained in Section 33-319 of the Code of Miami-Dade County, this memorandum shall serve to notify the Clerk of the Board of County Commissioners (the Clerk) of this administrative order and to request that the matter be placed before the Board of County Commissioners (the Board) for its consideration and review following a public hearing as soon as is reasonably practicable. According to the code, the Clerk shall give reasonable notice of the scheduled public hearing by publication in a newspaper of general circulation in Miami-Dade County.

The public hearing shall provide the Board the opportunity to inquire into the propriety of the aforementioned building moratorium based upon the reasonable necessity for a detailed comprehensive analysis of the Study Area and the probability of detriment to the character of the Study Area by the continued application of the existing zoning districts. Should the Board agree that the building moratorium is reasonably necessary, it may order the same and direct that no

building permits be issued within the Study Area, or such other geographically affected area as determined by the Board.

The Board's order shall fix a time within which my office shall report back to the Board with a recommendation relating to the appropriate zoning districts for the affected area. The initial moratorium imposed by the Board shall be for a period not to exceed one hundred twenty (120) days. However, the Board on its own motion or otherwise may continue the moratorium for a longer period of time if reasonably necessary. My office may also submit a request to the Board for a reasonable extension of the time limitation after a public hearing.

I intend to submit a report and recommendations to the Clerk no later than 60 days from the date of this memorandum. According to the Code, the Clerk shall then schedule a public hearing on the matter before the Board at the earliest practicable time, after reasonable notice by publication in a newspaper of general circulation in Miami-Dade County. Upon consideration of the report and recommendations at a public hearing the Board shall make its determination as to whether the zoning districts shall remain the same or shall be changed. Should the Board determine that the zoning districts are to remain the same, it may immediately issue its order terminating the building moratorium. However, should the Board determine that the zoning districts should be changed, or new districts created, it may issue its order continuing the building moratorium. Where zoning district boundary changes are involved said changes shall be heard directly by the Board.

Attachments (two zoning maps)

C: Honorable Carlos Alvarez, Mayor
Honorable Joe A. Martinez, Chairman
And Members, Board of County Commissioners
Harvey Ruviv, Clerk of Courts

RECEIVED
FEB 02 2007

ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING

BY _____

SW 136TH ST

EU-M

SW 142ND LA

SW 117TH AV

SW 107TH AV

RU-1

LINCOLN BD

554019

SW 152ND ST

RU-1

SW 112TH AV

554030

R 821 EX

SW 117TH AV



Department of Planning and Building

Building Moratorium Area



Building Moratorium Area

0 0.07 0.14 0.21

