

Memorandum



Date: March 4, 2008

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

From: George M. Burghes
County Manager

Subject: Zoning ordinance amending Section 33C of the Code of Miami-Dade County, Florida in connection with the approval process for Metrorail station sites within the City of Miami.

Amended
Agenda Item No. 7(G)

O#08-28

This item was considered at the February 12, 2008 Government Operations and Environment Committee and amended to revise the development parameters to only require 12.5% workforce housing units, setbacks for non-residential uses, clarifies details of building heights, revises screening requirements for parking structures, and clarifies the notice requirements for the Rapid Transit Developmental Committee. Further, the item was also considered at the February 13, 2008 Transit Committee and further amended to remove a reference to Metropolitan Urban Centers (as there are none in the City of Miami) and to clarify the number of floors for each level in the definition of building height. All differences between the first reading item and the current item are indicated with a double underline.

Recommendation

It is recommended that the Board adopt the attached proposed zoning ordinance amending Section 33C of the Code of Miami-Dade County, Florida in connection with the approval process for Metrorail station sites within the City of Miami.

Scope

This ordinance affects property within Districts 3, 5 and 7.

Fiscal Impact/Funding Source

This ordinance should have no adverse fiscal impact to the County. The ordinance will facilitate transit oriented development and will therefore promote better land use around transit stations and more effective and efficient transit service. The ordinance will also allow for faster and well planned development to occur on transit properties and will result in direct payments to the County in the form of long term lease revenues or sale of transit properties.

Track Record/Monitor

N/A.

Background

Pursuant to Chapter 33C of the Code of Miami-Dade County (the Code), the Rapid Transit Zone for the Metrorail Transit System is established. These lands include all surface, subsurface, and appurtenant airspace and include all station sites, parking areas and yard and maintenance shops facilities. Jurisdiction for all of the station sites is vested in Miami-Dade County regardless of municipal code, charter, or ordinance provisions to the contrary.

The amendments proposed in this ordinance shall only apply to all stations within the City of Miami to be developed as follows: Coconut Grove, Douglas Road (the portion that is not

covered by standards established for the Water & Sewer property), Brickell, Culmer, and the Civic Center.

The amendments to Section 33C of the Code proposed in this ordinance shall not apply to those Metrorail stations with established development standards (the Existing Stations.) These stations include the following: – Dadeland North, Dadeland South, South Miami, a portion of Douglas Road Station (Water & Sewer facilities building has established standards), Vizcaya, Government Center, Overtown, Santa Clara, Allapattah, Brownsville, Martin Luther King, Northside, Okeechobee nor to those stations to be developed that are not located within the City of Miami.

Each Existing Station was approved for development through a process that entailed the development of separate master development standards for each station that were, when located in a municipality, sent to the municipality where the station is located for approval. Once the standards were approved by the municipality or the Board of County Commissioners when located in unincorporated Miami-Dade, a site plan was reviewed and approved by the Board of County Commissioners (BCC). The master development standards for the Existing Stations were created by the Rapid Transit Developmental Impact Committee (RTDIC) through a hearing of the RTDIC. The standards were then heard and approved by the municipality where the station is located. If approved by the municipality by ordinance a site plan was proffered by the developer and the RTDIC made a recommendation to the BCC to be heard and approved by the BCC as a special exception.

Currently, when uses authorized by Chapter 33C are proposed within municipalities, the RTDIC is charged with preparing proposed master plan development standards. These standards are then submitted to the appropriate municipality for review and adoption as the Master Land Use Plan for such uses. Once adopted, said land use plans control all public actions involving or affecting land use or development. For those standards approved prior to September 30, 2003 a site plan is submitted and considered for approval by the RTDIC. These site plan approval decisions are appealable to the Board of County Commissioners (BCC). Site plan approval for stations approved by the municipalities subsequent to September 30, 2003 are submitted and considered for approval as a special exception by the BCC.

Section 33C-3 establishes the RTDIC which consists of an Assistant County Manager, the Fire Chief, and 5 Department Directors from the Water and Sewer Dept., DERM, Public Works, Planning and Zoning, and MPO along with 2 representatives from each of the following municipalities: City of Miami, City of Coral Gables, City of Hialeah and the City of South Miami.

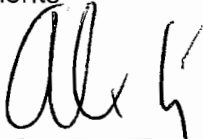
Procedure

All stations to be developed not located in the City of Miami shall be approved through the same process currently in place as outlined above. This proposed Ordinance creates Master Development Standards for the remaining Metrorail station sites located within the City of Miami. These standards will not be forwarded to the City for adoption; however, the City of Miami will be consulted prior to final adoption of the standards by the Board and will have an opportunity to provide input. A Request for Proposals (RFP) will be generated for each specific site. Proposals for development will be evaluated taking into account the specific requirements within the particular RFP and the overall Master Development

Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners
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Standards. With this new process the site plan will be considered for approval by the
RTDIC.

Attachments

A handwritten signature in black ink, appearing to read 'Alex M', is written over a horizontal line.

Alex Muñoz
Assistant County Manager

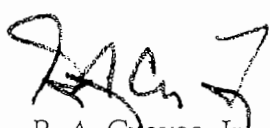


MEMORANDUM

(Revised)

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

DATE: March 4, 2008

FROM: 
R. A. Cuevas, Jr.
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)
3-4-08

ORDINANCE NO. 08-28

ORDINANCE PERTAINING TO FIXED-GUIDEWAY RAPID TRANSIT SYSTEM DEVELOPMENT ZONE; AMENDING SECTION 33C-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO RAPID TRANSIT ZONE PERMITTED USES; AMENDING SECTION 33C-4 PERTAINING TO RAPID TRANSIT DEVELOPMENTAL IMPACT ZONE; CREATING SECTION 33C-8 PERTAINING TO RAPID TRANSIT ZONE DISTRICT REGULATIONS FOR NON-METRORAIL DEVELOPMENT WITHIN THE CITY OF MIAMI; 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 33C-2 of the Code of Miami-Dade County is hereby amended as follows:¹

Sec. 33C-2. Rapid Transit Zone.

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(D) *Permitted land uses.* The following land uses are permitted within the Rapid Transit Zone and no others:

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*

(9)(a) Such other uses, including commercial, office and residential uses, as may be appropriate to and compatible with the operation of the Rapid Transit System and the convenience of the ridership thereof.

(b) Subzones; development regulations, standards and criteria. In the unincorporated areas of the Rapid Transit Zone, subzones shall be created by separate ordinances which shall become part of this chapter. Said ordinances shall identify the boundaries of the individual subzones and shall establish development regulations and site plan review standards and criteria for those land uses permitted pursuant to subsection (9)(a) herein and approved pursuant to subsection (9)(c) herein.

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) Requests for approval of development of those land uses permitted pursuant to subsection (9)(a) herein within a subzone created pursuant to subsection (9)(b) herein shall be made by filing an application in accordance with the provisions of Section 33-304. Said application shall be considered a special exception for site plan approval to be considered and acted upon directly by the Board of County Commissioners pursuant to the criteria established in Section 33-311(d) and the provisions of the applicable subzone.
- (d) Whenever uses authorized by subparagraph (a) above are proposed within portions of the Rapid Transit Zone passing through municipalities, the Station Area Design and Development Program process, a joint municipal-County program >>administered through the Rapid Transit Developmental Impact Committee<<, shall prepare proposed master plan development standards for such proposed uses. Such proposed master plan development standards shall be submitted to the appropriate municipality for review and adoption as the Master Land Use Plan for such uses. Once adopted, said land use plans shall control all public actions involving or affecting land use or development, including action on applications for zoning relief. Amendments to said Master Land Use Plans shall be subject to the procedures specified in this subparagraph. Applications for a site plan approval and other related zoning actions under a Master Land Use Plan that was approved by a municipality on or before September 30, 2003, shall be considered by the Rapid Transit Developmental Impact Committee under the standards and requirements established by such plan, upon receipt of the recommendations of the Department of Planning and Zoning and the Miami-Dade Transit Agency. Decisions of the Rapid Transit Developmental Impact Committee upon such applications shall be subject to appeal to the Board of County Commissioners in accordance with the requirements of Section 33-314, Miami-Dade County Code. It shall be the duty of the Clerk of the Board of County Commissioners to immediately transmit to the relevant municipality a certified copy of the Rapid Transit Developmental Impact Committee's and the County Commission's actions in regard to the uses provided for in this subsection. >> An aggrieved party<< ~~[[The municipality]]~~ may seek judicial review of the County Commission's action in accordance with Section 33-316, Miami-Dade County Code.
- >>(e) After March 15, 2008, 2008 (the effective date of this ordinance), whenever uses authorized by subparagraph (a) above are proposed within portions of the Rapid Transit Zone located within the City of Miami not yet subject to an approved set of development standards, the master plan development standards set forth in section 33C-8 herein shall control such proposed uses Said land use plans shall control all public actions involving or affecting land use or

development, including action on applications for zoning relief. Amendments to said Master Land Use Plans shall be subject to the procedures specified in this subparagraph. Applications for site plan approval and other related zoning actions under a Master Land Use Plan shall be considered by the Rapid Transit Developmental Impact Committee under the standards and requirements established by such plan, upon receipt of the recommendations of the Department of Planning and Zoning and the Miami-Dade Transit Agency. Decisions of the Rapid Transit Developmental Impact Committee upon such applications shall be subject to appeal to the Board of County Commissioners in accordance with the requirements of Section 33-314, Miami-Dade County Code. It shall be the duty of the Clerk of the Board of County Commissioners to immediately transmit to the City of Miami, a certified copy of the decision of the Rapid Transit Developmental Impact Committee and the actions of the Board of County Commissioner in regard to the uses provided for in this subsection. An aggrieved party may seek judicial review of the County Commission's action in accordance with Section 33-316, Miami-Dade County Code.<<

[[~~(e)~~]] >>~~(f)~~<< The uses provided in this subsection shall, where applicable, be subject to municipal ordinances relating to occupational license taxes, and such taxes be and they are hereby expressly reserved to such municipalities.

Section 2. Section 33C-4 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33C-4. Rapid Transit Developmental Impact Zone.

The Rapid Transit Developmental Impact Zone consists of those lands in such close proximity to the Rapid Transit System as to have a significant impact thereon. The Station Area Design and Development >>~~(SADD)~~<< Program (authorized by Miami-Dade County Resolution No. R-829-77), a joint municipal-County program>>, administered through the Rapid Transit Development Impact Committee,<< shall prepare proposed development standards for the Rapid Transit Developmental Impact Zone >>for those stations not subject to Section 33C-2(D)(9)(e)<<. Such proposed development standards shall be submitted to the Rapid Transit Developmental Impact Committee established by Section 33C-3 of this chapter for review, comment and any recommendations. The Rapid Transit Developmental Impact Committee report, including the proposed development standards, shall be submitted to the appropriate municipality or, in the unincorporated areas, to the County for review and adoption as the land use plan for developments within the Rapid Transit Developmental Impact Zone. >>The foregoing notwithstanding, after completion of the initial task by the SADD Program, for those stations not subject to Section 33C-2(D)(9)(e) the Rapid

Transit Development Impact Committee shall prepare all future development standards for the Rapid Transit Development Impact Zone for review and adoption by the Board of County Commissioners if located in unincorporated Miami-Dade County or the appropriate municipality if located in incorporated Miami-Dade County<< Once adopted, said land use plans shall control all public actions involving or affecting land use or development, including action on applications for zoning relief, within the Rapid Transit Developmental Impact Zone. Amendments to said land use plans shall be subject to the procedures specified in this section. The County may seek judicial review of any official municipal acts relating to lands within the Rapid Transit Developmental Impact Zone.

>>Notwithstanding anything to the contrary herein, mailed notice of hearings before the Rapid Transit Developmental Impact Committee pursuant to Section 33-2(D)(9)(e) shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special exceptions expressly enumerated in that subsection. Mailed notice of the hearings shall also be provided simultaneously to the municipality in which the application site is located. Applications shall comply with the procedural requirements of Section 33-304. <<

Section 3. Section 33C-8 of the Code of Miami-Dade County is hereby created as follows:

>>Sec. 33C-8. Rapid transit zone district regulations for non-Metrorail development within the City of Miami.

- (A) Purpose and intent. The purpose of these development standards is to provide guidelines governing the use, site design, building mass, parking, and circulation for all non-Metrorail development in the Rapid Transit Zone within the City of Miami with the intent of fulfilling the goals, objectives and policies of the County's Comprehensive Development Master Plan urban center text. Unless specified to the contrary, the Rapid Transit Zone District Regulations supersede all conflicting requirements in Chapter 33 and Chapter 18A of the Code of Miami-Dade County.
- (B) Definitions. Terms used in this section shall take their commonly accepted meaning unless otherwise defined in Chapter 33 or Chapter 28 of the Code of Miami-Dade County, or already defined herein. Terms requiring interpretation specific to this section are as follows:
- (1) arcade/colonnade: A roofed structure, extending over the sidewalk, open to the street except for supporting columns and piers. An arcade/colonnade's depth shall be measured from face of column to face of building. In Metropolitan Urban Centers colonnade depth shall

be a minimum of 15' and in Community Urban Centers colonnade depth shall be a minimum of 10'.

- (2) block: A combination of contiguous building lots, the perimeter of which abuts rights-of-way, drives, or an open space.
- (3) build-to-line: A line parallel to the block face, along which a building shall be built.
- (4) building height: A limit to the vertical extent of a building measured in stories above grade, not including chimneys, antennas, elevator shafts, mechanical rooms or other non-habitable areas.
- (5) f.a.r.: The floor area of the building or buildings, excluding parking structures, on any lot divided by the area of the site.
- (6) habitable space: Building space whose use involves human presence. Habitable space shall not include areas devoted to the parking of vehicles in parking garage structures, self-service storage facilities, or warehouses.
- (7) live-work unit: A mixed-use building type with one single-family residential dwelling located above one work space.
- (8) open space: An outdoor, at grade space which is accessible to the public all or most of the time, including parks, plazas, squares, colonnades, greens, promenades, pedestrian paths and/or associated ornamental or shaded landscaped areas.
- (9) penthouse: In a Community Urban Center, the 2 top stories (top 5 stories with Gold LEED certification; top 3 stories with Silver LEED Certification) of a building with a floorplate area less than that of the tower below. In a Metropolitan Community Urban Center, the 5 top (7 top stories for Gold LEED Certification; 6 top stories for Silver LEED Certification) stories of a building with a floorplate area less than that of the tower below
- (10) pedestal: In a Community Urban Center, the bottom 5 story (7 story with Gold LEED Certification; 6 story with Silver LEED certification) portion of a building that creates the street frontage. In a Metropolitan Urban Center, the bottom 7 story (11 story with Gold LEED Certification; 8 story with Silver LEED Certification) portion of a building that creates the street frontage.
- (11) plaza: An open space fronted by retail and office uses. A minimum of 50% and a maximum of 75% of the plaza's area, exclusive of dedicated rights-of-way and drives, shall be hard-surfaced. Landscaping 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.

(12) square: An outdoor open space that shall be flanked by streets or drives on at least 3 sides and shall not be hard-surfaced for more than 50% of the area exclusive of dedicated rights-of-way. Landscaping shall consist primarily of hard-surfaced walks, lawns, and trees that are placed in an orderly fashion and that are regularly spaced.

(13) story: An enclosed floor level within a building containing habitable space.

(14) tower: In a Community Urban Center, the middle 8 story (13 story with Gold LEED certification; 11 story with Silver LEED Certification) portion of a building above the pedestal and below the penthouse. In a Metropolitan Urban Center, the middle 13 story (22 story with Gold LEED Certification; 16 story with Silver LEED Certification) portion of a building above the pedestal and below the penthouse.

(15) workforce housing unit or WHU: a dwelling unit, the sale, rental or pricing of which, in accordance with this article, is restricted to households whose income is within the workforce housing target income range.

(16) 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. Department of Housing and Urban Development as maintained by the Department of Planning and Zoning.

(C) Development Parameters. The following parameters shall apply to Rapid Transit Zone Station development provided such uses are compatible with transit uses and operations as determined by the Miami-Dade Transit Agency:

(1) Permitted Uses. A minimum of two of the following uses shall be included in all Rapid Transit Zone Station development:

(a) Business and civic uses allowed in the BU-1, BU-1A and BU-2 zoning districts. Drive-thru services are permitted and shall be concealed from the adjoining street network.

(i) Outside food sales and services including but not limited to outdoor-dining, cart vendors, and merchandise displays.

(ii) The provisions of Section 33-150(A) and (B) of the Zoning Code regarding alcoholic beverage uses shall not apply.

(b) Residential uses. All residential or mixed-use developments, including those which obtained LEED or similar organization certification, located within any of the Rapid Transit Zone, with more than 4 residential units, shall provide a minimum of 12.5% of their units as work force housing units.

(c) Housing for the elderly.

(2) Setbacks. The setbacks for Rapid Transit Zone station development shall be as follows:

(a) Pedestal build-to-line from streets and drives: 0' when colonnade is provided in all urban centers; 15' in Metropolitan Urban Centers when colonnade is not provided, 10' in Community Urban Centers when colonnade is not provided. The build-to-line setback shall be hard surfaced and finished to match the adjoining sidewalk when a colonnade is not provided.

Tower build-to-line from streets and drives: minimum 10' when colonnade is provided in all urban centers; minimum 25' in Metropolitan Urban Centers when colonnade is not provided, minimum 20' in Community Urban Centers when colonnade is not provided. The build-to-line setback shall be hard surfaced and finished to match the adjoining sidewalk when a colonnade is not provided.

Penthouse build-to-line from streets and drives: for up to a minimum of 50% of the building frontage, minimum 20' when colonnade is provided in all urban centers; minimum 35' in Metropolitan Urban Centers when colonnade is not provided, minimum 30' in Community Urban Centers when colonnade is not provided. The build-to-line setback shall be hard surfaced and finished to match the adjoining sidewalk when a colonnade is not provided.

When non residential uses are located across the street from single family zoned property, the build-to-line shall be 30' for the pedestal, except 20' if colonnade is provided, a minimum of 40' for the tower and a minimum of 50' for the penthouse.

(b) Interior side: 0' in all urban centers, except 30' minimum for all portions of the building including parking structures when adjacent to single family residential zoned districts.

(c) Rear side: 0' minimum in all urban centers including the metrorail station guideway, except 30' minimum for all portions of the building including parking structures when adjacent to single family residential zoned districts

- (3) Floor Area Ratio (f.a.r.). The floor area ratio for Rapid Transit Zone station development shall be as follows:

(a) Community Urban Centers (; Civic Center Station; Coconut Grove Station; Culmer Station; the undeveloped portion of Douglas Road Station) shall have a minimum f.a.r. of 1.5.

- (4) Density. The maximum densities for Rapid Transit Zone station development shall be as follows:

- (a) Metropolitan Urban Centers: 250 units per net acre.
(b) Community Urban Centers: 125 units per net acre.

A 25% density bonus above the listed maximum urban center densities is permitted for residential rapid transit developments being designed for and having registered for certification for a Gold certification rating from LEED (Leadership in Energy and Environmental Design) or a similar organization accredited by the U.S. Green Building Council (USGBC). Residential developments being designed and having registered for certification for a Silver certification rating from LEED or a similar organization accredited by the U.S. Green Building Council (USGC) is permitted a density bonus of 12.5% above the listed maximum urban center densities.

- (5) Building Heights. The maximum building heights for all Rapid Transit Zone station development shall be as follows:

- (a) Metropolitan Urban Centers: 25 stories (maximum – 7 stories pedestal, 13 stories tower, 5 stories penthouse)
(b) Community Urban Centers: 15 stories (maximum – 5 stories pedestal, 8 stories tower, 2 stories penthouse)
(c) The maximum building height for the Coconut Grove station shall be 250' provided the development is designed and has registered for certification for a Silver certification rating from LEED or a similar organization accredited by the U.S. Green Building Council (USGC).

All rapid transit development having being designed and having registered for a certification rating from LEED or a similar organization accredited by the USBG is permitted an increase in the number of allowable stories as follows:

- (a) Metropolitan Urban Centers: ; a total of 30 stories (maximum – 8 stories pedestal, 16 stories tower, 6 stories penthouse) with Silver Certification; 40 stories (maximum – 11 stories pedestal, 22 stories tower, 7 stories penthouse) with Gold Certification

- (b) Community Urban Centers: a total of 20 stories (maximum – 6 stories pedestal, 11 stories tower, 3 stories penthouse) with Silver Certification; 25 stories (maximum – 7 stories pedestal, 13 stories tower, 5 stories penthouse) with Gold Certification

Each story shall have a maximum height of 16', as measured from floor to floor, except that a single story may have a maximum height of 30', provided no mezzanine area exceeds 10% of the floor area of that story. Any height above 16' shall count as an additional story.

- (6) Building Frontage: 80% minimum at build-to-line for all Rapid Transit Zone station developments. Habitable space is required along the entire ground floor portion of all buildings including parking garages.
- (7) Parking. The minimum parking requirements for all Rapid Transit Zone station development shall be provided as specified in Section 33-124 of the Zoning Code, except as follows:
- (a) Residential – 1 parking space for 1-bedroom units; 1.5 parking spaces for 2-bedroom units; 1.75 parking spaces for 3 or more bedroom units; and 0.5 parking spaces for housing for the elderly.
 - (b) Workforce housing units – Workforce housing units may reduce the parking requirements of this section by 0.25 spaces/unit.
 - (c) Retail – 1 parking space for each 250 square feet of gross floor area.
 - (d) Restaurants – 1 parking space for each 50 square feet of patron area.
 - (e) Office – 1 parking space for each 400 square feet of gross floor area.
 - (f) Hotel – 1 parking space for first 40 guest rooms and one additional space for every 2 guest rooms or suites thereafter.
 - (g) Live-work units – residential component: 2 spaces per unit, workshop component: 1 space for 325 square feet of workshop area.
 - (h) The minimum combined parking requirement for mixed-use development shall be as follows:

Size of Parcel (sq. ft.) Percentage of parking
required as otherwise provided in this section

<u>0 to 15,000</u>	<u>60%</u>
<u>15,001 to 30,000</u>	<u>70%</u>
<u>30,000 or more</u>	<u>80%</u>

Multi-story parking garage structures shall be screened along all frontages (streets and common open spaces), except along a service road or a pedestrian passage, by a liner building containing

a minimum depth of 20' of habitable space. Parking garages shall have all architectural expression facing public open space consistent and harmonious with that of habitable space.

Surface parking shall be located a minimum of 20' from property lines. Streetwalls and/or habitable space shall be built at the frontage line or at the build-to-line to screen parking from view.

- (8) Encroachments. Awnings, balconies, roof eaves, signs, porches, stoops and ramps may encroach into setbacks. Awnings, balconies, roof eaves and signs may encroach into rights-of-way; however, they shall not extend a distance closer than 6" from the curb face. All right-of-way encroachments shall be a minimum of 132" above the sidewalk. Encroachments shall not be taller than the building or pedestal, whichever is lower. Cantilevers and mouldings shall not exceed 3' in extension beyond the vertical wall surface, unless visibly supported by brackets or other supports.
- (9) Building Facades.
 - (a) Building streetwall surfaces shall be a minimum 30% glazed. Mirror-type glass shall not be allowed. All glazing shall be of a type that permits view of human activities and spaces within. The first floor streetwall shall be a minimum 30% glazed. Glazing shall be clear or very lightly tinted for the first 5 stories, except where used for screening garages where it may be translucent.
 - (b) Security screens and gates shall be a minimum 50% transparent.
 - (c) Colonnade column spacing, windows, and doors shall have a vertical proportion.
- (10) Open Space. A minimum of 15% of the lot area shall be reserved for open space in the form of greens, squares, plazas, parks, promenades and pedestrian paths. It shall be at grade level and it shall be accessible to the public. Arcades/colonnades shall count towards meeting the minimum open space requirements. Parking lot buffers shall not count towards the open space requirement.
- (11) Landscape. Landscape shall be provided in accordance with Chapter 18A (Landscape Code) of Miami-Dade County with the following exceptions:
 - (a) Street trees shall be placed along all streets at an average spacing of 25' on center with a minimum 4" diameter at breast height.
 - (b) Street trees shall not be required when colonnades are being provided along the street.

(c) Tree requirements for private property shall be based on 16 trees per net acre of lot area.

(12) Pedestrian Passage. A pedestrian passage shall be required every 400 linear feet of street frontage to allow public access through the site. The passage shall be minimum unobstructed 8' wide.

(D) Site Plan Review Standards and Criteria. The purpose of the site plan review is to encourage logic, imagination, and variety in the design process in an attempt to ensure congruity of the proposed development and its compatibility with the surrounding area. The following site plan review standards shall be utilized as a guide by the Miami-Dade Rapid Transit Developmental Impact Committee, the Miami-Dade Department of Planning and Zoning, and by the Board of County Commissioners in the consideration for site plan approval for all Rapid Transit Zone stations: All development in the Rapid Transit Zone shall be designed to contribute to the creation of a high-quality pedestrian environment within the zone and along its perimeter and provide direct logistical connections between the transit station and the adjacent neighborhood.

(1) Design considerations shall include: the placement, orientation and scale of buildings and building elements particularly at street level, sidewalks and connections, and provisions of weather protection, landscape, and lighting.

(2) The architectural design and scale of any proposed structure shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent uses.

(3) All buildings shall have their main entrance opening to a street or meaningful open space from such as squares, parks, greens, plazas and promenades. In addition, there shall be pedestrian entrances at maximum intervals of 75' along the street.

(4) Building placement shall architecturally define transit station entrance plazas, fare collection areas, and platforms. Habitable space shall front entrance plazas, fare collection areas, and platforms to promote pedestrian activity between the development and the transit station.

(5) Colonnade column spacing and fenestration (doors, windows, openings) shall have a vertical proportion.

(6) All developments shall have sidewalks or pedestrian paths a minimum 8' wide providing pedestrian linkages between the transit station and

anticipated destinations in the Rapid Transit Zone and the adjacent neighborhoods.

- (7) Buildings and their pedestrian accommodations, landscapes and parking facilities shall be oriented and arranged towards the street, contribute to spatial enclosure of street space in and around the Sub-zone, blocks and pedestrian pathways in the Rapid Transit Zone, and shall produce coherent, direct connections within the site and to the adjacent streets, sidewalks and paths.
- (8) Building architecture, exterior finish materials and textures, architectural elements and ornamentation shall be selected to produce human scale at street level.
- (9) Open spaces and landscaping should be incorporated into the design of all development projects to allow sufficient light and air to penetrate the project, to direct wind movements, to shade and cool, to visually enhance architectural features and relate the structure design to the site, and to functionally enhance the projects. Outdoor graphics and exterior art displays and water features should be encouraged to be designed as an integral part of the open space and landscaped areas.
- (10) All development projects should be designed so as to reduce energy consumption. Energy conservation methods may include, without limitation, the natural ventilation of structures, the siting of structures in relation to prevailing breezes and sun angles, and the provision of landscaping for shade and transpiration.
- (11) Public open spaces in the form of squares, plazas greens, etc., shall be connected to the station and proposed development, so as to provide easy access thereto. A sprinkler system shall be installed in all of the proposed landscaped areas to maintain said areas in good, healthy condition.
- (12) Service areas shall be located and screened to minimize negative visual impacts from the street.
- (13) Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements.
- (14) Trees shall be used as a design element to provide visual identity to the property and reinforce the street edge. Tree grates or other approved devices shall be provided around all trees in hard surface areas to ensure adequate water and air penetration.
- (15) All utilities on-site shall be buried underground.

- (16) Adequate circulation throughout the development project shall be provided to accommodate emergency vehicles.
 - (17) The development shall be designed with a coordinated outdoor pedestrian scaled lighting system that is adequate, integrated into the project and compatible and harmonious with the surrounding areas.
 - (18) Street furniture such as trash containers and benches shall be permanently secured to the sidewalk. Street furniture shall not obstruct sight visibility triangles at street intersections.
 - (19) Dumpsters shall not be visible from the public street.
 - (20) Architectural elements at street level shall have human scale, abundant windows, doors and design variations to create interest for the pedestrian. Blank walls at street level and above the ground floor of buildings are not permitted.
 - (21) All parking garages shall have all architectural expressions facing public open spaces consistent and harmonious with that of habitable spaces.
- (E) Site Review Procedure and Exhibits. Development proposal shall be submitted and reviewed as provided in Section 33-304, Code of Miami-Dade County, and herein:
- (1) Pre-application conference. Prior to the filing of an application for site plan approval, the prospective applicant shall schedule a pre-application conference with the Miami-Dade County Department of Planning and Zoning for preliminary review of a conceptual development plan. The Department of Planning and Zoning shall notify the Miami-Dade Transit Agency, Miami-Dade County and affected municipal Departments of Public Works, as well as other Miami-Dade County and municipal agencies, as appropriate. Said agencies and departments shall be requested to provide current information about any government-planned street improvements, and any street section standards that would be applicable, on streets adjoining the proposed development site. The applicant shall bring to the conference a schematic development plan illustrating fundamentals of the proposed site design and architecture, addressing locations of existing and planned property lines, property ownership, public right-of-way, streets, transit platform, buildings and open spaces, and other essential elements of the proposed development with sufficient information to demonstrate an understanding of the intent, standards and criteria established in this section.

(2) Application Exhibits. The exhibits listed below shall be submitted with the formal application for site plan review. The Department of Planning and Zoning shall review the application, including these exhibits, for completeness as required to determine compliance with all requirements of this Section. The Director of the Department of Planning and Zoning is authorized to waive any of the items required because of the nature or timing of the development or because the information cannot be furnished at the time of this review, provided the Director determines that the information is not necessary to a determination of conformance with the requirements of the Section. The exhibits shall include the following:

(a) Site plan(s) at a scale of not less than 1" equals 60' containing the following information:

- (i) Location of existing and planned streets and curb lines.
- (ii) Location of lot lines and setbacks.
- (iii) Location, shape, size, and height, as applicable, of existing and proposed buildings, open spaces, fencing, walls, projections, signage, and landscaping.
- (iv) Location of on-street and off-street parking, loading facilities, and waste collection areas.
- (v) Phase lines, if applicable.
- (vi) Landscape plans, including specification of plant material, location, and size.
- (vii) Floor plans and elevations of all structures, including total gross square foot area of each floor and all dimensions relating to the requirements of this Section.
- (viii) Figures indicating gross and net acreage, and area to be dedicated for public right-of-way.
- (ix) Square footage of each land use and total for the development.
- (x) Total number of dwelling units and hotel guest rooms if applicable.
- (xi) Amount of building coverage at ground level in square feet and percentage of net lot area.

(xii) Amount of open space required and provided, in square feet and percentage of net lot area.

(xiii) Number of parking spaces required and provided.

(F) Conflicts with other chapters and regulations: This article shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of the Zoning Code, or with the Miami-Dade Public Works Department Manual.<<

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 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 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: **March 4, 2008**

Approved by County Attorney as
to form and legal sufficiency:


JM

Prepared by:

John McInnis

MEMORANDUM

Agenda Item No. 7(B)

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

DATE: May 6, 2008

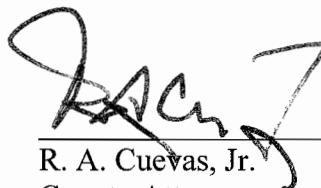
FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to
Workforce Housing
Development Program;
readopting Ordinance
07-05

Ordinance No. 08-51

This item readopts the Workforce Housing Development Program ordinance (Ordinance No. 07-05) which previously sunsetted in February, 2008. It was amended by the Economic Development and Human Services Committee to repeal the sunset provision, to substitute the Office of Community and Economic Development for the Miami-Dade Housing Agency, and to substitute the Director of the Office of Community and Economic Development for the Director of the Miami-Dade Housing Agency.

The accompanying ordinance was prepared and placed on the agenda at the request of Vice-Chairwoman Barbara J. Jordan



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum



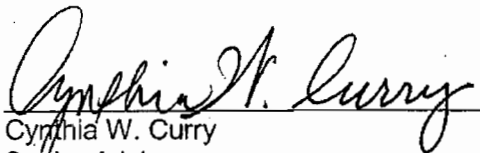
Date: May 6, 2008

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

From: George M. Borges
County Manager

Subject: Ordinance pertaining to Workforce Housing Development Program; readopting Ordinance 07-05

The Ordinance pertaining to Workforce Housing Development Program will not have a fiscal impact to Miami-Dade County.


Cynthia W. Curry
Senior Advisor

Fis03108




MEMORANDUM

(Revised)

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

DATE: May 6, 2008

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

SUBJECT: 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
Veto _____
Override _____

Agenda Item No. 7(B)

5-6-08

ORDINANCE NO. 08-51

ORDINANCE PERTAINING TO WORKFORCE HOUSING DEVELOPMENT PROGRAM; READOPTING ORDINANCE 07-05 AS CODIFIED IN VARIOUS SECTIONS OF CHAPTERS 17, 33, 8, AND 8CC OF THE CODE OF MIAMI-DADE COUNTY; EXCLUDING REPEAL PROVISION IN ORDINANCE 07-05; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on January 25, 2007, this Board adopted Ordinance 07-05 establishing a voluntary workforce housing program to address the growing housing crisis for residents of unincorporated Miami-Dade County in the workforce target income group; and

WHEREAS, by its own terms Ordinance 07-05 was repealed on February 3, 2008; and

WHEREAS, it is in the best interests of the health, safety, and welfare of residents of Miami-Dade County to readopt the provisions of Ordinance 07-05 in order to continue to aid residents in the unincorporated area of Miami-Dade County in obtaining adequate housing at an affordable rate,

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

Section 1. Ordinance 07-05, attached hereto, is hereby readopted in its entirety with the following changes:

1. Section 26, which provides for repeal after one year, is deleted.
2. The definitions of "Department" and "Director" appearing in Sec. 17-140(7) and (9) shall be Office of Community and Economic Development for the Miami-Dade Housing Agency, and Director of the Office of Community and Economic Development for the Director of the Miami-Dade Housing Agency

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: May 6, 2008

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



John McInnis

Sponsored by Vice-Chairwoman Barbara J. Jordan

Approved _____ Mayor
Veto _____
Override _____

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

ORDINANCE NO. 07-05

ORDINANCE ESTABLISHING WORKFORCE HOUSING DEVELOPMENT PROGRAM ("PROGRAM"); PROVIDING ZONING REGULATIONS, LEGISLATIVE INTENT, FINDINGS AND PURPOSE, DEFINITIONS, APPLICABILITY, PROGRAM REQUIREMENTS, INCENTIVES, PROGRAM ADMINISTRATION, AND BUILDING PERMIT PROCESS; PROVIDING PROCEDURES; REQUIRING FUTURE MUNICIPALITIES TO ADOPT WORKFORCE HOUSING DEVELOPMENT PROGRAM OR EQUIVALENT; 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. Chapter 33, Article XIIA of the Code of Miami-Dade County, Florida is hereby created to read as follows:

ARTICLE XIIA.

WORKFORCE HOUSING DEVELOPMENT PROGRAM

Sec. 33-193.3. Short title.

This article shall be known as the "Workforce Housing Development Program of Miami-Dade County, Florida."

Sec. 33-193.4. Legislative intent, findings, and purpose.

A. Need for workforce housing in Miami-Dade County.

The health, safety, and welfare of the present and future residents of Miami-Dade County depend on the availability of a range of housing choices affordable to persons and families of all income levels in all areas of Miami-Dade County. Current patterns of development have resulted in a persistent shortage of housing for certain sectors of the community. Studies of market demand show that for the foreseeable future more than 50% of the new labor force in

Miami-Dade County will require moderately priced housing units. Currently, there exists in Miami-Dade County a shortage of housing affordable to individuals and families of moderate incomes, particularly those whose earnings range from 65% to 140% of the County's median income, the "workforce target income group." The workforce target income group includes many public employees and others employed in key occupations that support the local community. Increasingly, the high cost and short supply of housing affordable to persons and families of moderate income mean that many employees in the workforce target income group cannot afford to live in Miami-Dade County, while others can only afford to live in areas concentrated according to price and income level.

The uneven distribution of moderately-priced housing results in additional stratification of housing according to price and income level. It is in the best interests of the public health, safety, and welfare of the present and future residents of Miami-Dade County to reduce or eliminate such economic stratification by adopting land use regulations that encourage development of land available for residential use in Miami-Dade County in a manner that emphasizes integration of new housing for individuals and families in the workforce target income group into new, expanding, or redeveloping neighborhoods.

The uneven geographic distribution of housing affordable to the workforce target income group, as well as the distance between jobs and available housing, also increase traffic congestion and decrease economic productivity. Traffic and roadway congestion in turn adversely affect the environment and diminish air quality, increasing the burden on the public health care system and resulting in rising health care costs. The public health, safety, and welfare of the present and future residents of Miami-Dade County can best be protected by adopting land use policies to ensure that housing affordable to the workforce target income group is distributed throughout the county near workplaces, rather than being concentrated in enclaves separate from jobs and higher-priced housing.

The Florida Growth Management Act requires Miami-Dade County to adopt a comprehensive plan to guide future development and growth, including a housing element consisting of standards, plans, and principles to be followed

in the provision of housing for all current and anticipated future residents. Exercising the authority conferred by the Miami-Dade County Home Rule Charter, and in furtherance of the Growth Management Act, the Board of County Commissioners has adopted the Comprehensive Development Master Plan ("CDMP"), including a housing element which establishes goals, objectives, and policies to ensure the provision of all variations of affordable housing products to meet the spatial and economic necessities of all current and future residents regardless of household type or income.

B. Causes and consequences of lack of sufficient workforce housing supply.

In order to assess the extent of the housing shortage, identify the most severely affected sectors of the community, and ascertain the need for a workforce housing development program, the Board of County Commissioners established a task force consisting of county housing, zoning, and planning professionals, and representatives of the private, for-profit, development community. The mission of the task force was to analyze the current and anticipated future make-up of Miami-Dade County's workforce and population, the geographic distribution of moderately-priced housing, historical and current patterns of development applications and approvals, the distance between jobs and housing for the workforce target income group, the overall impact of the housing shortage on the economy of Miami-Dade County, and the adverse consequences failure to act would have on the health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County. The need for the workforce housing development program as identified by the task force is the result of a variety of factors, including, but not limited to, those noted below.

- (1) *Increasing population pressure.* Miami-Dade County, in both the incorporated and unincorporated areas, is experiencing a rapid increase in the numbers of residents in the workforce target income group, including persons with fixed or reduced incomes, young adults forming new households, minority households, single adults, and many public employees and others in key occupations serving the entire

community including teachers, police and public safety personnel, health care workers and mid-level management workers. Studies show that, as a result of this population increase, for the foreseeable future more than one-half of the new labor force in Miami-Dade County will require workforce housing.

- (2) *Cost burdens.* Households in Miami-Dade County suffer from a high and increasing housing cost burden. Households have traditionally been regarded as "cost burdened" if they spend more than 30% of their gross income on housing costs. In Miami-Dade County, nearly 51% of all renter households pay more than 30% of their income in gross rent. In owner-occupied units, more than 36% of all households pay more than 30% of their income on housing.
- (3) *Inadequate housing supply for the workforce target income group.* Current patterns of development, the costs of acquiring land suitable for residential development, and the disposition of remaining developable land have resulted in an abundance of higher-priced housing and a shortage of housing economically attainable by the workforce target income group. With the exception of housing developed with government subsidies, privately developed new residential housing being built in Miami-Dade County generally is not affordable to the workforce target income group. Experience indicates that state and federal funds for the construction of affordable housing will not address the housing needs of the workforce target income group.
- (4) *Overcrowding.* Overcrowding is a major problem in Miami-Dade County. The problem is acute in low to moderate income households and households in the workforce target income group. Analyses indicate nearly 20% of all housing units in Miami-Dade County are overcrowded.
- (5) *Concentration of housing based on economic status.* Demographic analyses indicate that development applications and approvals that reduce the supply of

land developable for residential use, and which result in a disproportionate amount of higher-priced housing, result in a reduced supply of housing for individuals and families in the workforce target income group, including young families, retired and elderly persons, single adults, female heads of houses, and minority households. Such development activity produces the undesirable and unacceptable effect of concentrating housing according to price, thus frustrating the policies and goals of the housing element of the CDMP, and increasing the threat to the public health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County.

- (6) *Need for involvement of private development community.* Existing efforts to encourage private, for-profit, developers to construct housing within the economic reach of the workforce target income group have met with very limited success. It is apparent that the need for housing for the workforce target income group can only be addressed if the responsibility for ensuring a diverse and adequate supply of housing is shared by Miami-Dade County, and the private, for-profit, development community.

C. Authority to establish and administer a workforce housing development program.

The Miami-Dade County Home Rule Charter specifically authorizes 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, to exercise all powers and privileges granted to municipalities, counties and county officers by the Constitution and laws of the State, to exercise all powers not prohibited by the Constitution or by the Charter, and to perform any other acts consistent with law which are required by the Charter or which are in the common interest of the people of the County. The workforce housing development program of Miami-Dade County is declared to be a proper and necessary exercise of the powers conferred upon the Board of County Commissioners for the protection of the health, safety, welfare, comfort, and

convenience of the present and future residents of Miami-Dade County.

Consistent with the goals, objectives, and policies of the land use and housing elements of the CDMP, the objective of the workforce housing development program is to increase the supply of housing affordable to the workforce target income group, and to address many of the problems associated with the short supply of housing affordable to the workforce target income group and with the uneven, poor geographic distribution of such housing throughout Miami-Dade County. Through utilization of a combination of density bonuses, relaxation of intensity standards, flexible design criteria, and other incentives, the workforce housing program established herein will help alleviate the existing housing shortage by making it more feasible for the private, for-profit, development community to create and deliver a greater number of housing units affordable to the workforce target income group. Dispersal of workforce housing units throughout this community will avoid overconcentration of such housing.

- D. Joint effort of private development community, public sector, and not-for-profit sector.

It is the further intent of the Board of County Commissioners that the workforce housing development program established herein will foster and encourage the private, for-profit, development community to join with the public sector and the nonprofit sector to further the goal of meeting the housing needs of the workforce target income group.

- E. Adoption of legislative intent, findings and purpose.

The foregoing statements are declared to be the legislative intent, findings and purpose of the Board of County Commissioners and are hereby adopted and made a part hereof.

Sec. 33-193.5. Adoption of land use regulations and procedures for operation of Miami-Dade County's Workforce Housing Development Program.

The Board of County Commissioners hereby adopts land use regulations and procedures for the operation of the Miami-Dade County workforce housing development program. The workforce housing development program, including all land use regulations and operating procedures, is deemed to be essential to assure the protection of the public health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County. All land use regulations adopted in connection with the workforce housing development program shall be supplemental to existing zoning on affected properties and shall be construed to be consistent therewith.

The Board of County Commissioners shall adopt by resolution such administrative procedures as may be necessary or proper to further the purposes of this article and thereby protect the public health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County.

Sec. 33-193.6. Definitions.

The following words and phrases, as used in this article, have the following meanings:

- (1) *Application* means any request for zoning action, building permit, administrative site plan review, or administrative modification under Chapter 33, or any request for approval or extension of approval of any type of application for subdivision of land pursuant to Chapter 28, where such request seeks approval to develop residential or mixed uses subject to the requirements of this article.
- (2) *At one location* means all land owned by the applicant, including:
 - (a) all adjacent parcels, the property lines of which are contiguous at any point; or
 - (b) all adjacent parcels, the property lines of which are separated only by a public or private street, road, highway or utility right-of-way, or other public or private right-of-way at any point; or
 - (c) all adjacent parcels, under common ownership or control of the applicant, including land owned or controlled by any business entities in which the applicant or immediate family members of the

applicant possesses any form of management control.

- (3) *Transit corridor area* is the area which lies within a one-half mile radius of the Metrorail stations.
- (4) *Urban Infill Area (UIA)* is the area as defined in the Comprehensive Development Master Plan (CDMP).
- (5) *Work-force housing unit or WHU* shall mean a dwelling unit, the sale, rental or pricing of which in accordance with this article is restricted to households whose income is within the workforce housing target income range.
- (6) *Workforce housing target income range* means 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.

Sec. 33-193.7. Applicability.

(1) An application seeking to utilize the density bonus and intensity standards available under this article (a "WHU application") shall:

(A)(1) for WHU applications seeking approval of 20 or more dwelling units provide workforce housing units or a monetary contribution as provided in Section 33-193.9; and,

(2) for WHU applications seeking approval of fewer than 20 dwelling units, provide a monetary contribution as provided in Section 33-193.9.1.

(B) A WHU application seeking to develop property improved with one or more existing dwelling units priced to sell or rent to persons in the workforce housing target income range (Existing WHUs) shall provide for a total number of WHUs equal to the greater of the (1) Existing WHUs or (2) the number of WHUs that would have been required had there been no Existing WHUs on the property.

Each WHU application to develop improved property shall provide evidence satisfactory to the Director as to whether Existing WHUs are on the property.

- (2) The provisions of this article shall not apply to property located outside the Urban Development Boundary as designated in the Land Use Plan (LUP) map of the CDMP, as amended from time to time.

Sec. 33-193.8. Alternatives to on-site construction of WHUs; variances.

(A) Alternatives.

An applicant for a WHU application ("WHU applicant") may satisfy the requirement of on-site construction of all of the required WHUs or of a portion of required WHUs by one of the means described below upon demonstrating, after public hearing, that where, owing to special conditions, allowing the alternative will observe the spirit of this article, and that approving the alternative requested will further the development of housing for the workforce target income group in the unincorporated area of Miami-Dade County to an equal or greater extent than construction of the required WHUs on-site.

- (1) *Off-site construction of WHUs.* If an approval is obtained after public hearing in accordance with the standards in this section, a WHU applicant may comply with the requirements of this article by construction of 110% of the number of WHUs required by this article at one or more alternative sites within a 2 mile radius of the proposed location of the market rate units being proposed (the "Off-site WHUs"). The alternative site must contain both its market rate and workforce housing units and the Off-site WHUs. The alternative site shall be within the same Community Council jurisdiction as the market rate units being proposed and the construction of the Off-site WHUs on the alternative site shall occur concurrently with the market rate units on the primary site.
- (2) *Monetary contribution in lieu of construction of WHUs.* If an approval is obtained after public hearing in accordance with the standards in this section, or if permitted as of right pursuant to section 33-193.9, a WHU applicant may satisfy the requirements of this article by providing a monetary contribution to the affordable housing trust fund

established in Chapter 17, Article VIII of this code, in lieu of construction of the required on-site workforce housing units. Any monetary contributions received by the County shall not be commingled with any other funds deposited into the affordable housing trust fund that are not associated with the WHU program, but shall be deposited into a separate account. The amount of such required monetary contribution shall be as established in section 33-193.9.1. All monetary contributions shall be made prior to the issuance of the first building permit on the market rate units.

- (3) *Combination of off-site construction of WHUs and monetary contributions.* If an approval is obtained after public hearing in accordance with the standards in this section, a WHU applicant may comply with the requirements of this article employing a combination of the alternatives (1) and (2) above in accordance with the standards of this section.

(B) Variances.

The following provisions of this article may be varied after public hearing, only upon demonstration that a literal enforcement of the provision of this article will result in an unnecessary hardship, that allowing the variance will observe the spirit of this article, that the degree to which the variance is granted is the minimum needed to avoid the hardship, and that the objectives of this article to increase the supply of housing for the workforce housing target group within the Community Council area will continue to be met if the requested variance is granted:

- (1) the applicable density bonus provisions or intensity standards;
 - (2) the number of WHUs required for a WHU application.
 - (3) the amount of the monetary contribution in lieu pursuant to section 33-193.9.1.
- (C) If zoning approval is required, the application for such approval shall be filed together with the application for

approval of any off site WHUs and shall be considered and approved or denied at the same public hearing.

Sec. 33-193.9. Required Workforce Housing Units.

- (A) All applications seeking to utilize the density or intensity bonus available pursuant to this article for developments shall include a minimum percentage of workforce housing units based on the following:

CDMP Land Use Category	Proposed Gross Density of Development	Percentage of All Residential Units Required To Be Work-Force Units
Estate	Up to and Including 2.5 Units Per Gross Acre.	5 Percent ¹
	From 2.5 up to and Including 3.125 Units Per Gross Acre	12.5 Percent ²
Low-Density Residential	From 3 up to and Including 6 Units Per Gross Acre.	5 Percent ¹
	From 6 to 7.5 Units Per Gross Acre.	12.5 Percent ²
Low-Medium Density Residential	From 6 up to and Including 13 Units Per Gross Acre.	5 Percent ¹
	From 13 up to and Including 16.25 Units Per Gross Acre.	12.5 Percent ²
Medium Density Residential	From 13 up to and Including 20 Units Per Gross Acre.	5 Percent ¹
	From 20 up to and Including 31.25 Units Per Gross Acre.	No Required Work-Force Units. Contribution in lieu of workforce housing units required pursuant to Section 33-193.9.1 equal to 5% of the market rate units.

¹The number of WHUs to be provided shall be 5% of the total number of market rate units.

²The percentage of WHUs to be provided shall be a percentage of the total number of units.

Medium-High Density Residential From 25 up to and including 75 Units Per Gross Acre No Required Work-Force Units. Contribution in lieu of workforce housing units required pursuant to Section 33-193.9.1 equal to 5% of the market rate units.

High Density Residential	From 50 up to and including 156 Units Per Gross Acre	No Required Work-Force Units. Contribution in lieu of workforce housing units required pursuant to Section 33-193.9.1 equal to 5% of the market rate units.
Office/Residential	In accordance with applicable CDMP provisions ³	Refer to applicable residential category above
Business and Office	In accordance with applicable CDMP provisions ⁴	Refer to applicable residential category above
Industrial	In accordance with applicable CDMP provisions	20 Percent ¹
Urban Center	Those urban centers not rezoned as of February 4, 2007 (the effective date of this ordinance)	12.5 Percent ²

³Office/Residential - One density category higher than that allowed in the adjoining or adjacent residentially designated area on the same side of the abutting principal roadway, or up to the density of existing adjoining or adjacent residential development, or zoning if the adjacent or adjoining land is undeveloped whichever is higher. If there is no adjacent or adjoining residential development existing, zoned or designated on the same side of the abutting principal roadway, then the allowable maximum residential density shall be based on that which exists or which the plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively office use of the site

⁴Business and Office - One density category higher than the LUP - designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site.

- (B) All applications for residential developments within Urban Centers depicted on the Land Use Plan (LUP) map of the CDMP that are zoned as an urban center as of the effective date of this article shall not be required to provide workforce housing units.
- (C) Applicants seeking to utilize the 12.5% density bonus shall not seek approval of any application or proffer any declaration of restrictive covenants providing for a density below 95% of the total maximum density permitted by the underlying zoning district regulations, all zoning actions approved on the property and the maximum allowable density bonuses.

Sec. 33-193.9.1. Monetary contribution in lieu of construction of WHUs.

- (A) WHU developments of fewer than 20 residential units seeking to utilize the density or intensity bonus available pursuant to this article shall pay an amount as follows:

Number of market rate units to be developed

x

\$110,000

÷

20

=

Total Contribution.

- (B) Developments for which a monetary contribution has been approved in accordance with section 33-193.8(A) or 33-193.8(D) and developments required to contribute pursuant to section 33-193.9(A) shall pay an amount as follows:

Number of WHUs required to be developed
(fractions rounded down)

X

\$110,000

=

Total contribution.

Sec. 33-193.10.Density bonuses.

- (A) Any application providing a minimum of 12.5 percent WHUs on-site, or otherwise complying with Section 33-193.8 of this article, shall be entitled to a residential density bonus of 25 percent above the applicable CDMP Land Use map maximum density (provided the application satisfies all of the requirements of this article) as well as the benefit of the intensity standards provided in section 33-193.11.

The density bonus for the primary site shall not be transferable to the off-site property, where an alternative site is approved after public hearing for the development of off-site WHUs.

- (B) WHU applicants providing 5% workforce housing units or an approved contribution in lieu thereof shall be entitled to a density bonus above the CDMP maximum density to such increased density as is required to provide the 5% WHUs, as well as the benefit of the intensity standards provided in section 33-193.11.
- (C) The total number of dwelling units permitted, including bonus units, market rate units, and WHUs may exceed the permitted maximum density allowed in the zoning district in accordance with the foregoing provisions, provided that in no event shall the density exceed the maximum densities, including applicable bonuses, set forth in the CDMP, as amended.

- (D) Severable use rights, as provided in Chapter 33B of this code, shall not be utilized in conjunction with the density bonuses contained in this article.

Sec. 33-193.11. Intensity standards.

- (A) Notwithstanding zoning district regulations to the contrary, the following maximum intensity standards shall apply to applications seeking approval of a WHU application that provides either the WHUs required to obtain a density bonus or a monetary contribution in lieu thereof, under the provision of this Article:

(1) In the EU-2 District:

- (a) Minimum lot size--Four (4) acres;
- (b) Minimum lot frontage--One hundred sixty-five (165) feet;
- (c) Maximum lot coverage--Twenty (20) percent.

(2) In the EU-1C District:

- (a) Minimum lot size--Two (2) acres;
- (b) Minimum lot frontage--One hundred twenty-five (125) feet.

(3) In the EU-1 District:

- (a) Minimum lot size--Thirty-two thousand five hundred (32,500) square feet;
- (b) Minimum lot frontage--One hundred ten (110) feet.

(4) In the EU-S District:

- (a) Minimum lot size--Twenty thousand (20,000) square feet;
- (b) Minimum lot frontage--One hundred ten (110) feet.

(5) In the EU-M District:

- (a) Minimum lot size--Twelve thousand five hundred (12,500) square feet;
- (b) Minimum lot frontage--One hundred (100) feet.

(6) In the RU-1 and RU-2 Districts:

- (a) Minimum net lot area of residential lots shall be 5,000 square feet and the minimum lot frontage shall be 50 feet, except that a maximum of 10 percent of the residential lots may be reduced to a minimum of 4,000 square feet and a minimum lot frontage of 40 feet; and
- (b) Maximum lot coverage shall not exceed the lot coverage permitted by the underlying district regulations by more than 20%.

(7) In the RU-1M(a), and RU-1M(b) Districts:

- (a) The minimum net lot area of residential lots shall be 4,000 square feet; and the minimum lot frontage shall be 40 feet; and
- (b) Maximum lot coverage shall not exceed the lot coverage permitted by the underlying district regulations by more than 20%.

(8) In the RU-TH district:

- (a) Minimum lot size shall be 1,250 square feet of net lot area; and
- (b) Minimum open space shall be 20 percent of the net lot area.

(9) In the RU-RH district:

- (a) Minimum lot size shall be 1,000 square feet of net lot area; and
- (b) Density shall not exceed 15 dwelling units per net acre; and
- (c) No private open space shall be required; and
- (d) A minimum of 10 percent common open space shall be provided in the way of greens.

(10) In the RU-3M district:

- (a) Maximum floor area ratio shall be 0.60; and
- (b) Maximum height shall be 3 stories not to exceed 40 feet in overall height; and
- (c) Maximum lot coverage shall be 35% of net lot area; and

- (d) Minimum open space shall be 20 percent of the net land area.
- (11) In the RU-4L district:
 - (a) Maximum floor area ratio shall be 0.9;
 - (b) Maximum height shall be 6 stories;
 - (c) Maximum lot coverage shall be 35% of net lot area.
- (12) In the RU-4M district:
 - (a) Maximum floor area ratio shall be 1.0;
 - (b) Maximum height shall be 9 stories;
 - (c) Maximum lot coverage shall be 35% of net lot area.
- (13) In the RU-4 and RU-4A districts:
 - (a) Maximum height shall be one additional story;
 - (b) Maximum floor area ratio shall be 2.2 for a development over 9 stories.
- (14) In the BU-1 and BU-1A districts if approved after public hearing:
 - (a) Maximum floor area ratio – Add .015 per acre above that permitted by the district regulations;
 - (b) Maximum lot coverage shall be 45% of net lot area;
 - (c) Landscaped open space shall be the open space percentage required by the underlying district regulations for a one story building.
- (15) In the BU-2 district if approved after public hearing:
 - (a) Maximum floor area ratio – Add .015 per acre above that permitted by the district regulations
 - (b) Maximum lot coverage shall be 50% of net lot area;

- (c) Landscaped open space shall be the open space percentage required by the underlying district regulations for a one story building.
- (16) In all transit corridor areas, parking shall be provided as required by section 33-124 of this code, except as follows:
 - (a) the minimum parking required shall be:
 - i. Residential--One (1) parking space per dwelling unit.
 - ii. Office--One (1) parking space per four-hundred (400) square feet of gross floor area.
 - iii. Hotel--One (1) parking space for every two (2) guest rooms.
- (B) Severable use rights, as provided in Chapter 33B of this code, shall not be utilized in conjunction with the intensity standards contained in this article.

Sec. 33-193.12. Design and unit placement.

- (A) Workforce housing units shall be comparable in design and materials to market-rate units within the development in terms of exterior appearance. Workforce housing units may be grouped or dispersed throughout the development.
- (B) Notwithstanding underlying zoning regulations that limit the number of residential units that may be constructed on a single platted lot, residential developments incorporating workforce housing units may utilize the following flexible design provisions, provided that the total development density shall not exceed that allowed by this article. Units to be developed in accordance with this section shall be approved only upon demonstration that a declaration of condominium has been filed in accordance with state law (if any unit is to be sold).
 - (1) No more than 3 total residential units may be placed on a single platted lot, of which no more than one unit may be, but shall not be required to be, a market rate unit, and

- (2) The entrance to each of the units on a single platted lot shall be
 - (a) through a common hall/foyer area in the front of the building, which shall be concealed by a building wall with 1 entrance door, giving the appearance of a single family residential unit, or
 - (b) the entrance to the workforce housing unit(s) shall be clearly designed to be subordinate to the principal entrance of the building for the market rate unit. When the entrance is configured in this manner, the design shall incorporate architectural features and elements that clearly distinguish and develop the market rate unit entrance as the predominant entrance from the other entrances.
- (3) Buildings designed under these parameters shall not be located on the periphery of a development, adjacent to or across the street from previously established single family residential neighborhoods.
- (4) The locations of the parking spaces for the units within the building shall be dispersed around the building so as not to create a parking field for all of the spaces in the front of the building.

Sect. 33-193.13. Required declaration of restrictive covenants

Prior to final approval of any application seeking to utilize the density or intensity bonus available pursuant to this article, the applicant shall submit a separate declaration of restrictive covenants, encumbering the entire project, approved in form by the Director and sufficient for recording in the public records of Miami-Dade County, Florida, including provisions requiring development of a specified number, type, and location of all dwelling units, a general plan for staging construction of all units, and such other provisions as the Department may require to demonstrate the applicant's compliance with this article. The development and the WHU staging plan must be consistent with the CDMP and any applicable land use, subdivision regulations, zoning and site plan approval for the property. The declaration of

restrictive covenants shall require the property to be developed in accordance with the following specifications:

- (A) a general description of the covered development, including whether the covered development will contain rental dwelling units or owner-occupied dwelling units, or both.
- (B) the total number of market rate dwelling units and WHUs in the development and the timetable for construction; and
- (C) the location of the WHUs in the development and phasing, if any, and construction schedule for the development sequence demonstrating that:
 - (1) WHUs will be built and made available for occupancy simultaneously with or before market-rate dwelling units, except that building permits for the last 10% of the market-rate units shall be withheld until building permits have been issued for all of the WHUs; and
 - (2) the last building shall not contain only WHUs.
- (D) If the requirements of this article are to be satisfied through the use of an alternative to on-site construction as provided in section 33-193.8, of this code, the declaration of restrictive covenants shall identify and commit to the development of WHUs on an approved alternative site. A separate declaration of restrictive covenants encumbering the alternative site shall identify and commit to the development of the approved off-site WHUs, and shall further provide appropriate assurances that the WHUs that will be required for the alternative site itself will be provided.
- (E) The declaration of restrictive covenants may be modified by mutual consent of the applicant and the Department of Planning and Zoning and the Miami-Dade Housing Agency, as long as the modified agreement remains in conformity with this article and substantially conforms to the recorded declaration's provisions relating to number, location, distribution and timing or construction of WHUs

Sec. 33-193.14. Workforce housing agreement.

Prior to the earlier of final plat approval or application for building permit for the first residential unit on the property subject to the

23 25

requirements of this article applicant shall submit a declaration of restrictive covenants, approved in form by the Director and sufficient for recording in the public records of Miami-Dade County, Florida, encumbering the individual WHUs in the entire development, specifying the restrictions of the WHU and such further arrangements, restrictive covenants, and resale restrictions as are necessary to carry out the purposes of Chapter 17, Article IX of the code, sections 17-142 through 17-144 inclusive, and shall include the following:

- (a) a binding commitment that the restrictions of this article shall run with the land for the entire control period, and
- (b) a binding commitment that the covenants will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to or an interest in the property, and
- (c) these covenants shall be senior to all other liens or encumbrances on the property including all instruments securing permanent financing, except that tax and assessment liens shall be superior to these covenants, and
- (d) a binding commitment that incorporates all terms and conditions regarding WHUs, including without limitation, the required shared equity agreement, eligibility standards, appropriate sale and rental price standards and affordability controls required of purchasers of WHUs pursuant to Chapter 17, Article VIII of this code.

Sec. 33-193.15. Penalties and enforcement.

This article shall be enforceable in accordance with the provisions of Chapter 8CC of this code. Violations of this article shall also be punishable by a fine not to exceed one thousand dollars (\$1,000.00) 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. 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 2. Section 33-199 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:⁵

Sec. 33-199. Uses Permitted.

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose in a RU-1 District which is designed, arranged or intended to be used or occupied for any purpose other than the following, unless otherwise specifically provided herein:

- (1) Every use as a one-family residence, including every customary use not inconsistent therewith, including a private garage.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 3. Section 33-201 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-201. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered for any purpose in an RU-2 District which is designed, arranged, or intended to be used or occupied for any purpose, unless otherwise provided for, excepting for one (1) or more of the following uses:

- (1) Every use permitted in RU-1, RU-1M(a) and RU-1M(b) Districts.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

⁵ 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 4. Section 33-202.3 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-202.3. Uses permitted.

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved, or reconstructed, structurally altered or maintained for any purpose in a townhouse district (RU-TH) which is designed, arranged or intended to be used or occupied for any reason or purpose, except for one (1) of the following uses:

- (1) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b) and RU-2 Districts, subject only to the requirements, limitations and restrictions applicable therefore in said districts, including, but not limited to, lot width, areas, yard areas, heights and coverage.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 5. **Sec. 33-202.6. Permitted uses.**

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved, or reconstructed, structurally altered or maintained for any purpose in a rowhouse district (RU-RH) which is designed, arranged or intended to be used or occupied for any reason or purpose, except for one (1) of the following uses:

- (1) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-TH, and RU-3 Districts, subject only to the applicable physical requirements, limitations and restrictions of said districts, including, but not limited to, lot width, areas, setbacks, heights and coverage.

* * *

>>(3) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

Section 6. Section 33-203 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-203. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, reconstructed, or moved or structurally altered or maintained for any purpose in an RU-3 District, unless otherwise provided herein, excepting for one (1) or more of the following uses:

- (1) Every use permitted in RU-1, RU-1M(a), RU-1M(b) and RU-2 District.

>>(1.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 7. Section 33-203.6 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-203.6. Uses permitted; requirements generally.

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-3M District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

- (A) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations and restrictions applicable therefore in said districts, including but not limited to, lot width, area, yard areas, height and coverage.

>>(A.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 8. Section 33-207.2 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-207.2. Uses permitted.

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in a RU-4L District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

- (A) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations, and restrictions applicable therefore in said districts; including but not limited to lot width, area, yard areas, height, and coverage.

>>(A.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 9. Section 33-207.3 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 33-207.3. Uses permitted.

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 a RU-4M District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

- (A) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations, and restrictions applicable therefore in said districts including but not limited to lot width, area, yard areas, height and coverage.

>>(A.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 10. Section 33-208 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-208. Uses permitted.

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4, High Density Residential District, which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

- (1) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations, and restrictions applicable thereto in said districts, including but not limited to lot width, area, setbacks, yard areas, height and coverage.

>>(1.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 11. Section 33-217 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-217. Uses permitted.

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4A District which is designed, arranged, or intended to be used or occupied for any purpose, except for one (1) of the following uses:

- (1) Those uses permitted in the RU-1, RU-2, RU-1M(a), RU-1M(b), RU-3 and RU-TH Districts subject only to the requirements, limitations and restrictions applicable thereto in said districts, including but not limited to, lot width, area, setbacks, yard areas, height and coverage.

>>(1.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 12. Section 33-223.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-223.1. Uses permitted.

No land, body of water or structure shall be used, or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an RU-5 District which is designed, arranged, or intended to be used or occupied for any purpose, except for one (1) or more of the following uses, and all other uses are hereby prohibited:

- (1) Duplex use--those uses permitted in the RU-2 District subject only to the requirements, limitations and restrictions specified in said district, and except that it shall be permissible to use a fifty- by one hundred-foot lot for two-family use in an old subdivision
- (2) Apartment house as permitted in the RU-3 District subject only to the requirements, limitations and restrictions applicable in the RU-3 District for such use
- (3) Multiple-family housing projects

>>(3.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 13. Section 33-224 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-224. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an EU-M District, unless otherwise provided for, except for one (1) or more of the following uses:

- (1) Every use as a one (1) family residence, including every customary use not inconsistent therewith, and including guest house, private garage or garages and apartment designed for servants' quarters only, not over one (1) story in height.

>>(1.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 14. Section 33-225.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-225.1. Uses; lot area, frontage and depth.

- (a) Use permitted. No land, no body of water and no structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an EU-S Zone, unless otherwise provided for, except for one (1) or more of the following uses:
- (1) Every use as a one (1) family residence, including every customary use not inconsistent therewith, and including guest house, private garage or garages and apartment designed for servant's quarters only, not over one (1) story in height.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 15. Section 33-226 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-226. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered or maintained in any district of EU-1 classification, which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided herein, excepting for one (1) or more of the following uses:

- (1) Every use as one (1) family residence, including every customary use not conflicting therewith.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 16. Section 33-230 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-230. Uses permitted.

No land, body of water and/or structures shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, or structurally altered or maintained in any EU-1C District, which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise herein provided, excepting for one (1) or more of the following uses:

- (1) Every use as a one (1) family residence, including every customary use not conflicting therewith.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 17. Section 33-238 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-238. Uses permitted.

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered or maintained in any BU-1 District, which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) or more of the following uses:

- (1) Residential uses may be permitted as a combination of permitted business uses and residential uses housed in the same building; the floor area of the residential use shall not exceed fifty (50) percent of the floor area of the building.

>>(1.1)Workforce housing units in compliance with the provisions of this section and Article XIIA of this code.<<

* * *

Section 18. Section 33-284.27 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-284.27. Development parameters.

All applications for the Planned Area District shall comply with the following applicable development parameters:

* * *

(C) Permitted residential uses.

All residential types, including single family, and multi-family >>. and workforce housing units in compliance with the provisions of this section and Article XIIA of this code.<< whether detached, attached or any combination thereof, shall be permissible in the Planned Area Development zoning classification upon approval by the appropriate zoning board.

* * *

Section 19. Chapter 17, Article IX of the Code of Miami-Dade County, Florida is hereby created to read, as follows:

ARTICLE IX.

**WORKFORCE HOUSING DEVELOPMENT PROGRAM
ADMINISTRATION**

Sec. 17-138. Short title.

This article shall be referred to as "Workforce Housing Development Program Administration."

Sec. 17-139. Purpose.

The purpose of this article is to create administrative procedures for the implementation of the Workforce Housing Development Program established pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County.

Sec. 17-140. Definitions.

The definitions contained in Chapter 33, Article XIIA of the Code of Miami-Dade County, shall apply to this chapter in addition to the following:

- (1) "Area median income" means the median income level for the Miami-Dade County Metropolitan Statistical Area, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, and adjusted for household size.
- (2) "Certificate of qualification" means a certificate issued by the Department establishing a qualified household's eligibility to purchase or rent a workforce housing unit ("WHU"). Certificates of qualification shall be valid for 12 months. The certification criteria are set by administrative order.
- (3) "Condominium" means that form of ownership of real property created pursuant to Chapter 718 of the Florida Statutes, which is comprised entirely of units that are owned by one or more persons, and which there is, appurtenant to each unit, an undivided share in common elements.
- (4) "Condominium conversion" has the meaning established by sections 718.604 – 718.622 of the Florida Statutes.
- (5) "Control period" means each 20-year period during which the affordability restrictions imposed by this article shall apply. The control period begins at the time of any sale or resale of the affected unit by every new WHU owner.
- (6) "Covered development" means all developments providing WHUs or monetary contributions in lieu thereof pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County.
- (7) "Department" means, unless otherwise indicated, the Miami-Dade Housing Agency or any successor agency.
- (8) "Developer" means any person, firm, corporation, partnership, limited liability company, association, joint venture, or any entity or combination of entities that apply for development orders or permits for residential dwelling units seeking to utilize the density or intensity bonus available pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County Florida, but does not include the state or any county, municipality, or any governmental entity.

- (9) "Director" means, unless otherwise indicated, the Director of the Miami-Dade Housing Agency, or designee.
- (10) "Eligible household" means, subject to the provisions of section 17-134 hereof, a household whose total income is between 65% and 140% of Area Median Income.
- (11) "Eligible household income" means any income derived from any proposed occupants of a WHU who are 18 years of age or older and who will use the WHU as their primary residence.
- (12) "Household" means any natural person who occupies a WHU as his or her primary residence.
- (13) "Market rate dwelling units" means all dwelling units in a covered development that are not WHUs as defined herein.
- (14) "Qualified household" means an eligible household that has received a certificate of qualification from the Department.
- (15) "Workforce housing unit rent" or "WHU rent" means rents that do not exceed the monthly Fair Market Rent as determined for Miami-Dade County by the U.S. Department of Housing and Urban Development (published annually at <http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr06>).
- (16) "Workforce housing unit sales price" or "WHU sales price" shall mean the sales price set by the Director pursuant to an administrative order, not to exceed an amount affordable at the maximum workforce housing target income range, as defined in Chapter 33, Article XIIA of the Code of Miami-Dade County, 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.

Sec. 17-141. Applicability.

The provisions of this article shall apply to all WHU development subject to the provisions of Chapter 33, Article XIIA of the Code of Miami-Dade County

Sec. 17-142. Compliance procedures.

- (A) Workforce Housing Declaration of Restrictive Covenants and Workforce housing agreement
- (1) Every WHU established pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County shall be offered for sale or rental to a qualified household to be used for his or her own primary residence. The County, through the Director, shall publish a pricing schedule of rental and sales prices for WHUs in accordance with this article.
 - (2) Any developer or other property owner offering a WHU for initial sale or rental shall record in the public records one or more covenants or declarations of restrictions in a form approved by the County. Such covenants or declarations of restrictions shall include the WHU Agreement, and such further arrangements, restrictive covenants, and resale or rental restrictions as are necessary to carry out the purposes of this article. The developer or other property owner must execute and record a declaration of restrictive covenants assuring that:
 - (a) the restrictions of this article shall run with the land for the entire control period;
 - (b) the covenants 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.
 - (3) Each qualified household purchasing a WHU shall be required to record a mortgage in favor of Miami-Dade County. 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, and shall requirement of acknowledgment of the County's right of first refusal as set forth in section 17-135 (B) and (C).

- (B) WHUs offered for sale during the initial or any control period shall not be offered for a price greater than the current maximum WHU sales price as determined by the Department at the time of sale.
- (C) A new twenty (20) year control period shall commence upon any resale and/or transfer to a new owner of such WHU within the initial 20-year control period. Any WHU that is owned for an entire 20 year control period by the same individual(s), shall be released from the sales price restrictions under the program. Upon the expiration of the control period the County shall record in the public records of Miami-Dade County an instrument or document releasing the WHU from the restrictive covenant required by this program.

A WHU may not be resold during the control period set forth herein for an amount that exceeds the WHU sales price set by administrative order. Prior to offering the dwelling unit for sale during the control period, the WHU owner shall obtain the Director's written approval of the WHU sales price.

The covenants recorded by each developer or other property owner of WHUs shall state in said covenant that the unit is subject to the following provisions:

- 1. The covenants shall be senior to all instruments securing permanent financing, and shall bind all assignees, mortgagees, purchasers and other successors in interest.
- 2. The total aggregate amount of principal and accrued interest for all financing secured by an individual upon his or her initial purchase of a WHU shall not exceed 105% of the loan-to-value. Any financing in excess of the lesser of (1) Department's maximum WHU sales price at the time of closing; or (2) the property's appraised value shall not be

secured by any interest in the applicable individual WHU.

No sale, transfer or foreclosure shall affect the validity of the covenants except as expressly set forth in the provisions of this article.

Sec. 17-143. Eligibility of households for workforce housing units.

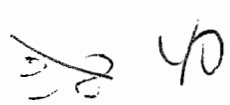
Eligibility for rental or purchase of WHUs shall be determined pursuant to an administrative order approved by the Board of County Commissioners and shall be based on household size and income. An eligible household must receive a certificate of qualification from the Department to become a qualified household for a WHU, in accordance with the procedures prescribed by the administrative order.

Eligibility for continued ownership or rental of a WHU shall be contingent upon the qualified household's use of the WHU as its primary residence.

- (A) A qualified household that purchases a WHU and that discontinues occupancy of the unit as its primary residence shall be in default of the mortgage recorded against the WHU by the County.
- (B) A qualified household that leases a WHU and that discontinues occupancy of the unit as its primary residence shall be required to vacate said unit.

Sec. 17-144. Affordability controls.

- (A) Initial sale or rental.
 - (1) Every WHU established under this article and Chapter 33, Article XIIA of the Code of Miami-Dade County, shall be offered for sale or rental to an eligible household to be used for his or her own primary residence.
 - (2) Sixty (60) days prior to offering any new WHU for sale or rent, the developer or other property owner shall notify the Department of such offering. The notice shall set forth the number, size, price established by applicable administrative order, and location of the WHU offered and shall provide a



description of each WHU's finishes and availability. The Department may request additional information from the developer or other property owner as it deems necessary.

- (3) Upon notification from the developer or other property owner, the Department shall make such notice available to eligible households through its web site, a prominently located posting at the Department, and other locations designated by the County.
- (4) If the Department determines an eligible household qualifies for the rental or owner-occupied WHUs, the Department will issue a certificate of qualification. In order to receive a certificate of qualification, an eligible household must provide an affidavit that the WHU will be its primary residence.
- (5) A qualified household that has purchased a WHU shall not lease said WHU.
- (6) Upon resale or re-rental of a WHU, each qualified household must first obtain a valid certificate of qualification from the prospective eligible household.

(B) Right of first refusal.

- (1) *Initial Sale.* The developer or other property owner of a WHU shall agree to execute a document consistent with a model restriction prepared by the Department, granting to the County, among other things, the County's right of first refusal to purchase the WHU in the event that a qualified household does not execute a contract for purchase within six (6) months from the date the WHU is offered for sale. In the event that no qualified household purchases a WHU within six (6) months from the date the WHU is first offered by the developer or other property owner, the Director shall recommend to the County Manager whether the County should exercise its right of first refusal to purchase the WHU at the WHU sales price. If the County Manager concurs, the Director shall notify the

developer or other property owner of the County's decision. The County Manager is authorized to exercise the right of first refusal provided hereunder, with funds allocated from the Affordable Housing Trust Fund established pursuant to Section 17-129, et. seq., Code of Miami-Dade County or any other authorized source, for the direct and exclusive purpose of providing workforce housing for those households meeting the workforce housing eligibility requirements. 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 WHU.

- (2) *Resale.* Any qualified household that intends to sell its WHU prior to the expiration of the control period shall provide written notification to the Department pursuant to subsection (C) below. In the event the qualified household does not execute a contract for purchase within six (6) months from the date the WHU is first offered for resale, the County shall have a right of first refusal to purchase the WHU. The Director shall recommend to the County Manager whether the County should exercise its right of first refusal to purchase the WHU at the WHU sales price. If the County Manager concurs, the Director shall notify the qualified household of the County's decision. The County Manager is authorized to purchase the WHU, without prior approval from the Miami-Dade Board of County Commissioners, from the funds earmarked in the Affordable Housing Trust Fund, which has been established pursuant to Section 17-129 et seq., Code of Miami-Dade County, or any other authorized source, for the direct and exclusive purpose of providing workforce housing for those households meeting the workforce housing eligibility requirements. 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 WHU.

(C) Control of resale prices

- (1) The maximum sales price, with the exception of sales under order of court, permitted on resale of a WHU shall be the lesser of:
 - (a) the maximum sales price for a WHU as set by the Department at the time of resale to an eligible household; or
 - (b) the market value of the unit for sale.
- (2) The WHU may be resold to any eligible household. Any qualified household that has purchased a WHU shall notify the Department in writing of his or her intent to offer the WHU for resale. The qualified household shall not sell the WHU for an amount in excess of the allowable WHU sales price.
- (3) Before closing a sale, the seller of the WHU shall submit to the Department for approval (which approval shall not be unreasonably withheld or delayed):
 - (a) a copy of the proposed sales contract;
 - (b) a signed copy of the buyer's certification of qualification (if not provided by the Department); and
 - (c) an affidavit signed by the seller and the buyer attesting to the accuracy of all documents and conditions of the sale.
- (4) No resale of a WHU shall be considered to be in compliance with this article until all required documents and affidavits have been submitted to and approved by the Department.
- (5) The Department shall either approve or disapprove all required documents and affidavits in writing no later than five (5) business days after they are submitted to the Department. The Department's failure to issue such approval or disapproval within the required time period shall result in such documents and affidavits being deemed approved. If the Department disapproves such documents or

affidavits then the Director shall provide the seller, in writing, with reasons for such disapproval and an opportunity to correct any deficiencies.

(D) Resale requirements during the control period.

The County Manager may adopt additional requirements for reselling WHUs consistent with this article, including without limitation a requirement that within forty-eight (48) hours prior to closing, a seller submit to the Department for approval:

- (1) a copy of the proposed sales contract, including a list and the price of any personal property included in the sale;
- (2) a signed copy of the settlement sheet; and
- (3) an affidavit signed by the seller and buyer attesting to the accuracy of all documents and conditions of the sale.

(E) Foreclosures and other proceedings.

- (1) If any qualified household of a WHU defaults on its 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 a WHU 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 in the Affordable Housing Trust Fund. These funds shall not be commingled with any other funds deposited into the Affordable Housing Trust Fund that are not associated with the WHU program, but shall be deposited into a separate account.
- (2) In any suit, action or proceeding, including without limitation bankruptcy, probate or any other suit,

action or proceeding affecting the WHU, any monies recovered by the County shall be deposited into the Affordable Housing Trust Fund.

- (3) Notwithstanding subsection E (1) and (2), in the event of default by a qualified household on any senior mortgage associated with a WHU, the County Manager is authorized to pay off said senior mortgage and assume ownership of the WHU by using funds from the Affordable Housing Trust Fund for resale to an eligible household. The defaulting qualified household shall be required to vacate the WHU as authorized by law. The County Manager is further authorized to purchase any WHU that is sold as a result of any suit, action or proceeding, including but not limited to foreclosure, bankruptcy, probate or any other suit, action or proceeding affecting the WHU. 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 WHU.

(F) Rental WHU Requirements

- (1) All qualified households must be provided a lease with a minimum period of twelve (12) months. The lease must comply with all applicable federal and state laws. The lease shall include without limitation provisions that specify the maximum household size allowed in the unit; a prohibition against subleasing; and a requirement that the qualified household shall report any changes in household size or income during the tenancy. Qualified households shall comply with all monitoring requirements established by the Department.
- (2) If a qualified household's income increases above the maximum allowed income levels, the qualified household may choose to remain in the WHU for the remainder of the lease term. If the formerly qualified household and the developer or other property owner agree to extend the lease term, the developer or other property owner shall make the

next comparable vacant unit at the covered development available to an eligible household at the WHU rent.

Sec. 17-145. Trust Fund Expenditures.

Funds from the workforce housing development program deposited into the Affordable Housing Trust Fund, including, without limitation, monetary contributions in lieu of development of workforce housing units, shall only be used to increase opportunities to obtain workforce housing for households earning 65% to 80% of the area median income. Notwithstanding the foregoing, when exercising the right of first refusal pursuant to section 17-144, the County Manager may utilize monies deposited into the Affordable Housing Trust Fund from the workforce housing development program without limitation.

Sec. 17-146. Reports to the Board of County Commissioners.

The Director shall submit regular reports to the Miami-Dade Board of County Commissioners concerning compliance with the provisions of this article. This report shall be provided on a semi-annual basis for the first two years after the effective date of this ordinance, and annually thereafter, to include but not be limited to continuing to evaluate the need for workforce housing, the uses of and expenditures from the Affordable Housing Trust Fund, and the effectiveness of the program.

Sec. 17-147. 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 also be punishable by a fine not to exceed one thousand dollars (\$1,000.00) 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. 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 20 Section 20-26 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 20-26. Future municipalities' obligations to the county.

* * *

>>(g) As a condition of incorporation approved pursuant to Article V of the Miami-Dade County Home Rule Charter, each new municipality, as a part of its charter, shall provide for adoption of Miami-Dade County's workforce housing development program established at Chapter 33, Article XIIA of the Code of Miami-Dade County, as amended, provided, however, that any municipality may establish and enforce more stringent regulations as necessary to ensure provision of workforce housing units within its jurisdiction.<<

Section 21. Section 8-8.1 of the Code of Miami-Dade County is hereby created to read as follows:

>>Sec. 8-8.1. Expedited permit program for workforce housing units.

It is the intent of Miami-Dade County to encourage private, for -profit developers to construct moderately priced housing or workforce housing units. As used in this section, workforce housing units shall mean those WHUs which are priced (selling price or rent) at levels to be affordable to households which meet the workforce housing target income range. To that end, the Building Official shall implement a program to expedite the review and approval of permit applications for workforce housing units. The expedited permit program for workforce housing units shall be implemented through administrative order to be approved by the Board of County Commissioners.<<

Section 22. 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.

	*	*	*
Code Section	Description of Violation	Civil Penalty	
*	*	*	
>>17-137	<u>Failure to comply with Chapter 17, Article VIII of the Code of Miami-Dade County</u>	<u>\$1,000<<</u>	
*	*	*	
>>33-193.16	<u>Failure to comply with Chapter 33, Article XIIA of the Code of Miami-Dade County</u>	<u>\$1,000<<</u>	
*	*	*	
All other Chapter 33 violations		\$500.00	

Section 23. 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.

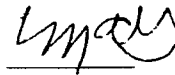
Section 24. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 25. 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.

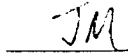
Section 26. This ordinance shall stand repealed one year from its effective date.

PASSED AND ADOPTED: **May 6, 2008**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



John McInnis

Sponsored by Vice-Chairwoman Barbara J. Jordan

MEMORANDUM

Agenda Item No. 7(C)

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

DATE:

(Second Reading 5-6-08)
March 18, 2008

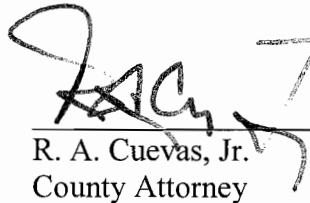
FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT:

Ordinance relating to
CDMP; modifying
requirements for
submission of restrictive
covenant by applicants

Ordinance No. 08-52

The accompanying ordinance was prepared and placed on the agenda at the request of
Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum



Date: May 6, 2008

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 "Burgess", written over the printed name of the County Manager.

Subject: Ordinance relating to CDMP; modifying requirements for submission of restrictive covenant by applicants

The ordinance relating to the Comprehensive Development Master Plan (CDMP) will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Alex", written over a horizontal line.

Alex Munoz
Assistant County Manager

fis03008

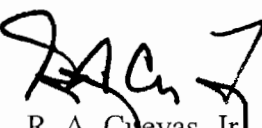


MEMORANDUM

(Revised)

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

DATE: May 6, 2008

FROM: 
R. A. Cuevas, Jr.
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)
5-6-08

ORDINANCE NO. 08-52

ORDINANCE RELATING TO COMPREHENSIVE DEVELOPMENT MASTER PLAN ("CDMP"); MODIFYING REQUIREMENTS FOR SUBMISSION OF RESTRICTIVE COVENANT BY APPLICANTS MAKING CERTAIN REPRESENTATIONS ABOUT FUTURE LAND USES; PROVIDING EXCEPTION FOR CDMP AMENDMENT APPLICATIONS CONSIDERED CONCURRENTLY WITH APPLICATIONS FOR DEVELOPMENT OF REGIONAL IMPACT ("DRI") DEVELOPMENT ORDER; AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, Section 2-116.1(9) of the Miami-Dade County Code requires an applicant seeking an amendment to the Miami-Dade County Comprehensive Development Master Plan ("CDMP") land use map to submit a restrictive covenant before representing that the subject property will either be put to a specific use or uses or that a use or uses authorized by the proposed land use designation will be excluded from the subject property; and

WHEREAS, an Application for Development Approval ("ADA") or Notification of Proposed Change ("NOPC") filed for the approval or amendment of a Development of Regional Impact ("DRI") contains extensive information and supporting analyses as to the proposed future development of the subject property, including but not limited to the uses and associated use limitations for the subject property, as well as impact analyses and proposed mitigation for the property's proposed uses; and

WHEREAS, detailed information and development limitations are required by State law to be included in ADA and NOPC DRI filings; and

WHEREAS, to the extent that the ADA or NOPC DRI filings, with their attendant development limitations, are incorporated into any approved DRI development order, the need for a restrictive CDMP covenant is reduced or eliminated; and

WHEREAS, this Board recognizes that concurrent comprehensive plan and DRI applications should be exempted from the requirement of Section 2-116.1(9) to submit restrictive covenants,

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

Section 1. Section 2-116.1 of the Code of Miami-Dade County, Florida is hereby amended as to read as follows:¹

Sec. 2-116.1. Amendment procedure for Comprehensive Development Master Plan

* * *

- (9) No applicant or applicant's representative seeking a recommendation for approval or approval of an amendment to the land use map shall be permitted to argue or represent to the Board of County Commissioners or other recommending County board that the property which is the subject of the application will be put to a specific use or uses or to exclude a use or uses authorized by the proposed land use designation, unless the applicant has submitted a restrictive covenant committing to such representation which has been submitted to the Director and has received approval as to form. >>This subsection shall not apply, however, if a CDMP amendment is being reviewed concurrently with an application seeking approval or

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.

modification of a Development of Regional Impact ("DRI") development order, if the proposed DRI development order application incorporates an Application for Development Approval ("ADA") or Notification of Proposed Change ("NOPC") with the express restrictions limiting development in the same manner as represented by the applicant in the CDMP amendment process.<<

* * *

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, 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: **May 6, 2008**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Craig H. Coller/Joni Armstrong Coffey

Sponsored by Commissioner Dennis C. Moss

Memorandum



(Second Reading 5-6-08)
Date: March 4, 2008

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

Agenda Item No. 7(H)

From: George M. Burgess
County Manager

Ordinance No. 08-57

Subject: Ordinance Relating to Regulation of the GU (Interim) Zoning District;
Amending Section 33-196 of the Code of Miami-Dade County, Florida

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance relating to the regulation of the GU (Interim) Zoning District, which provides for two different trend determination processes for GU District properties inside and outside the Urban Development Boundary (UDB) in order to promote agriculture.

Scope

This item has a countywide impact.

Fiscal Impact/Funding Source

There is no fiscal impact to the County.

Track Record/Monitor

This section regarding vendors does not apply.

Background

The Zoning Code of Miami-Dade County was created in 1938. Zoning designations were assigned to properties based on the use existing at that time. The GU Zoning District was created for all properties that were not assigned a specific zoning classification. Hundreds of undeveloped square miles within unincorporated Miami-Dade County were zoned GU, which meant they were awaiting specific zoning. Since the inception of the zoning code, thousands of GU zoned properties have been rezoned through the public hearing process. Most of the remaining GU zoned lands lie outside the Urban Development Boundary (UDB) however, some GU zoning does exist within the UDB.

The GU regulations stipulate that the Director of the Department of Planning and Zoning, when requested in writing, shall make a trend of development determination. This request requires the Director to evaluate the use or uses of the contiguous properties in the neighborhood and determine, based on compatibility criteria, the most appropriate use for the GU property(ies). For instance, agricultural use has been established when a majority of an area has been planted for row crops or residential use has been established if a majority of a neighborhood has been developed for housing. Based on the Director's trend determination, specific zoning development regulations are then applied to development of the particular GU zoned property. However, this determination does not constitute a rezoning of the property, it only permits a limited compatible use.

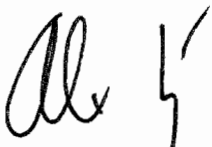
Currently one trend determination process is used for all properties in the GU Zoning District regardless of location. Trended properties within the GU District must abide by the standard zoning regulations for the use(s) that the Director has deemed compatible and consistent with the neighborhood in which the property is located. If no trend of development has been determined, then the default minimum zoning standards for the EU-2 (5 Acre Single Family Estate) Zoning District apply. This zoning district allows one house per five-acres and does not allow agricultural uses as permitted in the AU, Agricultural District.

The proposed ordinance seeks to better link trend determination for GU zoned properties with land use designations on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). The ordinance also aims to promote agriculture by requiring untrended GU District properties outside the UDB to default to uses and regulations outlined in the Agricultural zoning district when they are designated Agriculture on the LUP map of the CDMP. The AU zoning will allow a full range of agricultural activities to occur on the property, thus helping to retain agriculture in this County. Once adopted, this ordinance will enable a majority of GU zoned property owners located in Agriculture designated lands outside the UDB to utilize the AU development regulations without the necessity of making a written request to the Department of Planning and Zoning for a trend of development determination. It should be noted that this ordinance does not preclude the construction of a residential unit on a 5-acre parcel of untrended GU land outside the UDB.

The ordinance will bifurcate Section 33-196 into parts (A) and (B) in order to separately address GU District properties inside and outside the UDB. Part (A) addresses GU District properties inside the UDB and outlines the same trend determination process that currently exists. The default zoning of EU-2, which requires a residence, will continue to be used for untrended GU zoned properties inside the UDB. Part (B) addresses properties outside the UDB, and requires all untrended GU District properties designated Agriculture on the LUP map of the CDMP to comply with the requirements of the Agricultural Zoning District.

Lands that are outside the UDB and are designated Open Land or Environmental Protection on the LUP map, will continue to follow the trending determination process outlined in Part (A) so that land clearing and agricultural uses in environmentally sensitive areas is discouraged. Also, properties within the Areas of Critical Environmental Concern, East Everglades Area boundaries or the Rockmining Overlay Zoning Area are subject to the development requirements outlined in either Chapter 33B or Article XLI of the Chapter 33 and are therefore not subject to the trend determination process.

The Agricultural Practices Study Advisory Board has issued a resolution in support of the attached ordinance with an objection to the language referring to the exemption of the properties within the East Everglades Area.



Assistant County Manager




MEMORANDUM

(Revised)

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

DATE: May 6, 2008

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

SUBJECT: Agenda Item No. 7(H)

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(H)
5-6-08

ORDINANCE NO. 08-57

ORDINANCE RELATING TO REGULATION OF THE GU (INTERIM) ZONING DISTRICT; MODIFYING CRITERIA FOR ESTABLISHING TREND OF DEVELOPMENT FOR GU ZONED PROPERTY; AMENDING SECTION 33-196 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; 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 33-196 of the Code of Miami-Dade County, Florida is hereby amended as follows: ¹

Sec. 33-196. Standard>>s<< **for determining >>zoning<< regulations to be applied >>to GU property<<.**

>>(A) All properties in the GU District, which are inside the Urban Development Boundary, as shown on the Land Use Plan Map of the Comprehensive Development Master Plan, and which have not been previously trended or otherwise approved through the public hearing process for a specific use, shall be subject to the following trend determination process:<<

If a neighborhood in the GU District is predominantly one (1) classification of usage, the Director shall be governed by the regulations for that class of usage in determining the standard zoning regulations to be applied, including setbacks, yard areas, type of structures, height, limitations, use, etc. For the purposes of this section, "trend of development" shall mean the use or uses which predominate in adjoining properties within the GU District which because of their geographic proximity to the subject parcel make for a compatible use. The Director shall be guided in determining what constitutes a neighborhood by limiting ~~[[his]]~~ >>the<< evaluation to separate geographic areas, which may be designated by natural boundaries (rivers, canals, etc.) and/or man-made boundaries (roads, full- and half-section lines, etc.). The Director's decision shall be subject to appeal pursuant to the provisions of Section 33-311 of the Code. If no trend of development has been established in the GU neighborhood, minimum standards of the EU-2 District shall be applied. >>All lots subject to compliance with the standards of the EU-2 District shall contain

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.

a minimum land area of five (5) acres gross, unless a larger minimum lot size is required by the Comprehensive Development Master Plan.<<

Notwithstanding the foregoing, certain platting activity occurring prior to April 12, 1974, which created lots meeting the minimum requirements of the EU-1 District on April 12, 1974, shall qualify such lots for those uses permitted in the EU-1 District. Those lots shall include only those lots indicated on:

[[~~(a)~~]] >>(1)<< plats recorded prior to April 12, 1974; and

[[~~(b)~~]] >>(2)<< tentative plats approved as of April 12, 1974, and finally approved and recorded within ninety (90) days after such approval; and

[[~~(c)~~]] >>(3)<< a tentative plat for single family residential lots approved prior to April 12, 1974, if each lot in the approved tentative plat met the minimum standards of the EU-1 District, provided that no final plat or other tentative plat for the subject property was approved after April 12, 1974, and that as of December 31, 2003, a majority of the lots indicated on the tentative plat had been improved with residences pursuant to building permit in accordance with the tentative plat's provisions; and

>>(4) waivers of plat approved prior to April 12, 1974; and<<

Parcels, other than the aforementioned platted lots or tentatively approved plat lots, that prior to April 12, 1974 were purchased under a contract for deed or deeded and met the minimum requirements of the EU-1 District shall be qualified for those uses permitted in the EU-1 District. However, if such deeded parcels were contiguous to and under the same ownership on April 12, 1974, and such deeded contiguous parcels are less than the five acre minimum site size of the EU-2 District, but exceed the minimum standards of the EU-1 District, such property shall be considered as one parcel of land and cannot be divided or used except as one lot.

>>(B) All properties in the GU District, which are outside of the Urban Development Boundary as shown on the Land Use Plan Map of the Comprehensive Development Master Plan and which have not been previously trended by the Department or otherwise approved through the public hearing process for a specific use, shall be governed by the following regulations:

(1) All properties designated Agriculture on the Land Use Plan Map of the Comprehensive Development Master Plan shall comply with the regulations of the AU (Agricultural) District. Exceptions to this requirement are those properties designated Agriculture on the Land Use Plan Map of the Comprehensive

Development Master Plan lying within the Areas of Critical Environmental Concern pursuant to Chapter 33B of this code. Such properties shall comply with the regulations applicable under Chapter 33B.

- (2) All properties designated Open Land or Environmental Protection on the Land Use Plan Map of the Comprehensive Development Master Plan shall be subject to the trend determination process outlined in Section 33-196(A). Exceptions to this requirement are those areas lying within the East Everglades Area Boundaries pursuant to Section 33B-13, which shall comply with the regulations applicable under the East Everglades Zoning Ordinance pursuant to Chapter 33B, and those areas within the Rockmining Overlay Zoning Area, which shall comply with the regulations contained in Article XLI 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 be come effective ten (10) days after the enactment unless vetoed by the Mayor, and if vetoed, shall be come effective only upon an override of this Board.

PASSED AND ADOPTED: May 6, 2008

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:
M. Leigh Macdonald

MLM

RESOLUTION NO. AG-04-07

**RESOLUTION OF THE MIAMI-DADE COUNTY
AGRICULTURAL PRACTICES STUDY ADVISORY
BOARD ACCEPTING THE PROPOSED ORDINANCE
RELATING TO THE GU (INTERIM) ZONING
DISTRICT, AMENDING SECTION 33-196 OF THE
CODE OF MIAMI-DADE COUNTY**

WHEREAS, Sections 2-931, 2-932 and 2-933 of the Code of Miami-Dade County provide for the creation, composition, terms, purpose and duties of the Agricultural Practices Study Advisory Board (APSAB); and

WHEREAS, in order to fulfill its purpose as defined in Section 2-931 of the Code, the APSAB shall provide recommendations to the Board of County Commissioners regarding the regulation of agriculture, and for eliminating or modifying regulatory activities that create unique burden or hardship on the agricultural industry in Miami-Dade County, Florida; and

WHEREAS, at its December 5, 2007 meeting the APSAB discussed the implications of the proposed ordinance relating to the GU (Interim) Zoning District;

NOW, THEREFORE, BE IT RESOLVED that the Miami-Dade County Agricultural Practices Study Advisory Board accepts the proposed ordinance as written with a strong objection to the language referring to the East Everglades Area in Part (B) of Section 33-196.

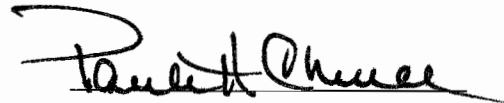
The foregoing resolution was offered by Bill Losner, who moved its adoption. The motion was seconded by Ivonne Alexander, and upon being put to a vote, the result was as follows:

Jorge Abreu - Absent
Ivonne Alexander - Yes
Teena Borek - Yes
John DeMott - Yes
Danny Helms - Yes
James Humble, Vice Chair - Yes

Bill Losner - Yes
Reed Olszack - Absent
Paul Radice - Yes
Dave Romney - Absent
Peter Schnebly - Yes
Robert Thompson - No

Ron Weeks, Chair - Yes

The Chair thereupon declared the resolution adopted this 5th day of December, 2007. I hereby certify the above information reflects the action of the Board.

A handwritten signature in black ink, appearing to read "Paula Church", with a long horizontal flourish extending to the right.

Paula Church, Coordinator

Memorandum



Date: (Public Hearing 5/29/08)
May 6, 2008

Special Item No. 1

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

From: George M. Burgess
County Manager

Ordinance No. 08-63

Subject: Ordinance Acting Upon October 2007 Small-Scale Amendments to the Comprehensive Development Master Plan

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance, (Special Item No. 1), which provides for the Board to adopt, adopt with change, not adopt, or deny the pending October 2007 Cycle small-scale applications to amend the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). It is recommended that final action be taken on the ordinance at the conclusion of the CDMP public hearing scheduled to begin at 9:30 AM on Thursday, May 29, 2008.

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development to insure 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 October 2007 Cycle Applications have 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 ordinance acting on the October 2007 Cycle small-scale applications to amend the CDMP will not have a measurable fiscal impact on Miami-Dade County. Additional information on the fiscal impact of all the requests to amend the Land Use Plan map is presented in Appendix E at the end of each review of an application in the Department of Planning and Zoning's (DP&Z) Initial Recommendations report (dated February 25, 2008), pursuant to County Ordinance No. 01-163. This report is included in the agenda materials for the May 29, 2008 public hearing addressing all the October 2007 applications to amend the CDMP, at which final action on this ordinance will be considered.

Housing Impact

Of the four small-scale applications filed in this amendment cycle, Application No. 1 was lawfully withdrawn by the applicant by letter dated March 17, 2008. Of the remaining three applications, Application Nos. 2 and 3 may affect the supply of housing based on the land use categories being requested and the covenants proffered by applicants. An additional 26 dwelling units could result from Application No. 2, 143 units from Application No. 3 and zero units from Application No. 4. Thus, the

cumulative impact will be a potential net increase of 219 units to the supply of countywide housing. If all the other factors in the cost of housing were equal, an increase in supply might nominally decrease the cost of residential land, and hence, decrease the growth in housing costs. As the acreage involved is very small, the change in housing costs is not measurable at this point. None of the applications has proffered a covenant that provides for workforce housing.

Track Record/Monitor

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

Background

The attached ordinance provides for actions on three privately filed October 2007-Cycle applications requesting small-scale amendments to the LUP map of the CDMP (Application Nos. 2, 3 and 4). A procedure is provided in the CDMP amendment process for the expedited processing of "Small-Scale" amendments as defined in Section 163.3187 (1) (c), Florida Statutes. The procedure authorizes the Board to take final action on small-scale requests to amend the Land Use Plan Map after public hearing without a prior review and issuance of Objections, Recommendations and Comment report by the Florida Department of Community Affairs (DCA).

The general criteria for the eligibility of a proposed amendment to be processed as a small-scale amendment is that it involves 10 or fewer acres and, if residential, it allows a density of 10 dwelling units per acre (10 du/ac) or less. Densities may be higher than 10 du/ac if the parcel involves the construction of affordable housing meeting the state requirements or is located in an Urban Redevelopment area, Transportation Concurrency Exception Area or Regional Activity Center. The annual cumulative limit of small-scale amendments is 120 acres in jurisdictions such as Miami-Dade County, which contain designated redevelopment and downtown revitalization areas, urban infill areas, transportation concurrency exception areas, and regional activity centers. However, a 60-acre annual limitation applies to areas outside of these specifically designated urban areas. Additionally, outside these specifically designated areas, the maximum residential density that may be approved is 10 du/ac.

Thus far in 2008, the Board has not adopted any small-scale amendments. The three pending October 2007 Cycle applications involve a total of 10.98 gross acres, bringing the total gross acreage for the year for small-scale amendments to 10.98 gross acres. Therefore, based on the above acreage limitations, the Board has the ability to approve any or all of these proposed small-scale amendments without prior DCA review.

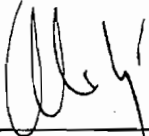
The Planning Advisory Board acting as Miami-Dade County's Local Planning Agency conducted its public hearing on April 28, 2008, at which they formulated their recommendations to the Board of County Commissioners on all of the October 2007 cycle amendment applications. Attached is a matrix, titled Summary of Recommendations by the Department of Planning and Zoning, Community Councils and the Planning Advisory Board, addressing only the small-scale amendment requests to amend the Land Use Plan map of the CDMP.

At the May 29, 2008 public hearing, the Board could elect to adopt, adopt with change, or not adopt the small-scale amendments. If the Board does not adopt a small-scale amendment, it may elect, by separate resolution, to transmit it to DCA for review and to take final action in October 2008 after State-agency review. Denial or failure to adopt as a small-scale amendment and failure to transmit an application to DCA for review effectively denies approval of the application for this amendment cycle.

Ordinance Format

The ordinance follows the same format for previous CDMP amendment cycles. That is, it contains blank spaces to record your action on each request contained in each application. For this amendment cycle, the Board's action on each application will be reflected in separate sections of the ordinance. Section 8 of the Ordinance contains an effective date provision suspending the effective date of Sections 3 and 4 of the ordinance (pertaining to Application Nos. 2 and 3, which may increase residential density) until the required Interlocal Agreement and CDMP amendment on public school concurrency have been adopted and transmitted to DCA. After the Board adopts individual entries indicating its action on each application, the Board will take action adopting the Ordinance in its entirety, incorporating the foregoing entries. A minimum of seven affirmative votes is required by County Code to amend the CDMP.

Attachments



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: May 29, 2008

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

Special Item No. 1

Veto _____

Override _____

ORDINANCE NO. 08-63

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
ACTING UPON SMALL-SCALE AMENDMENT
APPLICATIONS FILED IN OCTOBER 2007 CYCLE TO
AMEND, MODIFY, ADD TO OR CHANGE
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING SEVERABILITY, EXCLUSION FROM THE
CODE AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Board of County Commissioners (Board) has provided a procedure (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, Florida Statutes; and

WHEREAS, five (5) CDMP amendment applications were filed on or before October 31, 2007 and are contained in the document titled "October 2007 Applications to Amend the Comprehensive Development Master Plan", dated December 5, 2007; and

WHEREAS, of the 5 amendment applications, four (4) Land Use Plan (LUP) map amendments (Application Nos. 1 to 4) were privately filed and one (1) text amendment (Application No. 5) was filed by the Department of Planning and Zoning; and

WHEREAS, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in Section 163.3187, F.S.; and

WHEREAS, of the five applications filed for processing during the October 2007 CDMP amendment cycle, four eligible applications (Application Nos. 1, 2, 3 and 4) requested expedited adoption as small-scale plan amendments; and

5

WHEREAS, the Department of Planning and Zoning (DP&Z) published its initial recommendations addressing the referenced applications in the report titled "Initial Recommendations October 2007 Applications to Amend the Comprehensive Development Master Plan" dated February 25, 2007; and

WHEREAS, Application No. 1 was lawfully withdrawn by the applicant by letter dated March 17, 2008; and

WHEREAS, the Community Councils, Planning Advisory Board (PAB), and DP&Z have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale amendment requests; and

WHEREAS, the Board can, by ordinance, take final action to Adopt, Adopt With Change, Not Adopt, or Deny requested small-scale amendment applications at the public hearing conducted to address the question of transmittal to the Florida Department of Community Affairs (DCA); and

WHEREAS, the Board will consider approving a resolution transmitting to the DCA any eligible small-scale amendments that are not adopted but not denied, and which this Board desires to further consider after review by DCA; and

WHEREAS, the Board can, by resolution, transmit to DCA small-scale amendment applications not adopted but not finally denied; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance,

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

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending small-scale amendment Application No. 1 filed for review during the October 2007 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small-Scale Amendment
1	209th Street Associates, LLC/Juan A. Mayol, Jr., Esq. and Tracy R. Slavens, Esq. Northwest corner of NE 209 Street and NE 26 Court (1.12Gross Acres) From: Low-Medium Density Residential Communities (6 to 13 DU/Ac) To: Office/Residential Small-Scale Amendment	WITHDRAWAL Accepted By The Board

Section 3. This Board hereby desires to take further action on the pending small-scale amendment Application No. 2 filed for review during the October 2007 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small-Scale Amendment
2	Aventura Commons, 11, LLC/Juan A. Mayol, Jr., Esq. and Tracy R. Slavens, Esq. An area between NE 205 and 206 Streets on the east side of NE 26 Avenue (2.98 Gross Acres) From: Low-Medium Density Residential Communities (6 to 13 DU/Ac) To: Office/Residential Small-Scale Amendment	ADOPTED

Section 4. This Board hereby desires to take further action on the pending small-scale amendment Application No. 3 filed for review during the October 2007 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small-Scale Amendment
3	Urban League of Greater Miami, Inc./Jeffrey Bercow, Esq. and Mathew Amster, Esq. An area between NW 51 and NW 53 Streets and between NW 23 and NW 24 Avenues (5.50 Gross Acres) From: Medium Density Residential Communities (13 to 25 DU/Ac) To: Medium-High Density Residential Communities (25 to 60 DU/Ac) Small-Scale Amendment	ADOPTED With Acceptance of Proffered Covenant

Section 5. This Board hereby desires to take further action on the pending small-scale amendment Application No. 4 filed for review during the October 2007 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small-Scale Amendment
4	Alfredo Garcia Menoca/Stanley B. Price, Esq. Northwest corner of SW 117 Avenue and SW 95 Street (2.5 Gross Acres) From: Estate Density Residential Communities (1 to 2.5 DU/Ac) To: Office/Residential Small-Scale Amendment	Denied As a Small-Scale Amendment and Transmitted As a Standard Amendment With No Recommendation

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 thereby.

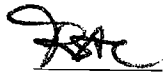
Section 7. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

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 provided, however, that the effective date of any small-scale plan amendment approved by this ordinance shall be thirty-one (31) days after adoption by this Board (effective date of ordinance). If challenged within thirty (30) days after adoption, the challenged small-scale plan amendment shall not become effective until the DCA or the Administration Commission, respectfully, issues a final order determining the adopted small-scale amendment is in compliance. It is further provided that Sections 3 and 4 of this ordinance pertaining to Application Nos. 2 and 3 shall not take effect until an amendment to the Comprehensive Development Master Plan and an Interlocal Agreement with the School Board of Miami-Dade County and the municipalities in Miami-Dade County establishing a public school concurrency program have been adopted and transmitted to the Florida Department of Community Affairs as required by Section 163.3177(12), Florida Statutes.

PASSED AND ADOPTED: May 29, 2008

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Joni Armstrong Coffey

Memorandum



Date: (Second Reading 6-3-08)
April 8, 2008

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

Agenda Item No. 7(H)

From: George M. Burgess
County Manager

Ordinance No. 08-73

Subject: Ordinance Pertaining to Airport Zoning Regulations; Amending Section 33-303.2
Pertaining to the Airport Developmental Impact Committee and Section 33-363.1
Pertaining to Uses Permitted on Opa-Locka Airport Lands

Recommendation

It is recommended that the Board adopt the attached ordinance pertaining to zoning amending Section 33-303.2 pertaining to the Airport Developmental Impact Committee and Section 33-363.1 pertaining to uses permitted on Opa-Locka airport lands.

Scope

This item shall affect Commission District 1 as it pertains to the Opa-Locka Airport. Commission District 13 is adjacent to the western portion of Opa-Locka Airport at N.W. 57th Avenue.

Fiscal Impact/Funding Source

The proposed ordinance creates no adverse fiscal impact to Miami-Dade County. The ordinance will facilitate development at the Opa-Locka airport and will result in direct payments to the County in the form of lease revenues for that property not currently being used for direct airport uses.

Tract Record/Monitor

Not applicable.

Background

The Board of County Commissioners (BCC) approved a lease agreement in 1999 for certain land located at the Opa-Locka airport. In 2003, the prior lessee under said lease agreement sought to develop aviation and non-aviation uses pursuant to the lease. In order to permit development at the Opa-Locka airport and to carry out the purpose of the lease, an amendment to certain elements of the Comprehensive Development Master Plan (CDMP) was required and approved by the BCC in October, 2003. The CDMP states that lands owned by the County at the Opa-Locka Airport may be developed for both airside and landside uses provided such uses comply with the requirements of CDMP, are compatible with airport operations, and comply with the applicable regulations of the Federal Aviation Administration. The airside portion of the airport which includes those portions of the airport where general public access is restricted is limited to aviation uses. The landside portion of the airport which consists of all portions of the airport where the general public access is not restricted and the terminal concourses, may include both aviation and non-aviation uses. The CDMP also includes limitations on the types and percentages of uses at the airport.

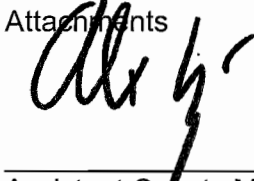
At its February 7, 2006 public hearing, the Board approved certain amendments to its Zoning Code to essentially implement the uses allowed in the CDMP for Opa-Locka Executive Airport. The Department of Planning and Zoning advised that further technical amendments were nevertheless required prior to the Department being able to review and approve any proposed development. Also, the BCC adopted Resolution R-1260-06 on November 28, 2006 to approve a preliminary development agreement with the State of Florida Department of Community Affairs and Renaissance Airpark Corp. to provide for certain development to occur at Opa-Locka Airport prior to issuance of a Development of Regional Impact Order with the understanding at that time that certain other approvals and actions would still be required before actual development could commence.

The proposed ordinance amends the Zoning Code to permit development of the Opa-Locka airport pursuant to the lease agreement and consistent with the CDMP. The proposed ordinance includes a map depicting the lease area of the airport. This map delineates aviation hangars, aviation related uses, aviation and non-aviation related uses, and business uses. The ordinance provides that landside non-aviation uses provided for in 33-363.1(2)(b) 1 through 5 of the code (lodging, office buildings, industrial uses, and retail), shall be allowed in the "Aviation and Non-Aviation Related" areas depicted on the map. Additionally, subsection 2 and 5 uses above (office buildings, retail stores, restaurants, and personal service establishments) shall be allowed in the "Business District" depicted in "the Opa-Locka Use Map" subject to the site development requirements contained in Chapter 33, Article XXV, BU-1A (Limited Business District). Development in both areas shall be governed by Chapter 18A (Landscaping) and Chapter 33, Article VII (Off-Street Parking), of this code.

Each site proposed for development in the area depicted as Business District shall comply with setback, height, floor area ratio, maximum lot coverage, and percentage of landscaping required as would be allowed in the BU-1A District. Uses in the area depicted as Business District are restricted to commercial and office uses and front along N.W. 57 Avenue.

The proposed ordinance adds the Director of the Miami-Dade County Aviation Department, or designee, as a non-voting member of the Airport Developmental Impact Committee. Applications for variances from the zoning regulations for aviation and non-aviation related areas shall be heard by the Board of County Commissioners after review and recommendation by the Airport Developmental Impact Committee.

Attachments



Assistant County Manager

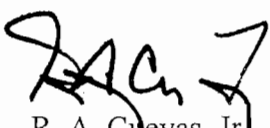


MEMORANDUM

(Revised)

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

DATE: June 3, 2008

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

SUBJECT: Agenda Item No. 7(H)

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(H)

6-3-08

ORDINANCE NO. 08-73

ORDINANCE PERTAINING TO AIRPORT ZONING REGULATIONS; AMENDING SECTION 33-303.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE") PERTAINING TO THE AIRPORT DEVELOPMENTAL IMPACT COMMITTEE; AMENDING SECTION 33-363.1 OF THE CODE PERTAINING TO USES PERMITTED ON OPA-LOCKA AIRPORT LANDS IN THE GP GOVERNMENT PROPERTY ZONING DISTRICT; PROVIDING FOR DEVELOPMENT CRITERIA; 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 33-303.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-303.2. Airport Developmental Impact Committee.

There is hereby established an Airport Developmental Impact Committee Executive Council. When a zoning application under Article XXXVII of this code (Miami International Airport (Wilcox Field) Zoning) >> or under Article XXXVIII of this code (Opa Locka Airport Zoning)<< is for property located entirely in the unincorporated area of Miami-Dade County, the Airport Developmental Impact Committee Executive Council shall be composed of the County's Developmental Impact Committee Executive Council established by section 33-303.1 of this code>>, and the Director of Miami-Dade County Aviation Department, or designee, as a non-voting member<<. When a zoning application under Article XXXVII >>or Article XXXVIII<< of the code is for property located in whole or in part in the incorporated area of any municipality, the Airport Developmental Impact Committee Executive Council shall be composed of the persons described above and the Mayor of the municipality, if not a voting member of the municipal governing body, or if the Mayor is a voting member, then the City Manager of said municipality serving as the representative from the municipality where the application property is located. The Airport Developmental Impact Committee Executive Council shall, in accordance with the procedures in section 33-303.1 of this code, review and make recommendations to the Board of County Commissioners on all applications for exceptions, variances and appeals of decisions on applications for site plan approval under Article XXXVII >>and Article XXXVIII<< of this code.

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.

Mailed notice of meetings of the Airport Developmental Impact Committee Executive Council shall be provided in the manner prescribed for notice of applications for special exceptions under section 33-310(d)(2) of this code. Mailed notice of meetings shall also be provided simultaneously to any municipality in which an application site is located. Applications shall comply with the procedural requirements of section 33-304 of this code.

Section 2. Section 33-363.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-363.1. Uses permitted on Opa-locka Airport lands in the GP Governmental Property zoning district.

The following public airport uses shall be permitted on those lands at Opa-locka Airport zoning area that are in the GP Governmental Property zoning district, provided that such uses comply with the requirements of the Future Aviation Facilities Section of the Aviation Subelement, are compatible with and not disruptive of airport operations occurring on such lands, and comply with all applicable regulations of the Federal Aviation Administration and other applicable law.

* * *

(2) The landside portion of the airport, which shall be deemed to consist of all portions of the airport where general public access is not restricted and also terminal concourses, may include both aviation uses and non-aviation uses that are compatible with airport operations and consistent with applicable law. At least 30% of the land area in the landside portion must be developed with aviation-related uses or uses that directly support airport operations.

(a) Aviation uses where general public access is allowed may include existing uses and the following or substantially similar uses:

1. terminal area for general aviation passenger traffic, such as private or corporate aircraft passenger traffic, which may include non-aviation related uses designed to serve the traveling public and on-site employees, such as offices, personal services, retail activities, restaurants, auto rental businesses, and lodging establishments,
2. parking garages and lots serving the airport,
3. access roadways serving the airport,
4. offices of aviation industry companies and the Miami-Dade County Aviation Department,
5. facilities of fixed base operators,
6. hangar rentals and tie downs,

5

7. ground transportation services,
 8. general aviation aircraft, such as private and corporate jets or other aircraft, and automobile rental establishments,
 9. aviation-related educational uses such as flight schools, simulator training facilities, helicopter and aerobatics training and other educational facilities providing aviation courses,
 10. aviation-related governmental agency facilities,
 11. flying club facilities,
 12. aviation-related entertainment uses such as museums and sightseeing services, and
 13. aviation-related retail uses such as general aviation aircraft sales, electronic and instrument sales and pilot stores.
- (b) Subject to the restrictions contained herein, the following privately owned non-aviation-related uses may be approved in the landside area of the Opa-locka Airport accessible to the general public:
1. lodgings such as hotels and motels (except in terminal concourses),
 2. office buildings (except in terminal concourses),
 3. industrial uses such as distribution, storage, manufacturing research and development and machine shops (except in terminal concourses),
 4. agricultural uses, and
 5. retail, restaurants, and personal service establishments.

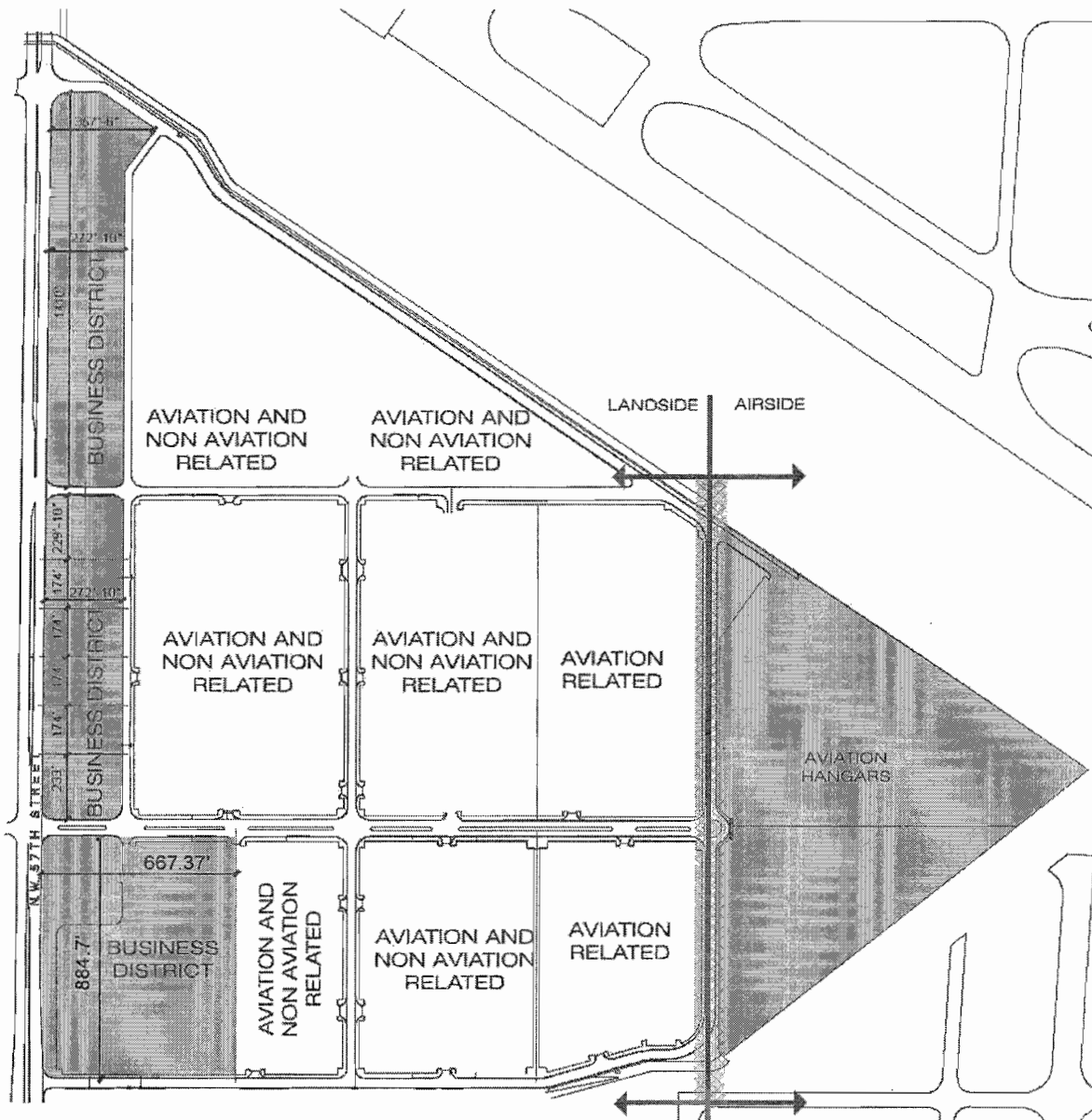
Such privately owned non-aviation related uses shall be limited as follows:

Those portions of the landside area that are not developed for uses that are aviation-related or directly supportive of airport operations shall range from 50 to 85 percent for industrial uses, 5 to 25 percent for commercial uses, 5 to 25 percent for office uses, 0 to 10 percent for hotels and motels, and 0 to 20 percent for institutional uses. The distribution, range, intensity and types of such non-aviation related uses shall vary by location as a function of the availability of public services, height restrictions, Comprehensive Development Master Plan (CDMP) intensity ceiling for the Urban Infill Area (FAR of 2.0 not counting parking structures) or the Urbanizing Area (FAR of 1.5 not counting parking structures) involved, impact on roadways, access and compatibility with neighboring development. Freestanding retail uses and shopping centers shall front on major access roads preferably near major

intersections, where practicable, and have limited access to major roadways.

Each non-aviation related use shall comply with applicable law, including but not limited to FAA regulations and any airport layout plan governing permissible uses on the entire airport property.

>>The landside non-aviation uses provided for in subsections 1 through 5 above shall be allowed in the "Aviation and Non-Aviation Related" areas depicted in the map entitled Opa-Locka Airport Business District and Landside Aviation and Non-Aviation Related Areas Map ("the Opa-Locka Use Map"), as set forth below. Additionally, subsection 2 and 5 uses above (office buildings, retail stores, restaurants, and personal service establishments) shall be allowed in the "Business District" depicted in the Opa-Locka Use Map, subject to the site development requirements contained in Chapter 33, Article XXV, BU-1A (Limited Business District). Development in both areas shall be governed by Chapter 18A (Landscaping) and Chapter 33, Article VII (Off-Street Parking), of this code.



Opa-Locka Airport Business District and Landside Aviation
and Non-Aviation Related Areas Map <<

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 a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 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 3, 2008

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Joni Armstrong Coffey

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: May 20, 2008

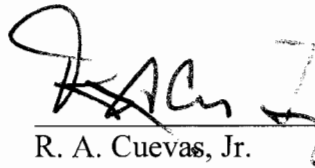
(Second Reading 7-1-08)

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

SUBJECT: Ordinance relating to
Zoning; amending section
33-124 of the Code of
Miami-Dade County
pertaining to off street
parking requirements for
churches

Ordinance No. 08-78

The accompanying ordinance was prepared and placed on the agenda at the request of
Prime Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: July 1, 2008

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

From: George M. Borges
County Manager

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

Subject: Ordinance relating to Zoning; amending section 33-124 of the Code of Miami-Dade County pertaining to off street parking requirements for churches

The ordinance pertaining to off street parking will have a fiscal impact to Miami-Dade County of approximately \$6,000 to modify software for the code enforcement database.

A handwritten signature in black ink, appearing to read "Alex", written over a horizontal line.

Alex Munoz
Assistant County Manager

fis04208

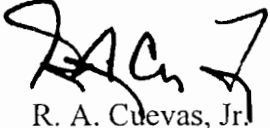


MEMORANDUM

(Revised)

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

DATE: July 1, 2008

FROM: 
R. A. Cuevas, Jr.
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

Agenda Item No. 7(A)

Veto _____

7-1-08

Override _____

ORDINANCE NO. 08-78

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-124 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO CHANGE THE OFF STREET PARKING REQUIREMENTS FOR CHURCHES; 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 33-124 of the Code of Miami-Dade County, Florida is hereby amended as follows: ¹

* * *

Sec. 33-124. Standards.

- (d) *Churches.* At least one (1) parking space for each ~~[[fifty (50)]]~~ >>one hundred (100)<< square feet or fractional part thereof of the seating area in the main auditorium (sanctuary), including adjacent areas which may be used as part of the auditorium.

* * *

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

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.

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 be come effective ten (10) days after the enactment unless vetoed by the Mayor, and if vetoed, shall be come effective only upon an override of this Board.

PASSED AND ADOPTED: July 1, 2008

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



M. Leigh Macdonald

Prime Sponsor: Senator Javier D. Souto

MEMORANDUM

Agenda Item No. 7(C)

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

DATE: April 8, 2008


(Second Reading 7-1-08)

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

SUBJECT: Ordinance relating to
zoning regulation of signs;
decreasing number of mural
signs allowed from 45 to 35

Ordinance No. 08-80

The accompanying ordinance was prepared and placed on the agenda at the request of
Prime Sponsor Commissioner Carlos A. Gimenez.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum

MIAMI-DADE
COUNTY

Date: July 1, 2008

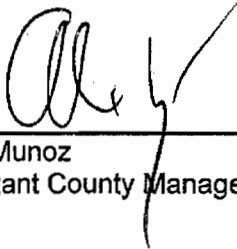
To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager



Subject: Ordinance relating to zoning regulation of signs; decreasing number of mural signs
allowed from 45 to 35

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



Alex Munoz
Assistant County Manager

fis04808

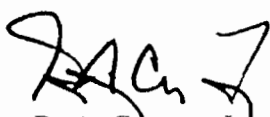


MEMORANDUM

(Revised)

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

DATE: July 1, 2008

FROM: 
R. A. Cuevas, Jr.
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)
7-1-08

ORDINANCE NO. 08-80

ORDINANCE PERTAINING TO ZONING REGULATION OF
SIGNS; AMENDING SECTION 33-107 OF THE CODE OF
MIAMI-DADE COUNTY, FLORIDA (CODE); DECREASING
NUMBER OF MURAL SIGNS ALLOWED TO THIRTY-FIVE;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE
AND AN EFFECTIVE DATE

WHEREAS, the City of Miami has adopted on first reading a mural ordinance as
authorized pursuant to Section 33-107 of the Code of Miami-Dade County; and

WHEREAS, the City of Miami's ordinance provides for thirty-five (35) mural signs
rather than the forty-five (45) mural signs authorized by Miami-Dade County; and

WHEREAS, it is appropriate to reduce the number of mural signs authorized in the Code
of Miami-Dade County to be in conformity with the City of Miami's ordinance,

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

Section 1. Section 33-107 of the Code of Miami-Dade County is hereby amended to
read as follows:¹

Sec. 33-107. Class C commercial signs.

* * *

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

* * *

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.

- (3) No more than ~~[[45]]~~ >>35<< mural signs shall be permitted at any one time within the entire City of Miami Urban Core.

* * *

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.

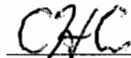
Section 5. All provisions of this Ordinance shall stand repealed on the date provided in Ordinance No. 07-61.

PASSED AND ADOPTED: **July 1, 2008**

Approved by County Attorney as
to form and legal sufficiency:


KAC

Prepared by:


CHC

Craig H. Coller

Prime Sponsor: Commissioner Carlos A. Gimenez

5

MEMORANDUM

Agenda Item No. 7(F)

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

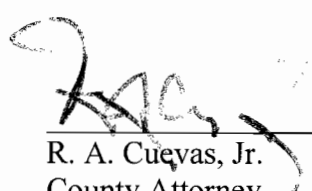
DATE: (Second Reading 7-1-08)
May 6, 2008

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

SUBJECT: Ordinance relating to
zoning; modifying
regulations relating to
setbacks in the RU-TH
(Townhouse) Zoning
District

Ordinance No. 08-83

The accompanying ordinance was prepared and placed on the agenda at the request of
Prime Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum



Date: July 1, 2008

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

From: George M. Burgos
County Manager

Subject: Ordinance relating to Zoning; modifying regulations relating to setbacks in the RU-TH
(Townhouse) Zoning District

The ordinance relating to setbacks in the Townhouse Zoning District will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Alex Munoz".

Alex Munoz
Assistant County Manager

fis04308



MEMORANDUM

(Revised)

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

DATE: July 1, 2008

FROM: 
R. A. Cuevas, Jr.
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)
7-1-08

ORDINANCE NO. 08-83

ORDINANCE RELATING TO ZONING; MODIFYING REGULATIONS RELATING TO SETBACKS IN THE RU-TH (TOWNHOUSE) ZONING DISTRICT; AMENDING SECTION 33-202.3 OF THE 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 33-202.3 of the Code of Miami-Dade County is hereby amended as follows:¹

Sec. 33-202.3. Permitted uses.

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved, or reconstructed, structurally altered or maintained for any purpose in a townhouse district (RU-TH) which is designed, arranged or intended to be used or occupied for any reason or purpose, except for one (1) of the following uses:

* * *

- (i) *Rear yard requirements.* The minimum rear building setback >>for the principal building and any enclosed additions<< shall be ten (10) feet. ~~[[A minimum greenbelt of ten (10) feet shall be provided between rear lot lines; provided however, that rear lines may abut without a greenbelt if a rear building setback of fifteen (15) is provided.]]~~ >>The minimum rear setback for a cantilevered terrace roof or a terrace roof with pole or column supports shall be five (5)

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.

feet. The minimum rear setback for screen enclosures without a solid roof shall be zero (0) feet.<<

*

*

*

- (p) *Patios and service areas.* There shall be provided on each townhouse site at least four hundred (400) square feet of patio living area exclusive of parking and service areas for each townhouse; such footage may consist of one (1) or more patio areas. Open roof areas>>,<< ~~[[and]]~~ balconies designed and planned for patio purposes >>, cantilevered terrace roofs, and terrace roofs with pole or column supports,<< may be credited toward patio area. The following features may also be included: Screen enclosures, patio slabs, jacuzzis, swimming pools, decks, garden features and hot tubs. Said features must be either shown on the approved site plan or approved pursuant to the provisions of Section 33-202.3(2)(t).

*

*

*

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.

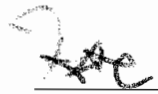
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

5

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: **July 1, 2008**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Joni Armstrong Coffey

Prime Sponsor: Commissioner Dennis C. Moss

Memorandum



Date: July 17, 2008

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

From: George M. Burgess
County Manager

Substitute
Special Item No. 1

Ordinance 08-93

Subject: Substitute Ordinance Acting Upon Beacon Lakes DRI Application to Amend the
Comprehensive Development Master Plan

THE ENCLOSED SUBSTITUTE ORDINANCE DIFFERS FROM THE ORIGINAL IN THAT IT REVISES THE PREAMBLE OF THE ORDINANCE TO REFLECT THE ACTIONS TAKEN BY THE BOARD OF COUNTY COMMISSIONERS AT ITS "TRANSMITTAL" PUBLIC HEARING ON DECEMBER 20, 2007, THE RECEIPT OF THE OBJECTIONS, RECOMMENDATIONS AND COMMENTS (ORC) FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) BY LETTER DATED MARCH 10, 2008, THE PUBLICATION OF REVISED RECOMMENDATIONS BY THE DEPARTMENT, SUBSEQUENT PUBLIC HEARINGS ON THE APPLICATION, AND OTHER PROCEDURAL MATTERS RELATED TO CONSIDERATION OF THE APPLICATION. IN ADDITION, IN SECTION 2 OF THE SUBSTITUTE ORDINANCE, THE ACREAGE OF THE BEACON LAKES DRI CDMP AMENDMENT SITE WAS REVISED FROM 48.0 ACRES TO 45.59 NET ACRES BY UPDATED SURVEY DATED FEBRUARY 20, 2008.

RECOMMENDATION

It is recommended that the Miami-Dade County Board of County Commissioners (BCC) approve the attached ordinance, which provides for adoption, adoption with change, or denial of the proposed Beacon Lakes Development of Regional Impact (DRI) application to amend the Comprehensive Development Master Plan (CDMP) at the public hearing scheduled for **9:30 AM on Thursday, July 17, 2008**. The CDMP amendment application was filed for concurrent processing with a separate, but related, zoning application and Notice of Proposed Change (NOPC) to the existing Beacon Lakes DRI. Under the special concurrent process provided in Chapter 380.06(6), F. S., and Section 2-116.1 of the Code of Miami-Dade County, the BCC is to take final action on the CDMP amendment ordinance and the proposed changes to the DRI.

SCOPE

The CDMP is a broad-based countywide policy-planning document to guide future growth and development, to insure the adequate provision of public facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. The application site is a \pm 45.59-acre property within the Beacon Lakes DRI, generally located at the northeast corner of SW 137 Avenue and the SR 836 extension within Commission District 12. The proposed CDMP amendment is expected to have a countywide impact.

FISCAL IMPACT

Ordinance 94-238 requires a statement of fiscal impact, which is the cost to Miami-Dade County, on implementing all activities or actions resulting from approval of an ordinance. In addition, Ordinance 01-163 requires the review procedures for amendments to the CDMP to include, for any proposed land use change within Miami-Dade County, a written evaluation of the estimated incremental and cumulative impact to the County for bringing such infrastructure

and services to the area as well as the annual costs for operating and maintaining such infrastructure and services.

The proposed CDMP amendment would facilitate changes to the Beacon Lakes DRI that would allow 420,000 square feet of retail space to be added to the existing development program. Below are the estimated public infrastructure and operational costs resulting from the proposed retail development:

- Annual operating and maintenance costs for water and sewer would increase from \$7,703 to \$19,488 as a result of the proposed retail development, a net increase of \$11,785.
- Construction costs for public water and sewer infrastructure is estimated at \$1,209,909 for the warehouse development currently approved under the DRI for the application site. This infrastructure cost will be borne by the applicant in accordance with Miami-Dade Water and Sewer Department's June 2007 Agreement No. 19182 with the applicant. The CDMP amendment, if approved, would not generate any additional water and sewer infrastructure needs, and thereby would not create an additional fiscal impact.
- Annual operating costs for Fire and Rescue services would increase from \$24,060.87 to \$162,410.87 as a result of the proposed retail development, a net increase of \$138,350.
- Transit service expansion to be determined.

TRACK RECORD/MONITOR

CDMP Amendments do not involve contracts; therefore, information on Track Record/Monitoring is not applicable.

BACKGROUND

The Beacon Lakes DRI CDMP amendment application seeks to amend the land use designation of the ± 45.59-acre application site from "Restricted Industrial and Office" to "Business and Office", to allow the development of an additional 420,000 square feet of retail space to the existing DRI development program. The applicant's stated intent of the proposed land use amendment is to provide retail development to serve the needs of residential neighborhoods located south of the application site.

As mentioned previously, the CDMP amendment application was filed concurrently with a Notice of Proposed Change (NOPC) to the existing Beacon Lakes DRI. The proposed change to the DRI development program calls for the addition of the aforementioned 420,000 square feet of retail space and is subject to the approval of the CDMP amendment. This would increase the total retail space within the DRI from 75,000 to 495,000 square feet. Other modifications to the DRI development program, which do not require a CDMP amendment, call for a simultaneous increase in office space from 150,000 to 175,000 square feet and a reduction of industrial/warehouse space from 6.6 million to 5.3 million square feet.

The attached ordinance provides for final action of the BCC on the proposed application to amend the CDMP. The BCC's previous action on the proposed Beacon Lakes DRI CDMP amendment application was to "Adopt and Transmit." Enclosed is a table summarizing the prior

recommendations of the Department of Planning and Zoning (DP&Z), Community Council No. 5, the Planning Advisory Board (PAB), and the BCC.

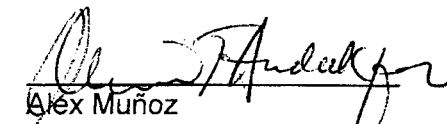
The DCA coordinated the State agency consistency review on the transmitted Beacon Lakes DRI CDMP amendment application at the request of Miami-Dade County. In its Objections, Recommendations and Comments (ORC) report dated March 10, 2008, the DCA issued no objections to the CDMP amendment application. Attached you will also find the "Revised Recommendation, Beacon Lakes DRI Application to Amend the Comprehensive Development Master Plan," report dated April 25, 2008, prepared by DP&Z staff. That report summarizes the pending CDMP amendment application as transmitted to DCA, presents the DP&Z's revised recommendation and principal reasons for the revised recommendation, and includes the ORC report.

The attached ordinance provides for final action of the BCC on the proposed DRI application to amend the CDMP. The BCC's previous action on the proposed Beacon Lakes DRI CDMP amendment application was to "Adopt and Transmit."

The Planning Advisory Board acting as the Local Planning Agency (LPA) conducted its final public hearing on the pending DRI application on May 5, 2008, and recommended "Adoption with Changes and Acceptance of Proffered Covenant" of the proposed DRI application. The PAB's recommendation is contained in the attached PAB resolution and meeting minutes, both dated May 5, 2008.

ORDINANCE FORMAT

The ordinance follows the same format used for other CDMP amendment applications. That is, it contains blank spaces to record your action on the requested CDMP amendment. A minimum of seven affirmative votes is required by County Code to amend the CDMP.


Alex Muñoz
Assistant County Manager

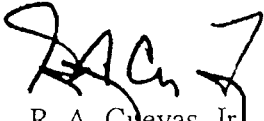


MEMORANDUM

(Revised)

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

DATE: July 17, 2008

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

SUBJECT: Substitute
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 _____

Substitute
Special Item No. 1
7-17-08

ORDINANCE NO. 08-93

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATION REQUESTING
AMENDMENTS TO THE COMPREHENSIVE
DEVELOPMENT MASTER PLAN FILED FOR
CONCURRENT PROCESSING WITH PROPOSED CHANGES
TO "BEACON LAKES" DEVELOPMENT OF REGIONAL
IMPACT (DRI); PROVIDING SEVERABILITY, EXCLUSION
FROM THE CODE AND EFFECTIVE DATE

WHEREAS, Chapter 163, Part 2, and 380.06, Florida Statutes, and associated administrative regulations establish procedures for amending local government comprehensive plans; and

WHEREAS, the Miami-Dade County Board of County Commissioners (Board) has provided a procedure (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Chapter 380.06(6), F.S. and Section 2-116.1 of the Code of Miami-Dade County provide procedures for accepting and processing applications to amend the Comprehensive Development Master Plan (CDMP) concurrently with a Notice of Proposed Change (NOPC) to an existing Development of Regional Impact (DRI); and

WHEREAS, consideration of such concurrent applications is exempt from the twice-per-year statutory limitation on adoption of comprehensive plan amendments pursuant to Chapter 163, F.S.; and

WHEREAS, a CDMP amendment application was filed for concurrent processing with a NOPC to the existing Beacon Lakes DRI, as provided in Chapter 380.06(6), F.S., and Section 2-116.1, of the County Code; and

WHEREAS, the Miami-Dade County Department of Planning and Zoning (DP&Z) issued its initial recommendation addressing the referenced CDMP amendment application in the report titled "Application and Initial Recommendation: Beacon Lakes DRI Application to Amend the Comprehensive Development Master Plan " dated November 21, 2007; and revised December 13, 2007; and

WHEREAS, affected Community Council Number 5 has acted in accord with County procedures, and conducted a duly noticed public hearing on December 7, 2007, to receive public comments on the subject CDMP amendment Application and on the recommendations of the Department of Planning and Zoning (DP&Z), and to formulate recommendations regarding transmittal and final action on the requested amendments; and

WHEREAS, the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), conducted a duly noticed public hearing on December 10, 2007 to address the subject CDMP amendment Application, the recommendations of the affected Community Council, the DP&Z transmittal of the amendment Application to DCA for State agency review, and to formulate recommendations regarding final action on the requested Plan amendments; and

WHEREAS, the Miami-Dade County Board of County Commissioners conducted a duly noticed public hearing on December 20, 2007, to address the subject CDMP amendment application, the recommendations of the affected Community Council and the DP&Z, transmittal by the Board to the DCA of the subject amendment application for State agency review and comment, and subsequent action on the application by the Board; and

WHEREAS, an Objections, Recommendations, and Comments (ORC) report on the Beacon Lakes DRI CDMP amendment application was issued by DCA on March 10, 2008 having no objection to the application; and

WHEREAS, the Board of County Commissioners is required by the Code of Miami-Dade County (Code) to take final action to Adopt, Adopt With Change, or Not Adopt the amendment Application not later than sixty (60) days after receipt of written comments from DCA addressing the Application, unless an extension of that deadline is timely requested by the applicant; and

WHEREAS, two extensions to the Code deadlines were requested by the applicant by letters dated April 8, 2008 and June 3, 2008 and granted by DP&Z, as allowed by Section 2-116.1(5)(a)(7) of the Code of Miami-Dade County, in order to resolve outstanding issues raised by Miami-Dade County in the Initial Recommendation report of November 21, 2008; and

WHEREAS, the DP&Z and the Local Planning Agency (LPA) may issue revised recommendations addressing the transmitted plan amendment Application after receipt of comments from the DCA and prior to final hearing and action by the Board of County Commissioners; and

WHEREAS, DP&Z's revised recommendation addressing the Beacon Lakes DRI CDMP amendment application, DCA's ORC report, and DP&Z's response to the ORC report are contained in a document titled "Revised Recommendation Beacon Lakes DRI Application to Amend the Comprehensive Development Master Plan," dated April 25, 2008; and

WHEREAS, on May 5, 2008, the PAB, acting as the Local Planning Agency, conducted a duly noticed public hearing to receive public comments on the pending CDMP amendment application as transmitted for review and comment by DCA; on the revised recommendation of

the DP&Z; and on the ORC report; and to issue a final recommendation to the Board of County Commissioners regarding final actions on the pending Beacon Lakes CDMP amendment application; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board, in conjunction with a particular zoning action, finds such preexisting zoning or uses to be inconsistent with the CDMP based upon a planning study or activity addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance,

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

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending CDMP amendment application filed in association with the NOPC for the Beacon Lakes DRI as follows:

Application	Applicant/Representative Location and Size REQUESTED CHANGE TO THE CDMP	Final Commission Action
Beacon Lakes DRI/CDMP Amendment	AMB Codina Beacon Lakes, LLC / Joseph G. Goldstein, Esq. 45.59 net acres generally at the northeast corner of NW 137 Avenue and SR 836 extension (<i>Originally was ±48 acres but was revised to 45.59 net acres by survey dated February 20, 2008.</i>) Change the land use designation on the subject property: From: Restricted Industrial and Office To: Business and Office	ADOPT as Transmitted with Change and Acceptance of Proffered Declaration of Restrictions

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 thereby. If any application, or portion of an application is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the application subject to such a finding, and the remaining applications adopted by this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

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, however, the effective date of any plan amendment shall be in accordance with the following language, which is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any plan amendment approved by this ordinance shall be the date a final order is issued by the Department of Community Affairs or

Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on such amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's Notice of Intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

PASSED AND ADOPTED: July 17, 2008

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

Dennis A. Kerbel




MEMORANDUM

Agenda Item No. 7(C)

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

DATE:

(Second Reading 9-2-08)
June 17, 2008

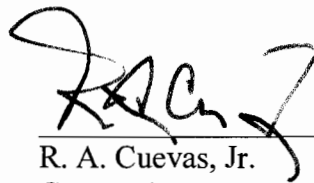
FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT:

Ordinance relating to zoning;
amending Sec. 33-133 to
eliminate the half-section line
R-O-W width requirement for
portion of N.E. 191 Street

Ordinance No. 08-99

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum

MIAMI-DADE
COUNTY

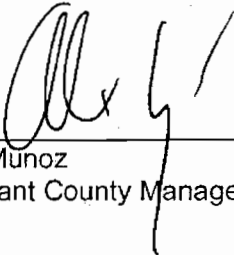
Date: September 2, 2008

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

From: George M. Burgess
County Manager

Subject: Ordinance relating to zoning; amending Sec. 33-133 to eliminate the half-section line R-O-W width requirement for portion of N.E 191 Street

The ordinance amending Sec. 33-133 to eliminate the half-section line R-O-W width requirement for portion of N.E 191 Street will not have a fiscal impact to Miami-Dade County.



Alex Muñoz
Assistant County Manager

fis05208



MEMORANDUM

(Revised)

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

DATE: September 2, 2008

FROM: 
R. A. Cuevas, Jr.
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

Agenda Item No. 7(C)
9-2-08

Veto _____

Override _____

ORDINANCE NO. 08-99

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-133 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE") TO ELIMINATE THE HALF-SECTION LINE RIGHT-OF-WAY WIDTH REQUIREMENT FOR THAT PORTION OF N.E. 191 STREET WHICH LIES BETWEEN N.E. 24 AVENUE AND N.E. 25 AVENUE; 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 33-133 of the Code of Miami-Dade County is hereby amended as follows:¹

**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:

*

*

*

(C) Except as may provided in Sections 33-133(A) and (B) hereof, on all section lines, eighty (80) feet shall be the minimum right-of-way width, and on all other half-section (also known as quarter-section) lines, seventy (70) feet shall be the minimum official right-of-way width. The provisions of this subsection shall not apply to those properties described in Section 33B-13(a) herein with the exceptions of S.W. 136 Street from S.W. 187 Avenue to S.W. 209 Avenue; S.W. 168 Street from Levee L-31N to S.W. 237 Avenue; S.W. 237 Avenue from S.W. 168 Street to S.W. 160 Street; Ingraham Highway (formerly S.R. 27); and that portion of N.W. 87 Avenue from N.W. 197 Terrace north to the north County line. Furthermore the provisions of this subsection shall not apply to that portion of S.W. 122 Avenue which lies within the S.E. 1/4 of the S.W. 1/4 of Section 36, Township 54, Range 39; nor shall

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.

the provisions of this subsection apply to that portion of the South 40 feet of N.W. 106 Street which lies between N.W. 112 Avenue and N.W. 117 Avenue or that portion of N.W. 122 Avenue south of N.W. 25 Street to theoretical N.W. 21 Terrace; nor shall the provisions of this subsection apply to that portion of S.W. 102 Avenue which lies between Black Creek Canal and SW 232 Street; nor to the portion of Red Road (57 Avenue), north of Old Cutler Road to S.W. 74 Street (unincorporated area) >>; nor shall the provisions of this subsection apply to that portion of N.E. 191 Street which lies between N.E. 24 Avenue and N.E. 25 Avenue<<.

*

*

*

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: **September 2, 2008**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Eduardo I. Sanchez

Sponsored by Commissioner Sally A. Heyman

5

MEMORANDUM

Amended
Agenda Item No. 7(E)

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

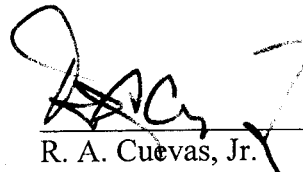
DATE: September 2, 2008

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

SUBJECT: Ordinance amending Article
LXVIII, relating to the
Agricultural Practices Study
Advisory Board

Ordinance No. 08-101

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson and Co-Sponsors Commissioner Rebeca Sosa and Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum



Date: September 2, 2008

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

From: George M. Borges
County Manager

Subject: Ordinance amending Article LXVIII; relating to the Agricultural Practices Study
Advisory Board

The ordinance relating to the Agricultural Practices Study Advisory Board will not have a fiscal impact to Miami-Dade County.



Alex Munoz
Assistant County Manager

fiscal05508

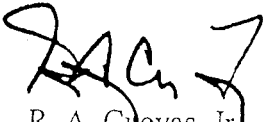


MEMORANDUM

(Revised)

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

DATE: September 2, 2008

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

SUBJECT: Amended
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 _____

Amended
Agenda Item No. 7(E)
9-2-08

ORDINANCE NO. 08-101

ORDINANCE AMENDING ARTICLE LXVIII SECTIONS 2-931 THROUGH 2-933 AND CREATING SECTIONS 2-934 THROUGH 2-936 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE), PERTAINING TO THE AGRICULTURAL PRACTICES STUDY ADVISORY BOARD (BOARD); PROVIDING DEFINITIONS; ELECTION OF OFFICERS, AND FORMATION OF COMMITTEES; MODIFYING TERMS OF OFFICE AND FILLING OF VACANCIES; EXPANDING BOARD'S AUTHORITY TO MAKE RECOMMENDATIONS ON PROPOSED OR EXISTING 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. Article LXVIII Sections 2-931 through 2-933 of the Code of Miami-Dade County, Florida, are hereby amended to read as follows¹:

ARTICLE LXVIII. AGRICULTURAL PRACTICES ~~[[STUDY]]~~ ADVISORY BOARD

Sec. 2-931. Creation; purpose; duties.

There is hereby created and established an advisory board to be known as the Agricultural Practices ~~[[Study]]~~ Advisory Board. Its purpose shall be to >>review proposed or existing<< ~~[[conduct a study of the]]~~ regulation>>s or legislation pertaining to<< ~~[[of]]~~ agricultural practices in Miami-Dade County ~~[[, review the Agricultural Land Use Study]]~~, and to provide recommendations to the Board of County Commissioners with regard to such regulations >>and legislation<< ~~[[and Agricultural Land Use Study]]~~.

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.

~~[[In order to fulfill purpose, the]]~~ >>The duties of<< the Board shall >>be to:<< ~~[[prepare and submit to the Board of County Commissioners an annual report addressing the following:]]~~

(a) >>Evaluate<< ~~[[An overview]]~~ >>on an ongoing basis<<of all pertinent >>existing or proposed federal,<< state, regional>>,<< and local regulations, statutes, ordinances>>,<< and policies>> concerning or impacting ~~[[agriculture]]~~ >>the agricultural industry<< in Miami-Dade County;

(b) >>Provide recommendations<< ~~[[Recommendations]]~~ for eliminating or reducing duplication of effort when two (2) or more governmental entities administer similar regulatory programs;

(c) >>Provide recommendations<< ~~[[Recommendations]]~~ for eliminating or modifying >>language in the Code of Miami-Dade County and/or<< regulatory activities that have mutually exclusive or contradictory criteria or goals;

(d) >>Provide recommendations<< ~~[[Recommendations]]~~ for eliminating or modifying >>language in the Code of Miami-Dade County and/or<< regulatory activities that create undue burden or hardship on the agricultural industry; ~~[[and]]~~

(e) >>Provide recommendations<< ~~[[Recommendations]]~~ for modifying or implementing provisions >>from any future or previously conducted study or plan that has the ability to impact the agricultural industry<< ~~[[in the Agricultural Land Use Study]]~~; and

>>(f) Prepare draft language to the Board of County Commissioners amending relevant sections of the Code of Miami-Dade County.<<

~~[[Sec. 2-932. Membership; qualifications.~~

~~(a) There shall be a total of thirteen (13) members appointed by the Board of County Commissioners as follows:~~

~~(1) Two (2) representatives from the Tropical Fruit Crops Industry of Miami-Dade County, one (1) recommended by Florida Lime and Avocado Committee, and one (1) recommended by the Tropical Fruit Growers of South Florida and Florida's Tropical Fruit Advisory Council;~~

✓

- ~~(2) Two (2) representatives from the nursery industry, recommended by the Miami Dade County Chapter of the Florida Nurserymen and Growers Association;~~
- ~~(3) Two (2) representatives from the vegetable industry, recommended by the Miami Dade County Farm Bureau;~~
- ~~(4) One (1) representative of the aquaculture industry, recommended by the ornamental Aquaculture Association of South Florida;~~
- ~~(5) One (1) representative of a citizens' association supportive of agriculture, recommended by the Redland Citizens' Association;~~
- ~~(6) One (1) representative of allied agribusiness, recommended by the Miami Dade AgriCouncil;~~
- ~~(7) One (1) representative of agri-banking, recommended by the Homestead Florida City Chamber of Commerce;~~
- ~~(8) One (1) representative of Farm Labor, recommended by Coalition of Florida Farmworkers Organizations;~~
- ~~(9) One (1) representative of the South Dade Soil & Water Conservation District, recommended by the South Dade Soil & Water Conservation District; and~~
- ~~(10) One (1) at large representative recommended by the Miami Dade Agricultural Practices Study Advisory Board.~~

~~(b) If a vacancy occurs, it shall be filled by the Board of County Commissioners from a slate of nominees selected by the County Manager through a selection process implemented by the Planning Department. Nominees shall be members of recognized agricultural interest organizations and shall have a demonstrated interest in the agricultural industry in Miami Dade County.]]~~

>>Sec. 2-932. Definitions

For the purposes of this article, the following definitions apply:

Allied Agribusiness – a proprietorship, partnership, or other firm that provides goods, services, or supplies to those actively engaged in bona fide agriculture.

Board - the Agricultural Practices Advisory Board.

Director - the Director of the Department of Planning and Zoning or his or her designee.

Legislation – statutes, ordinances, resolutions, and policies.<<

[[Sec. 2-933. Terms; staff support.

~~Members shall have a major portion of their income from or work time devoted to production agriculture in Miami-Dade County, and shall be appointed for terms of three (3) years, with none serving more than two (2) consecutive terms in the same position. The County Manager shall designate representatives from the Department of Planning and Zoning to provide appropriate staff support to the Board.~~

- ~~(a) Transition. In the year 2000 (Transition Year 1) there will be two (2) at large representatives, one (1) appointed for the regular three (3) year term and one (1) appointed for one (1) year only. There will therefore be a total of fourteen (14) members in Transition Year 1 only. Otherwise, the transition from the current board to the new board and three (3) year term rotations shall occur as follows:~~

~~Year 1 Transitions and Term Rotations:~~

- ~~1. Florida Lime & Avocado Committee (replacing current Tropical Fruit Growers of South Florida position)~~
- ~~2. At large representative (replacing current Tropical Fruit Growers of South Florida position)~~
- ~~3. Farm labor (replacing current Tropical Fruit and Vegetable position)~~
- ~~4. Nursery representative #2 (replacing current Tropical Fruit Advisory Council position)~~
- ~~5. Citizens' Association~~

~~Year 2 Transitions and Term Rotations:~~

- ~~1. Tropical Fruit representative (replacing current Florida Mango forum position)~~
- ~~2. Vegetable representative #1~~
- ~~3. South Dade Soil & Water Conservation District~~

~~4.—Allied Agribusiness~~

~~Year 3 Transition and Term Rotations:~~

~~1.—Nursery representative #1~~

~~2.—Vegetable representative #2~~

~~3.—Agri-banking~~

~~4.—Aquaculture.]]~~

>>**Sec. 2-933. Membership; qualifications.**

There shall be a total of thirteen (13) members appointed by the Board of County Commissioners as follows:

- (1) Two (2) representatives from the Tropical Fruit Crops Industry of Miami-Dade County, one (1) recommended by the Florida Avocado Committee, and one (1) recommended by the Tropical Fruit Growers of South Florida, Inc.;
- (2) Two (2) representatives from the nursery industry, recommended by the Miami-Dade County Chapter of the Florida Nursery Growers & Landscape Association;
- (3) Two (2) representatives from the vegetable industry, recommended by the Dade County Farm Bureau;
- (4) One (1) representative of the aquaculture industry, recommended by the Ornamental Aquaculture Association of South Florida;
- (5) One (1) representative of a citizens' association supportive of agriculture, recommended by the Redland Citizens' Association;
- (6) One (1) representative of allied agribusiness recommended by the Dade AgriCouncil;
- (7) One (1) representative of agri-banking, >>agri-financial consulting, or agri-lending<< recommended by the Homestead-Florida City Chamber of Commerce;
- (8) One (1) representative of Farm Labor, recommended by Coalition of Florida Farmworkers Organizations;

(9) One (1) representative of the South Dade Soil & Water Conservation District, recommended by the South Dade Soil & Water Conservation District; and

(10) One (1) at large representative recommended by the Miami-Dade Agricultural Practices Advisory Board.

Members shall have a majority of their income from or work time devoted to production agriculture in Miami-Dade County, hold membership in recognized agricultural organizations, or have a demonstrated interest in the agricultural industry in Miami-Dade County. <<

Section 2. Sections 2-934 through 2-936 of the Code of Miami-Dade County are hereby created to read as follows:

>>Sec. 2-934. Terms; Term Limits

Members shall be appointed for terms of four years, and no member may serve more than two terms, consecutive or otherwise. Members of the Board as of the effective date of this ordinance ("Current Members") shall serve out the terms for which they were appointed. Thereafter, Current Members who have served only one term may be reappointed for one four-year term. Current members who have served two or more terms may not be reappointed to the Board.<<

>>Sec. 2-935 Vacancies; election of officers; committees; meetings and records.

(a) Vacancies. If a vacancy occurs, it shall be filled by the Board of County Commissioners. The designated organizations listed in Section 2-933 shall submit at least one nominee from their respective organizations, including the nominee's resume and the minutes of the board meeting approving the nominee to the County Manager, who shall forward the nominee to the Board of County Commissioners in a timely manner. In the case where a member organization fails to submit a nomination for a replacement member within 45 days of notification of a vacancy, the Board shall propose

a nominee to fill the vacancy. The nominee shall be approved at a meeting of the Board, and the Board shall forward the minutes approving such nominee, together with the nominee's resume, to the County Manager, who shall forward the nominee to the Board of County Commissioners in a timely manner.

(b) Election of officers. The Board shall annually elect a Chairperson and Vice-Chairperson from among its members at the Board's last meeting of each calendar year, or at the first Board meeting after a vacancy may occur in such positions. The Chairperson shall preside at all meetings at which he or she is present. The Vice-Chairperson shall act as Chairperson in the absence or inability of the Chairperson.

(c) Committees. The Board may establish or eliminate committees at its discretion; however, only two such committees may be in existence at any time. In no instance shall the authority to act or speak in the name of the Board be delegated to any committee. The Chairperson shall nominate and appoint the chairperson and members of such committees as the Board shall find helpful to their mission. The committee chairperson shall schedule committee meetings, set the agenda, establish guidelines for discussion at committee meetings, and ensure that committee meeting minutes are properly recorded. Committees shall consist of at least three (3) members appointed by the Chairperson. Fifty-one percent of a committee's membership shall constitute a quorum.

(d) Meetings. The Board shall hold regular meetings at least bimonthly and at other times in consultation with the Director.<<

>>Sec. 2-936 Staff support.

(1) The Director shall designate representatives from the Department of Planning and Zoning to prepare meeting agendas, advertise meeting dates, record minutes from meetings of the Board, reserve meeting locations, arrange for speakers, administer the filling of vacancies, prepare and forward resolutions adopted by the Board to the County Manager, and provide the Board with a monthly update of the progress of such resolutions as they move through the legislative process.

(2) Representatives from the Department of Planning and Zoning shall prepare draft ordinances and correspondence. <<

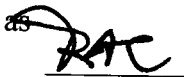
Section 3. If any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

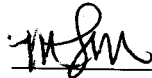
Section 5. This ordinance shall become effective ten (10) days from the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: **September 2, 2008**

Approved by County Attorney as
to form and legal sufficiency.



Prepared by:



M. Leigh Macdonald

Prime Sponsor: Commissioner Katy Sorenson
Co-Sponsor: Commissioner Rebeca Sosa and
Senator Javier D. Souto

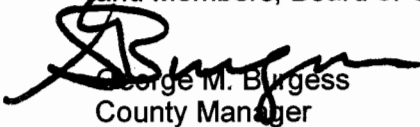
Memorandum



Date: (second Reading 9-2-08)
June 17, 2008

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

Agenda Item No. 7(F)

From: 
George M. Burgess
County Manager

Ordinance No. 08-102

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

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 surfacing during the administrative site plan review process, to begin to incorporate Leadership in Energy and Environmental Design (LEED) criteria, and to accommodate certain existing conditions that were unanticipated at the time the regulations were originally adopted.

Section 1 of this ordinance revises the uses section of the Standard Regulations by (a) expanding the land uses where family day care, group homes and civic uses are permitted, and (b) allowing amusement centers in mixed-use buildings.

Section 2 of this ordinance updates some of the building placement diagrams and the street type parameters table. The updates to the diagrams primarily clarify setback requirements, while that of the table is to clarify that the required width of the travel lanes is a minimum criteria. This revised section was developed with the assistance of the site plan reviewers and with input provided by the Public Works Department.

Section 3 of this ordinance revises the General Requirements section of the Standard Regulations in order to update the lots and blocks, buildings, open space, parking, street lighting, and walls and fences sections. These proposed changes are summarized below.

- **Lots and Blocks:** Amends the minimum lot requirement table to clarify that courtyard and sideyard houses in the Core and Center Sub-districts require service roads and that there is not such requirement for these housing types in the Edge Sub-district.
- **Buildings:** Clarifies the height of stories for mixed-use and multi-family buildings. It also clarifies that rowhouses can be three stories anywhere within the urban center districts.
- **Open Space:** There are several amendments to this section mostly resulting from the addition of language regulating recreation areas of private educational facilities in urban centers. Private educational facilities are currently required to provide outdoor recreation areas as per the criteria in Sec. 33-151.18 of the Code of Miami-Dade County. The current criteria are considered sub-urban in nature and not suitable for compact urban spaces, such as the urban centers. The proposed recreation area criteria are more in tune with the national trend for urban, infill and mixed-use schools and, as opposed to the current criteria, it provides for both indoor and outdoor recreation areas.
- **Parking:** There are several amendments to this section including exempting educational facilities located within mixed-use buildings from the auto stacking requirements of the code, allowing parking in a tandem configuration for all single-family home types' and providing for mechanized parking in mixed-use, non-residential and multi-family buildings.
- **Street Lighting:** Amends the spacing between light fixtures in order to comply with Leadership in Energy and Environmental Design (LEED) criteria.
- **Walls, fences and hedges:** Amends the walls, fences and hedges table to clarify the material(s) allowed for walls and for fences.

Section 4 of this ordinance revises the Signs section of the Standard Regulations in order to (1) adjust the maximum size of different types of permitted signs; (2) clarify the criteria for buildings located in industrial areas; and (3) allow special signs associated with auditoriums, convention halls, theaters and movie theaters.



Assistant County Manager




MEMORANDUM

(Revised)

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

DATE: September 2, 2008

FROM: 
R. A. Cuevas, Jr.
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)

9-2-08

ORDINANCE NO. 08-102

ORDINANCE REVISING ZONING AND OTHER LAND DEVELOPMENT REGULATIONS PERTAINING TO THE STANDARD URBAN CENTER DISTRICT ("STANDARD REGULATIONS"), AMENDING SECTIONS 33-284.83, 33-284.85 THROUGH 33-284.87, 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 33-284.83 of the Code of Miami-Dade County, Florida is hereby amended as follows¹:

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,

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.

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	>>X	X	X	X<<	family day care (upon compliance with the applicable requirements [[of the RU-1 zoning district regulations]]>>provided herein<<)
X	X	>>X	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	>>X	X	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 provide herein, and when vertically integrated with other lawful uses in MM
					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):

- a. Multiple family apartment units shall be permitted in MM areas only when vertically integrated with other lawful uses.
- b. Multiple family apartment units shall be permitted in MO and MC areas, either alone or when vertically integrated with other lawful uses.
- c. The professional office, institutional and business uses provided in this sub-section shall be permitted in MC areas, either alone or when vertically integrated with other lawful uses.
- d. professional offices, as allowed in the RU-5 zoning district
- e. civic uses
- f. schools, in accordance with applicable provisions of this code
- g. governmental offices
- h. hotels and apartment hotels, density not to exceed seventy-five (75) dwelling units per net acre.
- i. the following business uses:
 - (1) antique shops
 - (2) apparel store new and used merchandise, provided such establishments contain no more than 4,000 square feet of gross floor area
 - (3) appliance and electrical fixture stores
 - (4) art goods stores, artist studios, galleries, and museums
 - (5) auditoriums, convention halls, and theaters
 - (6) bait and tackle shops
 - (7) banks, excluding drive-in teller services
 - (8) banquet halls and convention halls
 - (9) beauty parlors
 - (10) bakeries
 - (11) barber shops
 - (12) bicycle sales, rentals, and repairs (non-motorized)
 - (13) billiard rooms >>and amusement centers<<

* * *

(56) other similar ~~[[small]] retail [[stores]]~~ >>uses<<, provided such establishments contain no more than 4,000 square feet of gross floor area

Section 2. Section 33-284.85 of the Code of Miami-Dade County, Florida is hereby amended as follows:

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

* * *

B. The following diagrams and table establish the Street Type Parameters by sub-district.

* * *

2 Building Placement, MIXED-USE BUILDING

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

COMMUNITY URBAN CENTERS

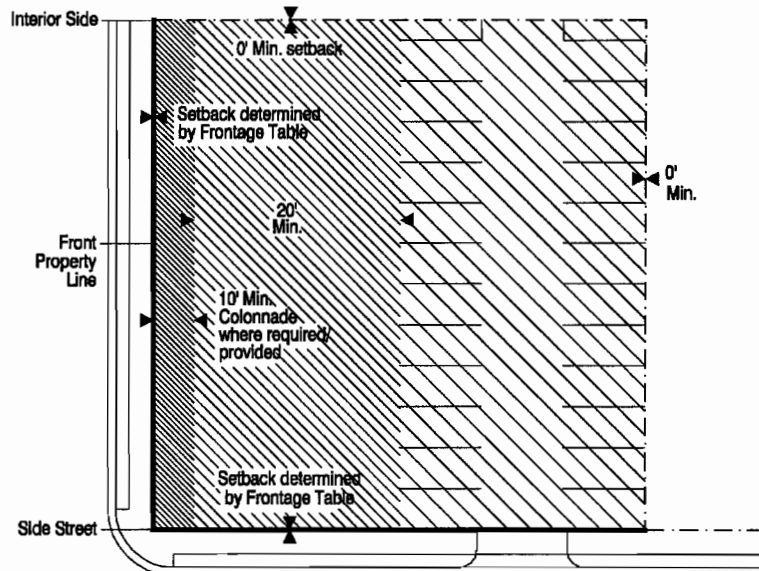
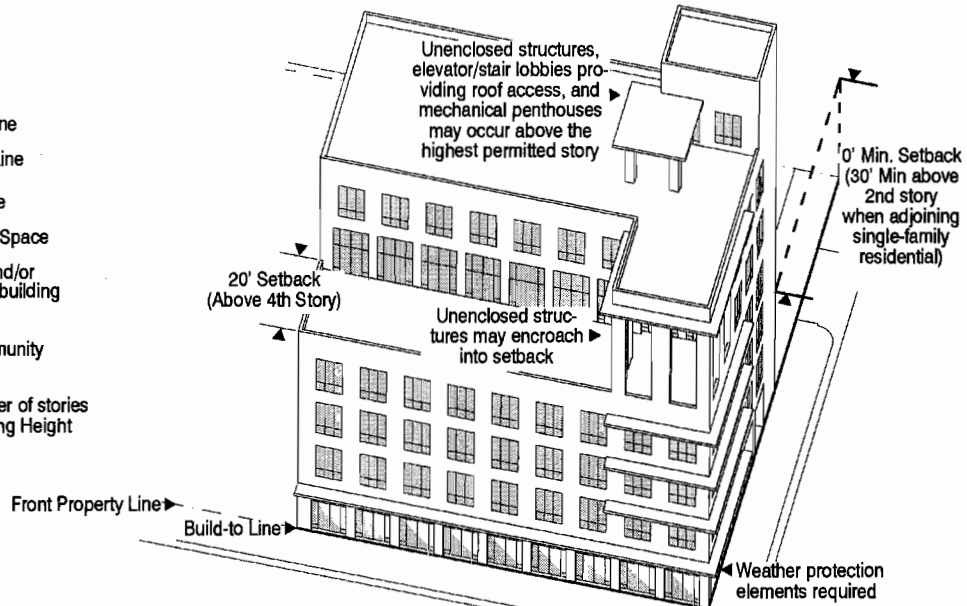
II

Min: Minimum
Max: Maximum
Req: Required

— Build to Line
- - - Property Line

Colonnade
Habitable Space
Parking and/or allowable building area

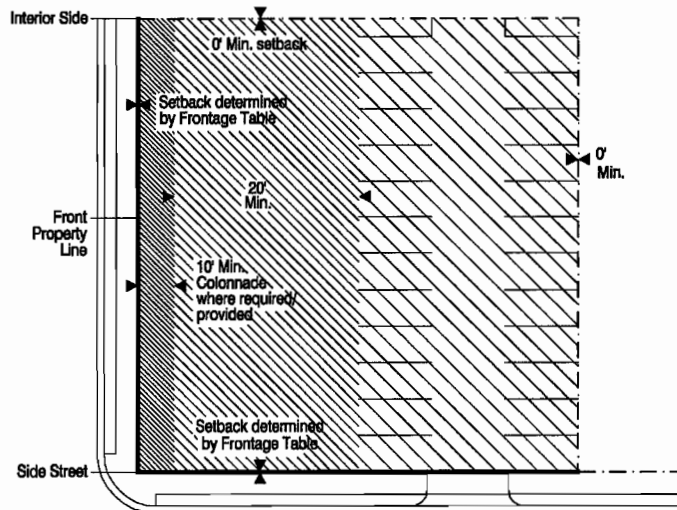
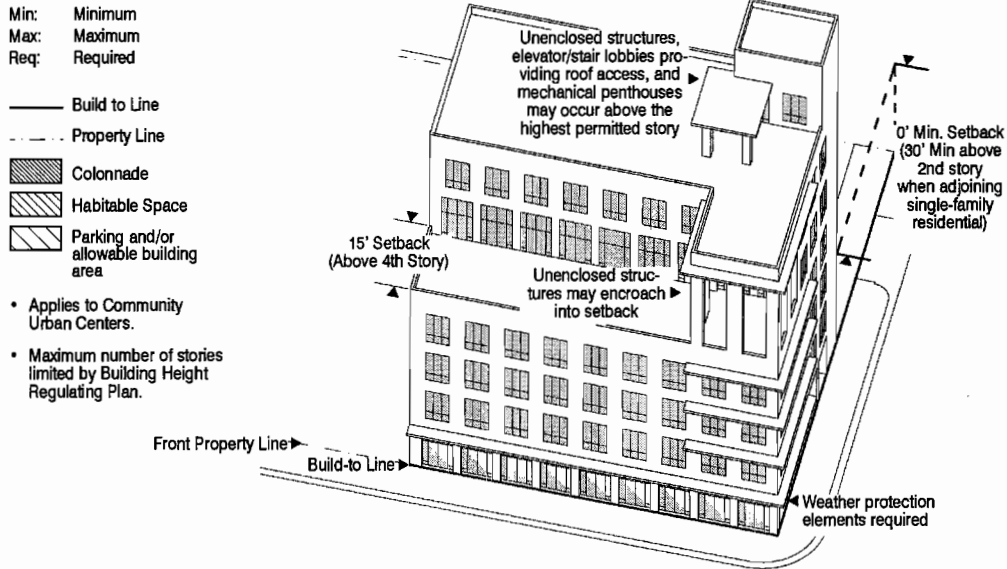
- Applies to Community Urban Centers.
- Maximum number of stories limited by Building Height Regulating Plan.



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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.

>>Above the 4th story the setback shall be from the front property line.<<

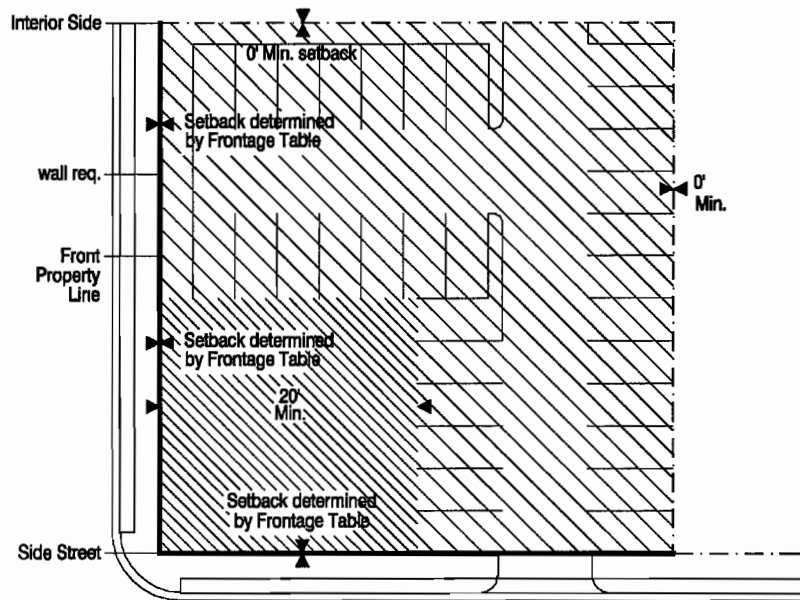
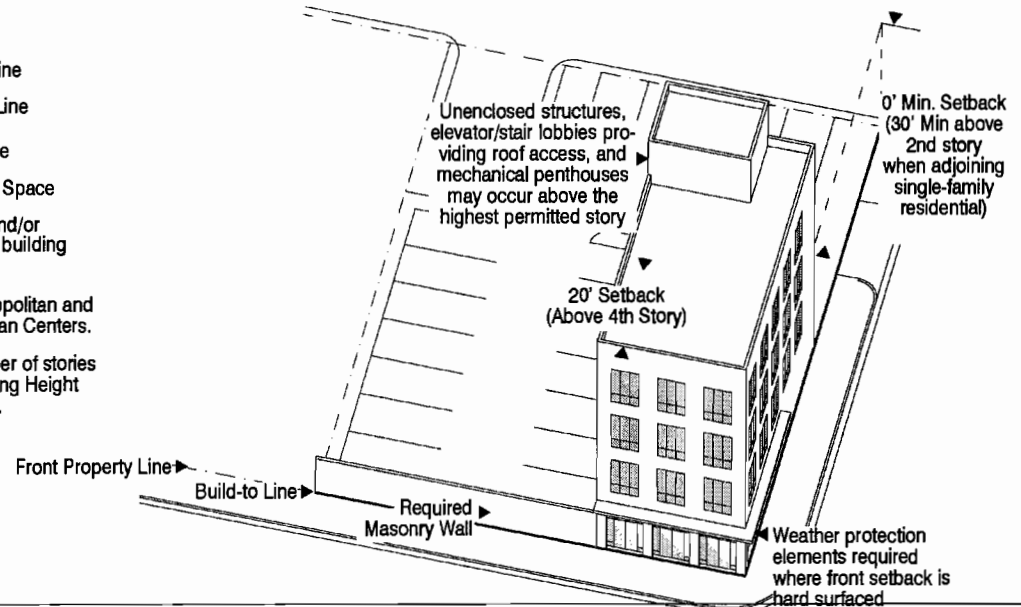
3. Building Placement, INDUSTRIAL BUILDING
INDUSTRIAL (ID) CORE/CENTER/EDGE
METROPOLITAN/COMMUNITY URBAN CENTERS

[[

Min: Minimum
Max: Maximum
Req: Required

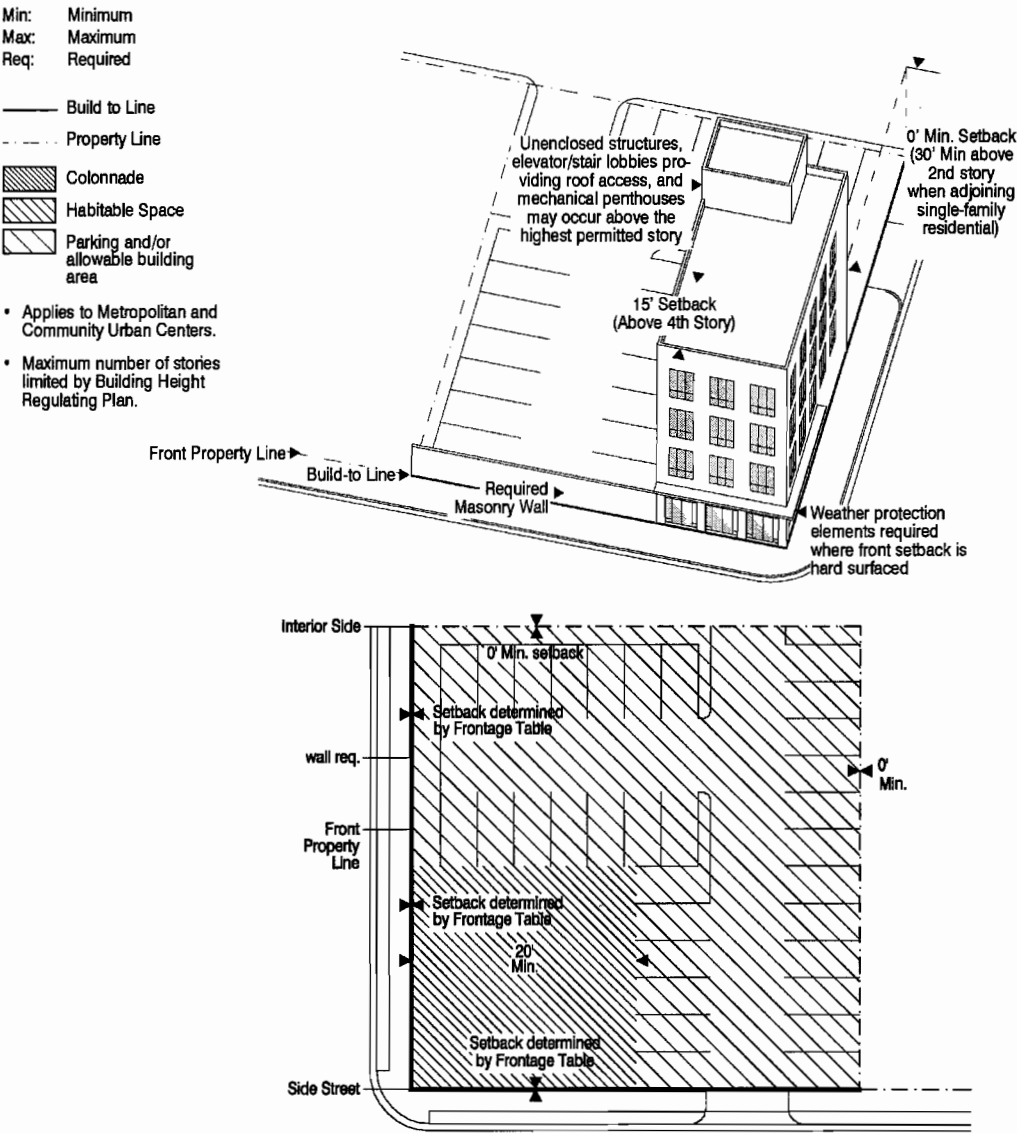
- Build to Line
- Property Line
- Colonnade
- Habitable Space
- Parking and/or allowable building area

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



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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.

>>Above the 4th story the setback shall be from the front property line.<<

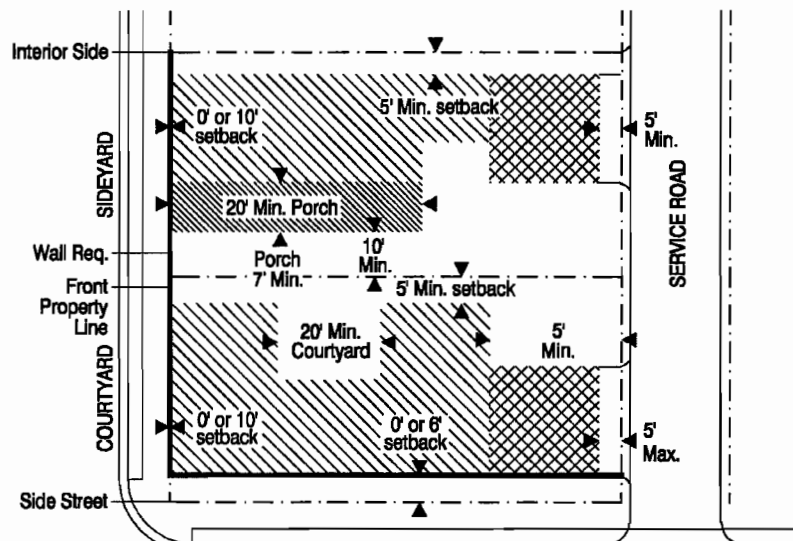
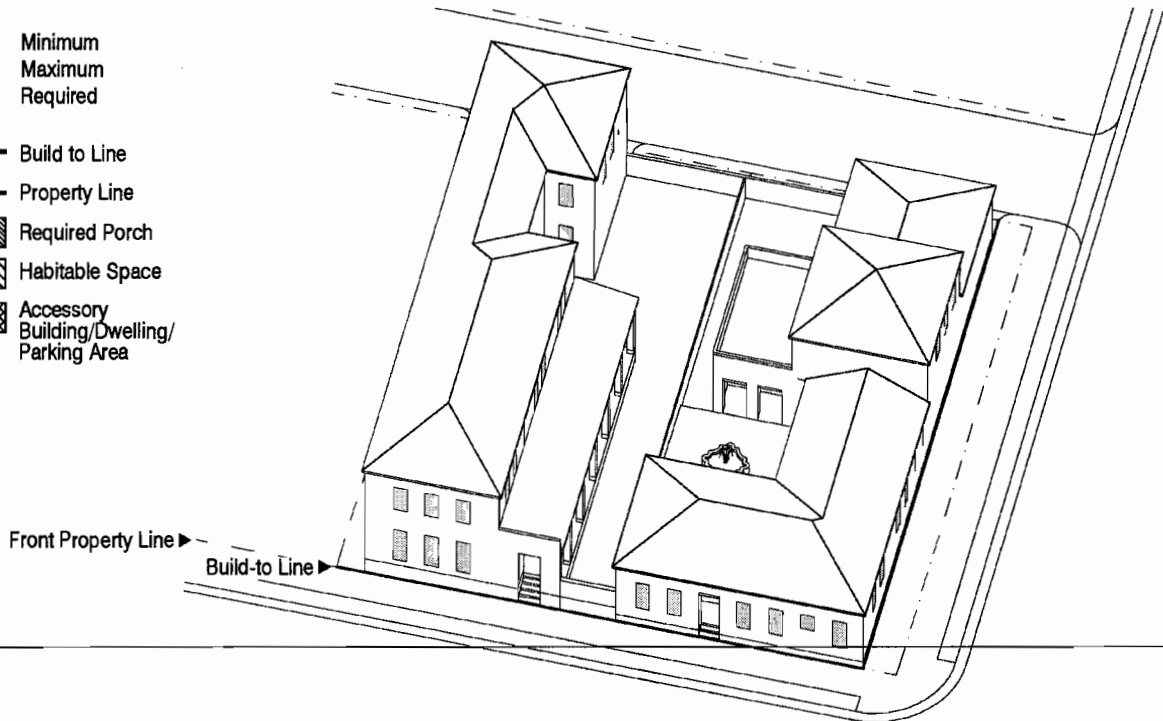
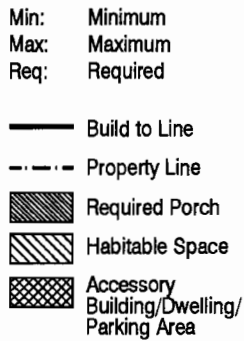
* * *

6. Building Placement, COURTYARD AND SIDEYARD HOUSES

RESIDENTIAL (RM, R) CENTER/EDGE

METROPOLITAN AND COMMUNITY URBAN CENTERS




[[

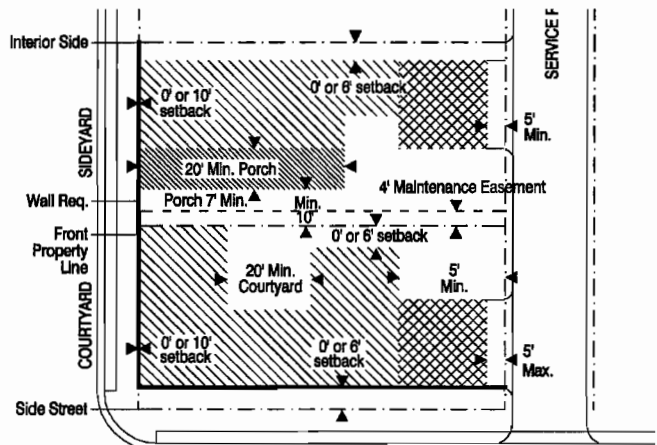
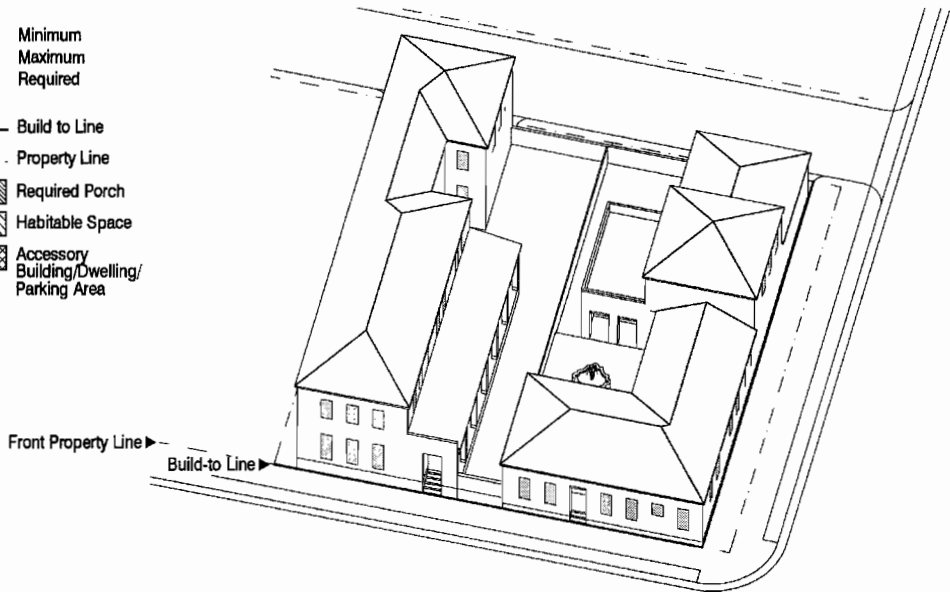


11

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



<<

For Sidyard 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.

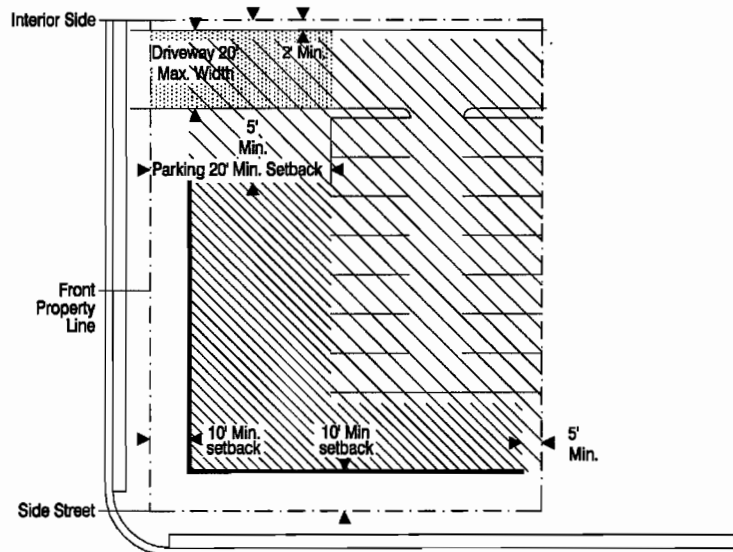
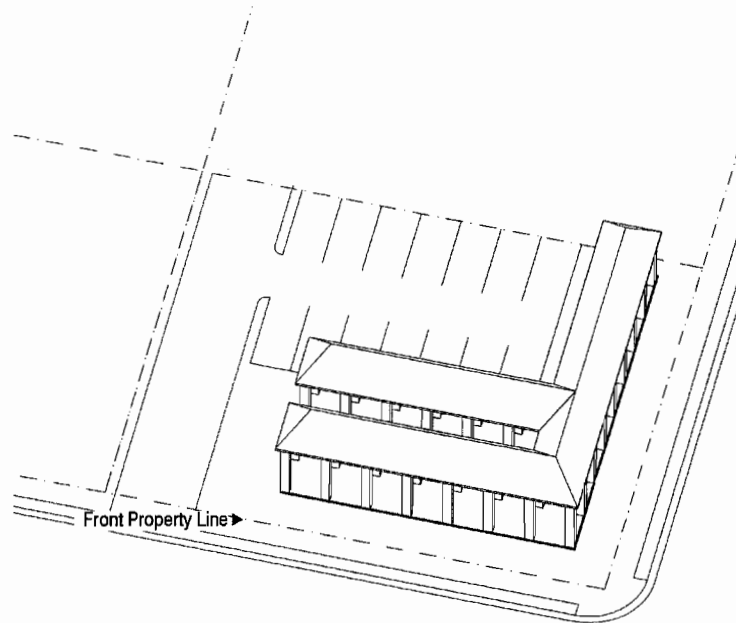
>>For new subdivisions, when the side setback is zero (0) feet, a perpetual four-foot wall-maintenance

easement shall be provided on the lot adjacent to the interior property line, which, with the exception of walls and/or fences, shall be kept clear of structures. When adjoining or abutting an existing platted subdivision or parcel, the side setback shall be six (6) feet. <<

* * *

>> 13. Building Placement, MARKET DISTRICT
COMMUNITY URBAN CENTERS

- Min: Minimum
Max: Maximum
Req: Required
- Build to Line
- - - Property Line
-  Habitable Space
 Parking and/or allowable building area
- Maximum number of stories limited by Building Height Regulating Plan.



<<

	A. Sidewalk [1]	B. Landscape [2,3]	C. Curb/ Gutter [4]	D. Parking Lane [5]	E. Bike Lane	F. Travel Lanes [6] >>[minimum]<	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

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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 3. Section 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 >>in the Core or Center Sub-districts. No service road required for these types in the Edge Sub-district<<.	
** when service roads are not provided.	
*** when service roads are provided.	
**** parcels established prior to the effective date of this ordinance.	
<i>Block Requirements</i>	
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.

11. 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 as follows:

- (a) >>Multi-family or mixed-use b<<[[B]]uildings with less than six stories may have a single story 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) >>Multi-family or mixed-use b<<[[B]]uildings 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.

* * *

13. >>Notwithstanding the designated heights on the building heights regulating plans<< [[~~in the Edge-Sub-district~~]], rowhouses may have up to 3 stories [[~~when fronting a green~~]].

* * *

C. Open Space>>s and Recreation Areas<<.

>>1.<< Open spaces under this article shall be classified as [[(4)]]>>(a)<< designated or [[(2)]]>>(b)<< private open spaces.

[[4-]]>>a.<< Designated open spaces shall be subject to the following requirements:

[[a-]]>>1.<< The general location, area, and dimensions shall conform with the Designated Open Space Plan.

[[b-]]>>2.<< Designated open spaces shall include the anchor point depicted on the Regulating Plan, and shall be provided at grade level.

[[c-]]>>3.<< Provided that all other parameters on the Designated Open Space Plan are met and that an individual/developer owns the entire designated open space area and an adjacent area, the final location of the

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designated open space may be pivoted around its anchor point onto such adjacent area, allowing the area previously designated as open space to be developed as permitted in the land use regulating plan.

4.4. Designated open spaces shall be provided in the form of squares, greens, or plazas as provided in the Designated Open Space Plan. Golf courses and parking lot buffers shall not count towards the designated open space requirement. Fifty percent of an area designated as open space may contain a lake.

5.5. No replatting or other land subdivision shall divide property in such a way that required designated open space is avoided or its location changed.

6.6. Designated open spaces shall be shaded, and their ground surface shall be a combination of paving materials, lawn, or ground cover.

7.7. If a lot or group of lots is designated entirely as open space in the Designated Open Space Plan and is surrounded predominantly by residential parcels, half of the lot or group shall be developable in a contiguous pattern and at a density in compliance with its land use designation for the entire parcel. Two additional stories above the number of stories permitted by the Sub-districts and Building Heights Plans shall be permitted. Under this circumstance, the developable portion shall not be required to comply with the private open space requirement for residential development provided herein.

8.8. If a lot or group of lots is designated partially as open space in the Designated Open Space Plan, the portion not designated as open space shall be developable in a contiguous pattern at a density/intensity which will equal the density/intensity permitted by the land use designation for the entire parcel. Up to an additional two stories above the number of stories permitted by the Sub-districts and Building Heights Plans shall be permitted to allow the increased density/intensity only. [Said stories, if required to accommodate the additional density/intensity, shall front the designated open space.]

9.9. Around designated open spaces, the building's frontage, height and placement shall be in accordance with the Building Placement and Design Parameters.

10. Private open spaces shall be subject to the following requirements:

[[e-]]>>1.<< Private open spaces shall be provided in the form of colonnades, courtyards, terraces, and lawns. Lakes, golf courses, and parking lot buffers shall not count towards the open space requirement.

[[e-]]>>2.<< All residential developments, except for multi-family residential and livework units, shall provide a minimum of 400 square feet of private open space per lot, in the form of courtyards, terraces, and lawns.

[[e-]]>>3.<< All multi-family residential developments, including mixed-use developments, shall reserve a minimum of 10 percent of the site for common, private open space. Colonnades ~~[[where-required]]~~ shall count towards this requirement.

[[e-]]>>4.<< Private open spaces shall be shaded, and their ground surface shall be a combination of paving materials, lawn, or ground cover. Enclosures of private open spaces shall comply with subsection H below.

[[e-]]>>5.<< Properties in the Industrial District (ID) area shall provide a minimum of 10 percent of the net lot area as private open space.

[[e-]]>>6.<< Open Space Dedication In addition to the open space required in Sec. 33-284.86 (C), for residential development over 50 units an additional dedication not to exceed 2 acres each may be made for parkland and public school use.

>>2. Recreation Areas

Educational and child care facilities located within an Urban Center District shall be exempt from the outdoor recreation area requirements of Section 33-151.18(a) of this Code and shall be required to provide indoor and/or outdoor recreation areas subject to the following requirements:

<u>Categories</u>	<u>Required Recreation Area (**)</u>
<u>Child care/day nursery/kindergarten and preschool and after-school care</u>	<u>22.5 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time.</u>
<u>Elementary school (grades 1-6)</u>	<u>250 square feet per student for the first 30 students; thereafter, 150 square feet per student.</u>
<u>Junior and senior high school (grades 7-12)</u>	<u>400 square feet per student for the first 30 students; 150 square feet per student for the next 300 students; thereafter, 75 square feet per student.</u>
<p><u>* Where there are category combinations, each classification shall be calculated individually</u></p> <p><u>** Recreation Area consists of indoor and outdoor recreation areas. Indoor-recreation areas may consist of indoor playgrounds, indoor pools, gymnasiums and/or indoor ball courts and/or similar indoor recreation facilities. Outdoor recreation areas may include rooftop facilities. <<</u></p> <p style="text-align: center;">* * *</p>	

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.

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2. At minimum, 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 spaces/1 bedroom unit
1.5 spaces/2 bedroom unit
1.75 spaces/3 or more bedroom units
Workforce Housing Units:
Work-housing units may reduce the parking requirements of this section by 0.25 spaces/unit.
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 section 33-124 of this code.

Civic uses: shall comply with section 33-284.51(B)(4) of this code.
>>Educational and child care facilities located within a mixed-use building shall be exempt from the auto-stacking requirements of section 33-151.18(c) of this code.<<
All other uses shall comply with the parking standards provided in section 33-124 of this code.

* * *

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. Required parking for single family homes, courtyard or sideyard houses, duplexes, urban villas and rowhouses may be provided in a tandem configuration.

14. Mechanized parking shall be allowed for residential multi-family and non-residential buildings within the Urban Center Districts and, when provided, shall be exempt from the provisions of section 33-122 of this code. For the purpose of this

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article, mechanized parking shall be defined as a mechanism with vertical and horizontal transport capability that provides for automobile storage and retrieval. A mechanized parking space may be counted toward the parking requirements of this section, provided that:

- a. A queuing analysis is submitted and approved during the Administrative Site Plan and Architectural Review.
- b. Mechanized parking shall be located within an enclosed building/garage which shall be screened along all frontages, except along a service road or a pedestrian passage, by a liner building containing a minimum depth of 20 feet of habitable space <<

* * *

G. *Street Lighting.* Street lighting shall comply with the following:

* * *

3. All light fixtures shall be of a pedestrian scale, with a maximum height of 18 feet and a maximum spacing between fixtures of [[40]] > 60 << feet.

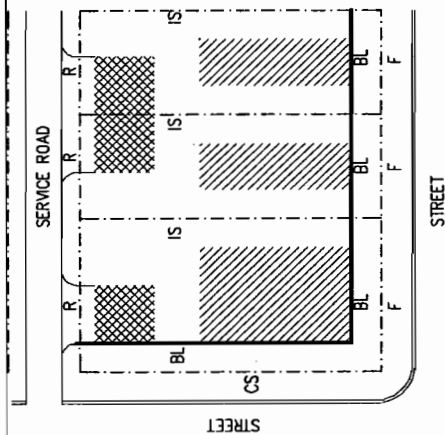
* * *

H. *Walls, fences, and hedges.* The following shall be permitted:

Location	Type and Material	Spacing	Height	Transparency
Around perimeter of designated open space	Walls [[fer]] Fences]] : Masonry>> wood, <u>Fences:<<[[i]]</u> wood, electrostatic plated aluminum, or wrought iron>><<	Posts and Pillars: Max. 10' Apart	Max. 3'-6" (*)	75% Minimum
	Hedges and shrubs	Max. 30" O.C.	At time of planting Min. 18"	N/A
In front of the build-to-line (BL), Along front (F), corner side (CS), interior side (IS), and rear (R) property lines	Walls [[fer]] Fences]] : Masonry>> wood, <u>Fences:<<[[i]]</u> wood, electrostatic plated aluminum, or wrought iron>><<	Posts and Pillars: Max. 10' Apart	Max. 3'-6" (*)	75% Minimum
	Hedges and shrubs	Max. 30" O.C.	At time of planting Min. 18"	N/A
Behind the build-to-line (BL), Along interior side (IS) and rear (R) property lines	Walls [[fer]] Fences]] : Masonry>> wood, <u>Fences:<<[[i]]</u> wood, electrostatic plated aluminum, or wrought iron>><<	N/A	Min. 48" Max. 72"	75% Maximum
	Hedges and Shrubs	Max. 30" O.C.	At time of planting Min. 18"	N/A
	Chain Link	Max. 48" O.C.	Max. 72"	N/A
		N/A	Min. 60" Max. 72"	N/A

25

Location	Type and Material	Spacing	Height	Transparency
Along the build-to-line (BL)	Walls Masonry>>: Fences:<<[[r]] wood, electrostatic plated aluminum, or wrought iron>>.<<	Posts and Pillars: Max. 10' Apart	Min. 48" Max. 72"	25% Maximum
	Hedges and shrubs	Max. 30" O.C.	At time of planting Min. 18"	N/A
		Max. 48" O.C.	Max. 72"	
Parking Areas Along Streets	Walls Masonry>>: Fences:<<[[r]] wood, electrostatic plated aluminum, or wrought iron>>.<<	Posts and Pillars: Max. 10' Apart	Min. 3'-6" (*)	25% Maximum
	Hedges and shrubs	Max. 48" O.C.	At time of planting Min. 3'-6"	N/A
		N/A	N/A	N/A
Construction Areas	Chain Link	N/A	N/A	N/A
Industrial Areas Along B Streets Only	Chain Link	N/A	N/A	N/A
(*) excluding decorative elements of posts and pillars not to exceed 12" in height.				



Note:

Hedges and shrubs shall be subject to Chapter 18-A of this code.

Where a wall or fence is used for screening parking areas along streets a 5-foot landscape strip with a hedge shall be required in front of the wall or fence.

The maximum spacing for pillars and posts shall apply except along driveways.

Section 4. Section 33-284.87 of the Code of Miami-Dade County, Florida is

hereby amended as follows:

Sec. 33-284.87. Signs.

Except as provided herein, signage shall comply with section 33-284.63 of this code.

* * *

A. **Permanent Point of Sale Signs.** Permanent point of sale signs shall be permitted as follows:

1. The following permanent point of sale signs are permitted in all sub-districts in conjunction with permitted business and industrial uses: building identification, detached, flat attached, hanging, awning, and cantilever projecting.
 - a. Cantilever projecting signs shall be mounted and perpendicular to the building.
 - b. The copy of an awning sign shall only be located on the valance of the awning.
 - c. The bottom of a hanging sign shall be located at a minimum height of 8' from the finished floor.
2. Maximum size, location, and number of signs shall be as follows:

	Core	Center	Edge	Number of Signs
MUCs*	Building identification at top of building: [[300]] >>600<< sq. ft.		Building identification at top of building: 150 sq. ft.	One per street frontage per building
	Flat attached: 24 sq. ft.		Flat attached: 12 sq. ft.	One per tenant per street frontage
	Cantilever: [[8]] >>each face up to 12<< sq. ft.			
	Hanging, awning, detached, 6 sq. ft.			One of each type per tenant per street frontage

CUCs*	Building identification at top of building: [[150]] >> <u>300</u> << sq. ft.	[[Not applicable]]>> <u>Building identification at top of building: 300 sq. ft.<<</u>	Not applicable	One street frontage per building
	Flat attached: 24 sq. ft.	Flat attached: 12 sq. ft.	Flat attached: [[6]]>> <u>12</u> << sq. ft.	One tenant per street frontage
	Cantilever: [[8]]>> <u>each face up to 12</u> << sq. ft.			One of each type per tenant per street frontage
	Hanging, awning, detached, 6 sq. ft.			
Industrial	[[All signs** 24 sq. ft; Cantilever: 8 sq. ft.]] >> <u>Building identification at top of building: 300 sq. ft.<<</u>			One [[per tenant]] per street frontage >> <u>per building</u> <<
	>> <u>Flat attached: 24 sq. ft.</u>			One <u>tenant</u> per street frontage
	<u>Cantilever: each face up to 12 sq. ft.</u>			One of each type per tenant per street frontage<<
	<u>Hanging, awning, detached, 6 sq. ft.</u>			
* except for industrial areas (ID)				
[[** except for cantilever signs]]				

3. Illumination/lighting shall comply with section 33-96 of this code >>except as provided below<<.

>>a. Flat attached and cantilever signs utilizing flashing, moving, intermittent, chasing, or rotating lights shall be permitted in conjunction with auditoriums, convention halls, theaters, and movie theaters.

b. Automatic electric changing signs in the form of flat attached or cantilever signs shall be permitted in conjunction with auditoriums, convention halls, theaters, and movie theaters. The setback, spacing, minimum acreage, and landscape area requirements in section 33-96.1 shall not apply to such signs.<<

4. Maximum heights shall be as follows:

- a. 4 feet above grade to top of sign for detached signs;
- b. No limits for flat attached signs;
- c. For signs painted on the façade of a building or on the valance of an awning, the copy shall not exceed 1 foot.

B. Prohibited Signs. The following types of outdoor signs shall be prohibited:

1. automatic electric changing signs>>, except as provided in this section.<<
2. revolving, rotating, and other moving signs
3. backlit signs of any type
4. banners
5. flags (except for national flags)
6. roof signs
7. balloon signs
8. class C commercial signs or other outdoor advertising, except those within bus shelters.

* * *

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.

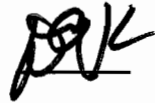
Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: September 2, 2008

Approved by County Attorney as
to form and legal sufficiency:

A handwritten signature in black ink, appearing to be "DAC", written over a horizontal line.

Prepared by:

A handwritten signature in black ink, appearing to be "DAK", written over a horizontal line.

Dennis A. Kerbel

(Public Hearing 11-6-08)

Date: October 21, 2008

Special Item No. 1A

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

From: George M. Burgess
County Manager

Ordinance No. 08-122

Subject: Ordinance Acting Upon April 2008 Small-Scale Amendments to the Comprehensive
Development Master Plan

O#08-122

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached Ordinance, (Special Item No. 1), which provides for the Board to adopt, adopt with change or deny the pending April 2008 Cycle Small-Scale Applications to amend the adopted Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Final action is recommended to be taken on the Ordinance at the conclusion of the CDMP public hearing scheduled to begin at 9:30 AM on Thursday, November 6, 2008.

Please be aware that Chapter 163.3177(12)(j), Florida Statutes (F.S.) precludes local governments from adopting amendments that increase residential density until a public school facilities element has been adopted. Thus, the Florida Department of Community Affairs (DCA) may find the following land use amendments invalid until an amendment to the CDMP, and an Interlocal Agreement with the School Board of Miami Dade County and the municipalities in Miami-Dade County establishing a public school concurrency program have been adopted as required by Chapter 163.3177(12)(j), F.S. This finding may be made by DCA even with a delayed effective date clause pending school concurrency in the ordinance.

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development in the County. This plan seeks to insure 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 April 2008 Cycle Applications have a countywide impact.

Fiscal Impact/Funding Source

The cost of implementing these four applications is minimal. County Ordinance No. 01-163 requires the evaluation of fiscal impacts for land use changes. Information on the fiscal impact of each request to amend the LUP map is presented in Appendix E at the end of each application review in the Department of Planning and Zoning's (DP&Z) Initial Recommendations Report (dated August 25, 2008). The Report is included in the agenda materials for the November 6, 2008 Public Hearing addressing all the April 2008 Applications to amend the CDMP, at which final action on this Ordinance will be considered.

Housing Impact

Adopting these four small-scale applications would only add a total of 67 dwelling units to the supply of housing in the County. All four Small-Scale Applications in this amendment cycle contain Declarations of Restrictions, or covenants, that limit residential development. The covenant for Application No. 2 does not allow an increase in residential development, the covenant for Application No. 3 limits development only to the commercial use shown on the site plan, and Application No. 5 prohibits residential development. Since residential development is currently allowed on the site of Application No. 3, limiting it to commercial development would decrease the supply of housing by 33 dwelling units. Application No. 4 allows an additional 100 dwelling units, with five-percent (or 15 dwelling units) dedicated as workforce housing units. If all the other factors in the cost of housing were equal, an increase in supply might nominally decrease the cost of residential land, and hence, decrease the growth in housing costs. As the acreage involved is very small, the change in housing costs is not measurable at this point.

Track Record/Monitor

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

Background

The attached Ordinance provides for actions on four applications that were filed during the April 2008-Cycle requesting Small-Scale amendments to the LUP map of the CDMP (Application Nos. 2, 3, 4 and 5). State law allows the adoption of the small-scale application at the November 6, 2008 public hearing.

An application is eligible under State law to be processed as a Small-Scale amendment if it involves 10 or fewer acres and, if residential, it allows a density of 10 dwelling units per acre (10 du/ac) or less. Densities may be higher than 10 du/ac if the parcel involves the construction of affordable housing that meets state requirements, or is located in an Urban Redevelopment Area, Transportation Concurrency Exception Area or a Regional Activity Center. The maximum total acreage in a year of Small-Scale amendments is 120 acres for jurisdictions such as Miami-Dade County, which contain designated redevelopment and downtown revitalization areas, urban infill areas, transportation concurrency exception areas, and regional activity centers. However, a 60-acre annual limitation applies to areas outside of these specifically designated urban areas.

The four pending April 2008 Cycle applications involve a total of 11.75 gross acres, bringing the total gross acreage for the year for Small-Scale amendments to 22.73 gross acres (including the adopted October 2007 Cycle Small-Scale amendments). Therefore, based on the above acreage limitations, the Board has the ability to approve any or all of these proposed Small-Scale amendments without prior DCA review.

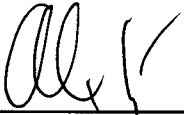
The Planning Advisory Board acting as Miami-Dade County's Local Planning Agency conducted its public hearing on October 6, 2008, at which they formulated their recommendations to the Board on all of the April 2008 cycle amendment applications. Attached is a matrix, titled Summary of Recommendations by the Department of Planning and Zoning, Community Councils and the Planning Advisory Board, addressing only the Small-Scale amendment requests to amend the LUP map of the CDMP.

At the November 6, 2008 public hearing, the Board could elect to adopt, adopt with change, or not adopt the Small-Scale amendments. If the Board does not adopt a Small-Scale amendment, it may elect, by separate resolution, to transmit it to DCA for review and to take final action in April 2009 after State-agency review. Denial or failure to adopt as a Small-Scale amendment and failure to transmit an application to DCA for review effectively denies approval of the application for this amendment cycle.

Ordinance Format

The Ordinance follows the same format for previous CDMP amendment cycles. That is, it contains blank spaces to record your action on each request contained in each application. However, the section that provides for the Board's action in the Ordinance is expanded and separated with the corresponding Applications. Therefore, Sections 2, 3, 4 and 5 of the Ordinance are for the Small-Scale applications, and Section 8 of the Ordinance contains the effective date language pertaining to the Small-Scale applications. After the Board adopts individual entries indicating its action on each application, the Board will take action adopting the Ordinance in its entirety, incorporating the foregoing entries. A minimum of seven affirmative votes is required by County Code to amend the CDMP.


Attachments




Assistant County Manager

Summary of Initial Recommendations
 April 2008 Applications to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida
 August 25, 2008

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation August 25, 2008	Community Council Recommendation and Date	Local Planning Agency Recommendation October 6, 2008	BCC Recommendation November 6, 2008
Land Use Plan Map Amendments						
1/ Standard	NW 47 Avenue to 660' east of NW 57 Avenue and between NW 199 Street and Snake Creek Canal (165 gross acres) From: Institutions, Utilities, and Communications To: A. Industrial and Office (25 gross acres) B. Business and Office (60 gross acres) C. Low-Medium Density Residential (6 to 13 DU/ac.) (80 gross acres)	1/ Jordan	Adopt with Change and Transmit	Deny and Transmit with recommendation to present to Community Council with additional recommendations, a covenant to restrict residential, and to identify funding source(s) for proposed improvements		
2/ Small-Scale	West side of NW 7 Avenue between NW 155 Lane and Biscayne Canal (0.84 gross acres) From: Medium-High Density (25 to 60 DU/ac.) To: Business and Office	1/ Jordan	Adopt with Acceptance of Proffered Covenant	Adopt with Acceptance of Proffered Covenant September 17, 2008		
3/ Small-Scale	Southwest corner of NE 135 Street and NE 3 Ct. (2.5 gross acres) From: Low-Medium Density Residential (6 to 13 DU/ac.) To: Business and Office	2/ Rolle	Deny	Adopt with Acceptance of Proffered Covenant September 17, 2008		
4/ Small-Scale	10940 NW 14 Avenue (4.81 gross acres) From: Low-Medium Density Residential (6 to 13 DU/ac.) To: Medium Density Residential with Density Increase 1	2/ Rolle	Adopt with Change and with Acceptance of Proffered Covenant	Adopt with Acceptance of Proffered Covenant September 17, 2008		

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation August 25, 2008	Community Council Recommendation and Date	Local Planning Agency Recommendation October 6, 2008	BCC Recommendation November 6, 2008
5/ Small-Scale	Northeast corner of Milam Dairy Road/NW 72 Avenue and NW 36 Street (±3.4 gross acres) From: Institutions, Utilities, and Communications To: Business and Office	12/ Diaz	Adopt with Acceptance of Proffered Covenant	Adopt with Department's Recommendations and Acceptance of Proffered Covenant September 17, 2008		
6/ Standard	West side of Milam Dairy Road/NW 72 Avenue and between NW 14 and NW 19 Streets (±31 gross acres) From: Transportation Terminals (15 Acres) & Industrial and Office (16 Acres) To: Business and Office	12/ Diaz	Adopt with Acceptance of Proffered Covenant and Transmit	Adopt with Department's Recommendations and Acceptance of Proffered Covenant September 17, 2008		
7/ Standard 	Northeast corner of Milam Dairy Road/NW 72 Avenue and NW 12 Street (±16.9 gross acres) From: Industrial and Office To: Business and Office	12/ Diaz	Adopt with Acceptance of Proffered Covenant and Transmit	Adopt with Department's Recommendations and Acceptance of Proffered Covenant September 17, 2008		
8/ Standard	North side of West Flagler Street between theoretical NW 90 and 94 Avenues (41 gross acres) From: Medium Density Residential (13 to 25 DU/Ac) (23 gross acres) & Parks and Recreation (18 gross acres) To: Business and Office	10/ Souto	Deny, Do Not Transmit	Adopt with Change and Acceptance of Proffered Covenant and Transmit September 23, 2008		
9/ Standard	Northeast corner of West Flagler Street and NW 102 Avenue (41 gross acres) From: Low-Medium Density Residential (6 to 13 DU/ac.) To: Business and Office	10/ Souto	Deny And Transmit	Adopt With Acceptance of Proffered Covenant and Transmit September 23, 2008		

Application Number/Type	Location/Acreage/Requested Amendment	BCC District/Commissioner	DP&Z Initial Recommendation August 25, 2008	Community Council Recommendation and Date	Local Planning Agency Recommendation October 6, 2008	BCC Recommendation November 6, 2008
10/ Standard	Southwest corner of SW 112 Avenue and SW 248 Street (35 gross acres) 1. From: Office/Residential To: Business and Office 2. Replace existing covenant with new covenant	8/ Sorenson	Adopt with Acceptance of Proffered Covenant and Transmit	Adopt With Acceptance of Proffered Covenant and Transmit September 18, 2008		
<i>Text Amendments</i>						
11/ Standard	Educational Element Add textual reference for Charter Schools into Element	Countywide	Deny, Do Not Transmit	NA		
12/ Standard 	Capital Improvements Element Tables of Proposed Projects. Modify the following currently adopted tables as indicated in the application and related information: Table 2, Aviation; Table 3, Coastal Management; Table 4, Conservation; Table 5, Drainage; Table 6, Park and Recreation; Table 7, Seaport; Table 8, Sewer Facilities; Table 9, Solid Waste Management; Table 10, Traffic Circulation; Table 11, Mass Transit; and Table 12, Water Facilities.	Countywide	Adopt	NA		
13/ Standard	Land Use Element Revise Agriculture Section text	Countywide	Adopt and Transmit	NA		
14/ Standard	Land Use Element To provide density bonuses for modular, manufactured or panel constructed homes	Countywide	Withdrawn by DP&Z			
15/ Standard	Land Use Element Provide density bonuses for affordable housing	Countywide	Adopt and Transmit	NA		
16/ Standard	Land Use Element To revise text of Urban Centers	Countywide	Withdrawn by DP&Z			

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation August 25, 2008	Community Council Recommendation and Date	Local Planning Agency Recommendation October 6, 2008	BCC Recommendation November 6, 2008
17/ Standard	Land Use Element Revise text in Industrial and Office land use category	Countywide	Adopt and Transmit	NA		
18/ Standard	Housing Element Provide for adoption by reference of the Workforce Housing Plan	Countywide	Adopt With Change and Transmit	NA		
19/ Standard	Conservation Element Revise Policy CON-8I	Countywide	Adopt and Transmit	NA		
20/ Standard	Land Use Element and Aviation Subelement Revise text on non-aviation related uses for land-side areas at airports	Countywide	Adopt and Transmit	NA		

Source: Miami-Dade County Department of Planning and Zoning

Notes:

**Asterisk with italics indicates adjacent commission district boundary in close proximity to the application site*

NA: Not Applicable

DU/ac: Dwelling units per gross acre

DP&Z: Department of Planning and Zoning

BCC: Board of County Commissioners

7




MEMORANDUM

(Revised)

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

DATE: November 6, 2008

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

SUBJECT: Special Item No. 1A

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

8

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 1A
11-06-08

ORDINANCE NO. 08-122

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN ACTING
UPON SMALL-SCALE AMENDMENT APPLICATION NO.4 FILED IN
APRIL 2008 CYCLE TO AMEND, MODIFY, ADD TO OR CHANGE
COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING
SEVERABILITY, EXCLUSION FROM THE CODE AND AN
EFFECTIVE DATE

WHEREAS, the Miami-Dade County Board of County Commissioners (Board) has provided a procedure (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, Florida Statutes; and

WHEREAS, eighteen (18) CDMP amendment applications were filed on or before May 1, 2008 and are contained in the document titled "April 2008 Applications to Amend the Comprehensive Development Master Plan" dated June 5, 2008; and

WHEREAS, Application Nos. 19 and 20 were filed by the Miami-Dade County Department of Planning and Zoning (DP&Z) on August 25, 2008; and is contained in the document entitled "Initial Recommendations April 2008 Applications to Amend the Comprehensive Development Master Plan" dated and published on August 25, 2008; and

WHEREAS, the Department of Planning and Zoning (DP&Z) published its initial recommendations addressing the referenced Applications in the report titled "Initial Recommendations April 2008 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2008; and

WHEREAS, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in Section 163.3187, F.S.; and



WHEREAS, of the twenty (20) applications comprising ten (10) Land Use Plan map amendments and ten (10) text amendment filed for processing during the April 2008 CDMP amendment cycle, four (4) eligible applications requested expedited adoption as small-scale plan amendments; and

WHEREAS, text applications Nos. 14 and 16 were withdrawn by the Department of Planning and Zoning in the Initial Recommendations Report dated August 25, 2008; and

WHEREAS, the Community Councils, Planning Advisory Board (PAB), and DP&Z have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale amendment requests; and

WHEREAS, the Board can, by ordinance, take final action to Adopt, Adopt With Change, Not Adopt, or Deny requested small-scale amendment applications at the public hearing conducted to address the question of transmittal to the Florida Department of Community Affairs (DCA); and

WHEREAS, the Board will consider approving a resolution transmitting to the DCA any eligible small-scale amendments that are not adopted but not denied, and which this Board desires to further consider after review by DCA; and

WHEREAS, the Board can, by resolution, transmit to DCA small-scale amendment applications not adopted but not finally denied; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance ,

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

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending small-scale amendment Application No. 4 filed for review during the April 2008 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small-Scale Amendment
4	Sunshine Lakes LLC/Jeffrey Bercow, Esq. and Matthew Amster, Esq. 10940 NW 14 Avenue (4.81 Gross Acres; 4.693 Net Acres) From: Low-Medium Density Residential (6 to 13 DU/Ac) To: Medium Density Residential with DI-1 Small-Scale Amendment	ADOPT with Change as recommended by staff and Acceptance of Proffered Covenant

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 thereby.

Section 4. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

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; provided, however, that the effective date of any small-scale plan amendment approved by

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this ordinance shall be thirty-one (31) days after adoption by this Board (effective date of ordinance). If challenged within thirty (30) days after adoption, the challenged small-scale plan amendment shall not become effective until the DCA or the Administration Commission, respectively, issues a final order determining the adopted small-scale amendment is in compliance. If a final order of noncompliance is issued by the Administration Commission, any section hereof may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. It is further provided that this ordinance shall not take effect until an amendment to the Comprehensive Development Master Plan and an Interlocal Agreement with the School Board of Miami-Dade County and the municipalities in Miami-Dade County establishing a public school concurrency program have been adopted as required by Section 163.3177(12), Florida Statutes.

PASSED AND ADOPTED: November 6, 2008

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

Joni Armstrong Coffey



(Public Hearing 11-6-08)

Date: October 21, 2008

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

From: George M. Burgess
County Manager 

Subject: Ordinance Acting Upon April 2008 Small-Scale Amendments to the Comprehensive
Development Master Plan

Special Item No. 1 B

Ordinance No. 08-123

O#08-123

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached Ordinance, (Special Item No. 1), which provides for the Board to adopt, adopt with change or deny the pending April 2008 Cycle Small-Scale Applications to amend the adopted Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Final action is recommended to be taken on the Ordinance at the conclusion of the CDMP public hearing scheduled to begin at 9:30 AM on Thursday, November 6, 2008.

Please be aware that Chapter 163.3177(12)(j), Florida Statutes (F.S.) precludes local governments from adopting amendments that increase residential density until a public school facilities element has been adopted. Thus, the Florida Department of Community Affairs (DCA) may find the following land use amendments invalid until an amendment to the CDMP, and an Interlocal Agreement with the School Board of Miami Dade County and the municipalities in Miami-Dade County establishing a public school concurrency program have been adopted as required by Chapter 163.3177(12)(j), F.S. This finding may be made by DCA even with a delayed effective date clause pending school concurrency in the ordinance.

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development in the County. This plan seeks to insure 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 April 2008 Cycle Applications have a countywide impact.

Fiscal Impact/Funding Source

The cost of implementing these four applications is minimal. County Ordinance No. 01-163 requires the evaluation of fiscal impacts for land use changes. Information on the fiscal impact of each request to amend the LUP map is presented in Appendix E at the end of each application review in the Department of Planning and Zoning's (DP&Z) Initial Recommendations Report (dated August 25, 2008). The Report is included in the agenda materials for the November 6, 2008 Public Hearing addressing all the April 2008 Applications to amend the CDMP, at which final action on this Ordinance will be considered.

Housing Impact

Adopting these four small-scale applications would only add a total of 67 dwelling units to the supply of housing in the County. All four Small-Scale Applications in this amendment cycle contain Declarations of Restrictions, or covenants, that limit residential development. The covenant for Application No. 2 does not allow an increase in residential development, the covenant for Application No. 3 limits development only to the commercial use shown on the site plan, and Application No. 5 prohibits residential development. Since residential development is currently allowed on the site of Application No. 3, limiting it to commercial development would decrease the supply of housing by 33 dwelling units. Application No. 4 allows an additional 100 dwelling units, with five-percent (or 15 dwelling units) dedicated as workforce housing units. If all the other factors in the cost of housing were equal, an increase in supply might nominally decrease the cost of residential land, and hence, decrease the growth in housing costs. As the acreage involved is very small, the change in housing costs is not measurable at this point.

Track Record/Monitor

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

Background

The attached Ordinance provides for actions on four applications that were filed during the April 2008-Cycle requesting Small-Scale amendments to the LUP map of the CDMP (Application Nos. 2, 3, 4 and 5). State law allows the adoption of the small-scale application at the November 6, 2008 public hearing.

An application is eligible under State law to be processed as a Small-Scale amendment if it involves 10 or fewer acres and, if residential, it allows a density of 10 dwelling units per acre (10 du/ac) or less. Densities may be higher than 10 du/ac if the parcel involves the construction of affordable housing that meets state requirements, or is located in an Urban Redevelopment Area, Transportation Concurrency Exception Area or a Regional Activity Center. The maximum total acreage in a year of Small-Scale amendments is 120 acres for jurisdictions such as Miami-Dade County, which contain designated redevelopment and downtown revitalization areas, urban infill areas, transportation concurrency exception areas, and regional activity centers. However, a 60-acre annual limitation applies to areas outside of these specifically designated urban areas.

The four pending April 2008 Cycle applications involve a total of 11.75 gross acres, bringing the total gross acreage for the year for Small-Scale amendments to 22.73 gross acres (including the adopted October 2007 Cycle Small-Scale amendments). Therefore, based on the above acreage limitations, the Board has the ability to approve any or all of these proposed Small-Scale amendments without prior DCA review.

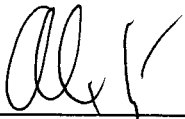
The Planning Advisory Board acting as Miami-Dade County's Local Planning Agency conducted its public hearing on October 6, 2008, at which they formulated their recommendations to the Board on all of the April 2008 cycle amendment applications. Attached is a matrix, titled Summary of Recommendations by the Department of Planning and Zoning, Community Councils and the Planning Advisory Board, addressing only the Small-Scale amendment requests to amend the LUP map of the CDMP.

At the November 6, 2008 public hearing, the Board could elect to adopt, adopt with change, or not adopt the Small-Scale amendments. If the Board does not adopt a Small-Scale amendment, it may elect, by separate resolution, to transmit it to DCA for review and to take final action in April 2009 after State-agency review. Denial or failure to adopt as a Small-Scale amendment and failure to transmit an application to DCA for review effectively denies approval of the application for this amendment cycle.

Ordinance Format

The Ordinance follows the same format for previous CDMP amendment cycles. That is, it contains blank spaces to record your action on each request contained in each application. However, the section that provides for the Board's action in the Ordinance is expanded and separated with the corresponding Applications. Therefore, Sections 2, 3, 4 and 5 of the Ordinance are for the Small-Scale applications, and Section 8 of the Ordinance contains the effective date language pertaining to the Small-Scale applications. After the Board adopts individual entries indicating its action on each application, the Board will take action adopting the Ordinance in its entirety, incorporating the foregoing entries. A minimum of seven affirmative votes is required by County Code to amend the CDMP.

Attachments



Assistant County Manager

Summary of Initial Recommendations
 April 2008 Applications to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida
 August 25, 2008

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation August 25, 2008	Community Council Recommendation and Date	Local Planning Agency Recommendation October 6, 2008	BCC Recommendation November 6, 2008
Land Use Plan Map Amendments						
1/ Standard	NW 47 Avenue to 660' east of NW 57 Avenue and between NW 199 Street and Snake Creek Canal (165 gross acres) From: Institutions, Utilities, and Communications To: A. Industrial and Office (25 gross acres) B. Business and Office (60 gross acres) C. Low-Medium Density Residential (6 to 13 DU/ac.) (80 gross acres)	1/ Jordan	Adopt with Change and Transmit	Deny and Transmit with recommendation to present to Community Council with additional recommendations, a covenant to restrict residential, and to identify funding source(s) for proposed improvements		
2/ Small-Scale	West side of NW 7 Avenue between NW 155 Lane and Biscayne Canal (0.84 gross acres) From: Medium-High Density (25 to 60 DU/ac.) To: Business and Office	1/ Jordan	Adopt with Acceptance of Proffered Covenant	Adopt with Acceptance of Proffered Covenant September 17, 2008		
3/ Small-Scale	Southwest corner of NE 135 Street and NE 3 Ct. (2.5 gross acres) From: Low-Medium Density Residential (6 to 13 DU/ac.) To: Business and Office	2/ Rolle	Deny	Adopt with Acceptance of Proffered Covenant September 17, 2008		
4/ Small-Scale	10940 NW 14 Avenue (4.81 gross acres) From: Low-Medium Density Residential (6 to 13 DU/ac.) To: Medium Density Residential with Density Increase 1	2/ Rolle	Adopt with Change and with Acceptance of Proffered Covenant	Adopt with Acceptance of Proffered Covenant September 17, 2008		

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation August 25, 2008	Community Council Recommendation and Date	Local Planning Agency Recommendation October 6, 2008	BCC Recommendation November 6, 2008
5/ Small-Scale	Northeast corner of Milam Dairy Road/NW 72 Avenue and NW 36 Street (±3.4 gross acres) From: Institutions, Utilities, and Communications To: Business and Office	12/ Diaz	Adopt with Acceptance of Proffered Covenant	Adopt with Department's Recommendations and Acceptance of Proffered Covenant September 17, 2008		
6/ Standard	West side of Milam Dairy Road/NW 72 Avenue and between NW 14 and NW 19 Streets (±31 gross acres) From: Transportation Terminals (15 Acres) & Industrial and Office (16 Acres) To: Business and Office	12/ Diaz	Adopt with Acceptance of Proffered Covenant and Transmit	Adopt with Department's Recommendations and Acceptance of Proffered Covenant September 17, 2008		
7/ Standard	Northeast corner of Milam Dairy Road/NW 72 Avenue and NW 12 Street (±16.9 gross acres) From: Industrial and Office To: Business and Office	12/ Diaz	Adopt with Acceptance of Proffered Covenant and Transmit	Adopt with Department's Recommendations and Acceptance of Proffered Covenant September 17, 2008		
8/ Standard	North side of West Flagler Street between theoretical NW 90 and 94 Avenues (41 gross acres) From: Medium Density Residential (13 to 25 DU/Ac) (23 gross acres) & Parks and Recreation (18 gross acres) To: Business and Office	10/ Souto	Deny, Do Not Transmit	Adopt with Change and Acceptance of Proffered Covenant and Transmit September 23, 2008		
9/ Standard	Northeast corner of West Flagler Street and NW 102 Avenue (41 gross acres) From: Low-Medium Density Residential (6 to 13 DU/ac.) To: Business and Office	10/ Souto	Deny And Transmit	Adopt With Acceptance of Proffered Covenant and Transmit September 23, 2008		

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation August 25, 2008	Community Council Recommendation and Date	Local Planning Agency Recommendation October 6, 2008	BCC Recommendation November 6, 2008
10/ Standard	Southwest corner of SW 112 Avenue and SW 248 Street (35 gross acres) 1. From: Office/Residential To: Business and Office 2. Replace existing covenant with new covenant	8/ Sorenson	Adopt with Acceptance of Proffered Covenant and Transmit	Adopt With Acceptance of Proffered Covenant and Transmit September 18, 2008		
<i>Text Amendments</i>						
11/ Standard	Educational Element Add textual reference for Charter Schools into Element	Countywide	Deny, Do Not Transmit	NA		
12/ Standard	Capital Improvements Element Tables of Proposed Projects. Modify the following currently adopted tables as indicated in the application and related information: Table 2, Aviation; Table 3, Coastal Management; Table 4, Conservation; Table 5, Drainage; Table 6, Park and Recreation; Table 7, Seaport; Table 8, Sewer Facilities; Table 9, Solid Waste Management; Table 10, Traffic Circulation; Table 11, Mass Transit; and Table 12, Water Facilities.	Countywide	Adopt	NA		
13/ Standard	Land Use Element Revise Agriculture Section text	Countywide	Adopt and Transmit	NA		
14/ Standard	Land Use Element To provide density bonuses for modular, manufactured or panel constructed homes	Countywide	Withdrawn by DP&Z			
15/ Standard	Land Use Element Provide density bonuses for affordable housing	Countywide	Adopt and Transmit	NA		
16/ Standard	Land Use Element To revise text of Urban Centers	Countywide	Withdrawn by DP&Z			

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation August 25, 2008	Community Council Recommendation and Date	Local Planning Agency Recommendation October 6, 2008	BCC Recommendation November 6, 2008
17/ Standard	Land Use Element Revise text in Industrial and Office land use category	Countywide	Adopt and Transmit	NA		
18/ Standard	Housing Element Provide for adoption by reference of the Workforce Housing Plan	Countywide	Adopt With Change and Transmit	NA		
19/ Standard	Conservation Element Revise Policy CON-8I	Countywide	Adopt and Transmit	NA		
20/ Standard	Land Use Element and Aviation Subelement Revise text on non-aviation related uses for land-side areas at airports	Countywide	Adopt and Transmit	NA		

Source: Miami-Dade County Department of Planning and Zoning
Notes:

**Asterisk with italics indicates adjacent commission district boundary in close proximity to the application site*
NA: Not Applicable
DU/ac: Dwelling units per gross acre
DP&Z: Department of Planning and Zoning
BCC: Board of County Commissioners

7



MEMORANDUM

(Revised)

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

DATE: November 6, 2008

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

SUBJECT: Special Item No. 1 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

8

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 1B
11-06-08

ORDINANCE NO. 08-123 _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN ACTING
UPON SMALL-SCALE AMENDMENT APPLICATION NOS. 2, 3 and
5 FILED IN APRIL 2008 CYCLE TO AMEND, MODIFY, ADD TO OR
CHANGE COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND
AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Board of County Commissioners (Board) has provided a procedure (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, Florida Statutes; and

WHEREAS, eighteen (18) CDMP amendment applications were filed on or before May 1, 2008 and are contained in the document titled "April 2008 Applications to Amend the Comprehensive Development Master Plan" dated June 5, 2008; and

WHEREAS, Application Nos. 19 and 20 were filed by the Miami-Dade County Department of Planning and Zoning (DP&Z) on August 25, 2008; and is contained in the document entitled "Initial Recommendations April 2008 Applications to Amend the Comprehensive Development Master Plan" dated and published on August 25, 2008; and

WHEREAS, the Department of Planning and Zoning (DP&Z) published its initial recommendations addressing the referenced Applications in the report titled "Initial Recommendations April 2008 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2008; and

WHEREAS, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in Section 163.3187, F.S.; and

WHEREAS, of the twenty (20) applications comprising ten (10) Land Use Plan map amendments and ten (10) text amendment filed for processing during the April 2008 CDMP amendment cycle, four (4) eligible applications requested expedited adoption as small-scale plan amendments; and

WHEREAS, text applications Nos. 14 and 16 were withdrawn by the Department of Planning and Zoning in the Initial Recommendations Report dated August 25, 2008; and

WHEREAS, the Community Councils, Planning Advisory Board (PAB), and DP&Z have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale amendment requests; and

WHEREAS, the Board can, by ordinance, take final action to Adopt, Adopt With Change, Not Adopt, or Deny requested small-scale amendment applications at the public hearing conducted to address the question of transmittal to the Florida Department of Community Affairs (DCA); and

WHEREAS, the Board will consider approving a resolution transmitting to the DCA any eligible small-scale amendments that are not adopted but not denied, and which this Board desires to further consider after review by DCA; and

WHEREAS, the Board can, by resolution, transmit to DCA small-scale amendment applications not adopted but not finally denied; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance ,

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

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending small-scale amendment Application No. 2 filed for review during the April 2008 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small-Scale Amendment
2	Tibor Hollo/Jeffrey Bercow, Esq. and Michael J. Marrero, Esq. West side of NW 7 Avenue between NW 155 Lane and Biscayne Canal (0.84 Gross Acres; 0.72 Net Acres) From: Medium-High Density Residential (13 to 25 DU/Ac) To: Business and Office Small-Scale Amendment	ADOPT with Acceptance of Proffered Covenant

Section 3. This Board hereby desires to take further action on the pending small-scale amendment Application No. 3 filed for review during the April 2008 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small-Scale Amendment
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Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small-Scale Amendment
3	Lunar Real Estate Services, Inc./Mario Garcia-Serra, Esq. and N. Patrick Range, Esq. Southwest corner of NE 135 Street and NE 3 Court (2.5 Gross Acres; 2.065 Net Acres) From: Low-Medium Density Residential To: Business and Office Small-Scale Amendment	ADOPT with Acceptance of Proffered Covenant

Section 4. This Board hereby desires to take further action on the pending small-scale amendment Application No. 5 filed for review during the April 2008 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small-Scale Amendment
5	Miami-Dade County Aviation Department/Jose Abreu, Director Northeast corner of NW 72 Avenue and NW 36 Street (3.6 Gross Acres; 2.4 Net Acres) From: Institutions Utilities and Communications To: Business and Office Small-Scale Amendment	ADOPT with Acceptance of Proffered Covenant

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 thereby.

Section 6. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

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; provided, however, that the effective date of any small-scale plan amendment approved by this ordinance shall be thirty-one (31) days after adoption by this Board (effective date of

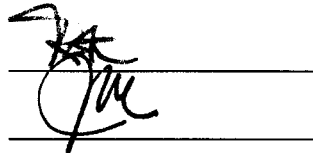
ordinance). If challenged within thirty (30) days after adoption, the challenged small-scale plan amendment shall not become effective until the DCA or the Administration Commission, respectively, issues a final order determining the adopted small-scale amendment is in compliance. If a final order of noncompliance is issued by the Administration Commission, any section hereof may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team.

PASSED AND ADOPTED: November 6, 2008

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

Joni Armstrong Coffey



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

Memorandum



(Public Hearing 11-20-08)
Date: October 21, 2008

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

From: George M. Burgess
County Manager

Special Item No. 2

Ordinance No. 08-130

Subject: Ordinance Acting Upon Capital Improvements Element Amendment Application Filed
During The April 2008 Cycle Of Applications To Amend The CDMP. O#08-130

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance, (Agenda Item No. 2), which provides for the Board to adopt, adopt with change, or deny the proposed April 2008 Cycle Application No.12 to amend and update the text and policies of the Capital Improvements Element (CIE) of the Comprehensive Development Master Plan (CDMP). Final action is recommended to be taken on the ordinance at the conclusion of the CDMP public hearing scheduled to begin at 9:30 AM on Thursday, November 6, 2008 at the Stephen P. Clark Building.

SCOPE

The CDMP is a broad-based countywide policy-planning document to guide future growth and development in the County to ensure the adequate provision of public facilities and services for existing and future populations, and to maintain and/or improve the quality of the natural and man-made environment. The April 2008 Cycle update of the CIE has a countywide impact.

FISCAL IMPACT

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the ordinance. The proposed changes and updates to the text and policies of the Capital Improvements Element of the CDMP would have no fiscal impact to the County.

TRACK RECORD/MONITOR

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

BACKGROUND

Chapter 163, Part II, of the Florida Statutes, requires that additions or deletions of capital projects to/from Miami-Dade County's Six-year Schedule of Improvements in the CIE, including the identification of a change at the start or completion date of a capital project, be accomplished by a plan amendment. Furthermore, under Section 163.3177(3)(b)1, F. S., Miami-Dade County is required to review and update, on an annual basis, the Capital Improvements Element of the CDMP and the County's Six-Year Schedule of Capital Improvements. This section also requires the implementation of this new requirement to be completed no later than December 1, of each year. In addition, Sections 163.3187(1)(f) and 163.3177(3)(b)2, F.S., allow Miami-Dade County to adopt annual updates to the CIE up to three

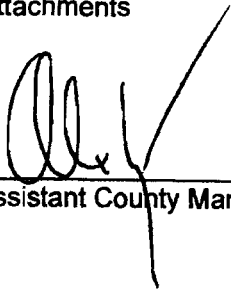
times per year, each through an expedited process that requires only one public hearing before the Board.

The attached Ordinance provides for actions by the Board on Application No. 12 filed by the Department of Planning and Zoning (DP&Z) during the April 2008 Cycle of applications requesting amendments to the CDMP. In compliance with Chapter 163, Part II, F.S., Application No. 12 is a request to amend the text of the Capital Improvements Element of the CDMP and the annual update to Miami-Dade County's Six-Year Schedule of Capital Improvements. Application No. 12 contains the updated tables with the schedules of the programmed capital improvements.

ORDINANCE FORMAT

The Ordinance follows the same format for previous CDMP amendment cycles. That is, it contains a blank space to record your action on the request contained in the amendment Application. After the Board adopts the entry indicating its action on the amendment Application, the Board will take action adopting the Ordinance in its entirety, incorporating the foregoing entry. A minimum of seven affirmative votes is required by County Code to amend the CDMP.

Attachments



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: November 20, 2008

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

SUBJECT: Special Item No. 2

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. 2
11-20-08

ORDINANCE NO. 08-130

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
ACTING UPON CAPITAL IMPROVEMENTS ELEMENT
AMENDMENT APPLICATION FILED IN APRIL 2008 CYCLE
TO AMEND, MODIFY, ADD TO OR CHANGE THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING SEVERABILITY, EXCLUSION FROM THE
CODE AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Board of County Commissioners (Board) has provided a procedure, codified as Section 2-116.1 of the Code of Miami-Dade County, Florida (the Code) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, F. S.; and

WHEREAS, Miami-Dade County is required to review and/or update the Capital Improvements Element (CIE) of the CDMP, including the Six-Year Schedule of Capital Improvements on an annual basis as set forth in Section 163.3177(3)(b)1, F. S.; and

WHEREAS, Section 163.3177(3)(b)2, F. S. provides for an expedited process for adopting the updates to the Capital Improvements Element of the CDMP by requiring only a single public hearing before the Board which shall be an adoption hearing; and

WHEREAS, the annual update to the CIE is exempt from the twice-per-year limitation on plan amendment adoptions, as per s.163.3187(1)(f), F.S., and from the procedures set forth in s. 2-116.1(1)-(7) of the Code; and

WHEREAS, the Department of Planning and Zoning (DP&Z) filed an application on June 2, 2008, to amend the text of the Capital Improvements Element of the CDMP and to update the Six-Year Schedule of Capital Improvements; and

WHEREAS, Staff application is identified as Application No. 12 in the document titled "April 2008 Applications to Amend the Comprehensive Development Master Plan," dated June 5, 2008; and

WHEREAS, the DP&Z published its initial recommendation addressing Application No. 12 in a report titled "Initial Recommendations April 2008 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2008; and

WHEREAS, the Board can, by ordinance, take final action to Adopt, Adopt With Change, or Deny Application No. 12 at the public hearing conducted; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance,

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

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending April 2008 Cycle Application No. 12 for amendments, modifications, additions, or changes to the Capital Improvements Element of the Miami-Dade County Comprehensive Development Master Plan as follows:

Application No.	Applicant/Representative REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
12	<p>Miami-Dade County Department of Planning and Zoning / Marc C. LaFerrier, AICP, Director</p> <p>CAPITAL IMPROVEMENTS ELEMENT</p> <p>A. In the CIE Schedules of Improvements--Tables of Proposed Projects. Modify the following currently adopted tables as indicated in the application and related information: Table 2, Aviation; Table 3, Coastal Management; Table 4, Conservation; Table 5, Drainage; Table 6, Park and Recreation; Table 7, Seaport; Table 8, Sewer Facilities; Table 9, Solid Waste Management; Table 10, Traffic Circulation; Table 11, Mass Transit; and Table 12, Water Facilities.</p> <p>B. Revise any other summary table or related text in the Capital Improvements Element as necessary to be consistent with the additions, deletions, or changes made by Part A of this application.</p> <p>C. Revise the Introduction and Implementation Schedules of Improvements to adopt by reference the 2009 Transportation Improvement Plan (TIP) and the adopted Miami-Dade County Public Schools Facilities Work Program, dated September 2008.</p>	Adopt

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 thereby. If any portion of Application No. 12 is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the Application shall not be affected thereby.


Section 4. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

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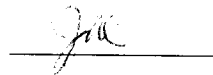
Section 5. This ordinance (overall amendment) shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, however, the effective date of any individual plan amendment included within the overall amendment shall be in accordance with the following language which is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any [individual] plan amendment approved by this ordinance [and included within the overall amendment] shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the [individual] amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on such [individual] amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this [individual] amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

PASSED AND ADOPTED: November 20, 2008

Approved by County Attorney as
to form and legal sufficiency.



Prepared by:



Joni Armstrong Coffey



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

MEMORANDUM

Amended
Agenda Item No. 7(B)

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

DATE: (Second Reading 12-2-08)
October 7, 2008

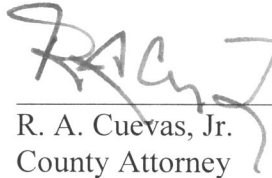
FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending Section
33-8; requiring Certificate of
Use for single family residences
and duplexes

O#08-133

Ordinance No. 08-133

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



R. A. Cuevas, Jr.
County Attorney


RAC/jls

Memorandum



Date: December 2, 2008

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

From: George M. Burgess 
County Manager

Subject: Ordinance amending Section 33-8; requiring Certificate of Use for single family residences and duplexes

The ordinance amending Section 33-8; requiring Certificate of Use for single family residences and duplexes will not have a fiscal impact to Miami-Dade County as the costs for implementing this ordinance will be offset by the fees charged for inspections.



Alex Munoz
Assistant County Manager

fis00209



MEMORANDUM

(Revised)

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

DATE: December 2, 2008


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

Amended
SUBJECT: 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
Veto _____
Override _____

Amended
Agenda Item No. 7(B)
12-02-08

ORDINANCE NO. 08-133

ORDINANCE AMENDING SECTION 33-8 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REQUIRING CERTIFICATE OF USE FOR SINGLE FAMILY RESIDENCES, CONDOMINIUM UNITS, TOWNHOUSES AND DUPLEXES, ACQUIRED THROUGH CERTIFICATE OF TITLE, REQUIRING CERTIFICATION OF COMPLIANCE WITH APPLICABLE BUILDING CODES AND ZONING CODES; 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 33-8 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-8. Certificate of use.

(a) No structure, other than a single family residence or duplex, shall be used or any existing use enlarged, or any new use made of any land, body of water, or structure, without first obtaining a certificate of use (C.U.) therefor from the Department. Said certificate of use shall be required for each individual business and each multi-family building located within unincorporated Miami-Dade County.

(b) In the event there is a question as to the legality of a use, the Director may require inspections, affidavits and such other information he may deem appropriate or necessary to establish the legality of the use, before a certificate of use will be issued.

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.

Additionally, the Department shall have the right to periodically inspect premises at any reasonable time to ensure the existence of a current and valid C.U., and to ensure compliance with the terms and conditions under which a C.U. was issued.

>>(c) The person or entity listed upon a Certificate of Title issued pursuant to Chapter 45, Florida Statutes as the purchaser of a single family residence, condominium unit, townhouse or duplex shall obtained a C.U. from the Department prior to offering said residence for sale, transfer or other alienation. The C.U. required by this subsection (c) shall be for the purpose of determining whether or not the residence in question complies with all building codes and zoning codes applicable to the residence and to provide a disclosure of those findings. The Director shall require disclosure by requiring an inspection of the property by personnel authorized to conduct such inspections by the Director and to subsequently record in the public records of Miami-Dade County the inspection report. Said report shall include a good faith estimate of the cost to repair or remedy all code violations disclosed by the inspection. The Director shall prescribe the form of the inspection report and disclosure to ensure compliance with the intent of this section. Upon the recording of the inspection report and estimate in the public records of Miami-Dade County, the Director is authorized to issue the C.U. required by this section (c). The Director shall refer any County Code violations disclosed in the report to the proper County Department for enforcement action. County Departments are authorized to collect fees for inspections and other administrative costs and/or for the issuance of the C.U., as maybe applicable, and as established in the Departments' approved schedule of fees <<

Except for C.U.'s required by code or zoning resolution to be renewed annually, and except for C.U.'s issued on a temporary basis, certificates of use shall remain valid for an unlimited time unless revoked for cause. The C.U. is only valid for the specific address, business name, corporate name and type of business for which it was issued. A new C.U. shall be required for any changes in; use, name, ownership, expansion of square footage occupied, the inclusion of additional uses, or when changes to the structure have been approved by final building inspection.

No certificate of use shall be utilized in a manner contrary to the regulations contained in this chapter.

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 a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 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: **December 2, 2008**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Thomas H. Robertson

Prime Sponsor: Commissioner Natacha Seijas
Co-Sponsor : Vice-Chairwoman Barbara J. Jordan