

MEMORANDUM

Agenda Item No. 7(C)

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

DATE: November 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

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

A substitute was presented and forwarded to the BCC with a favorable recommendation at the October 11, 2023 County Infrastructure, Operations and Innovations Committee.

This substitute differs from the original item in that it adds a requirement that the applicant shall present the proposed development to the Miami River Commission for review and furnish proof of such review to the Zoning Director prior to any final administrative site plan review (ASPR) approval. However, in the event that the applicant's request for Miami River Commission review has been pending without action for more than 60 days, then the County may issue final ASPR approval without Miami River Commission review having occurred. The substitute also includes a change to the final recital clause indicating that the Board has received input from the Miami River Commission regarding the provisions of this ordinance prior to final adoption.

Rule 5.06(i) of the Board's Rules of Procedure provides that where double underlining and double strike-through would not clearly show the differences between an original item and the substitute, comments may instead be provided. Pursuant to this rule, the preceding comprehensive description of the differences between the original item and the substitute is provided in lieu of double underlining and double strike-through for this item.

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


Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Memorandum



Date: November 7, 2023

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

From: Daniella Levine Cava
Mayor

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

Subject: Fiscal Impact Statement for Ordinance Relating to Palmer Lake Metropolitan Urban Center
Zoning District


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

A handwritten signature in blue ink, which appears to be "Jimmy Morales". The signature is written in a cursive style.

Jimmy Morales
Chief Operations Officer

Date: November 7, 2023

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

From: Daniella Levine Cava 
Mayor

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

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

Currently, properties in the “Riverside” Sub-District adjoining the Miami River do not permit non-transient residential uses. The proposed ordinance would permit non-transient residential uses to be developed within these properties that maintain a minimum of 12.5% of their units as Workforce Housing Units (WHU) on site. As defined by the PLMUC District Regulations, WHUs are dwelling units limited to households whose income is up to 140 percent of the median family income in Miami-Dade County.

Furthermore, to maintain consistency with Comprehensive Development Master Plan (CDMP) policy PMR-1B, the proposed ordinance would require that the ground story for such development shall be devoted solely to water-dependent uses already permitted by the PLMUC district, except for entryways and elevator lobbies necessary to access the permitted residential uses above.

The proposed ordinance furthers the County’s efforts to provide for the development of workforce housing by eliminating barriers to constructing additional workforce units within the PLMUC “Riverside” Sub-District while maintaining access to the Miami River for water-dependent uses as is typical of the Palmer Lake area.

In addition, pursuant to Resolution No. R-448-99, official input from the Miami River Commission (MRC) regarding environmental, economic, social, recreational, and aesthetic issues related to the Miami River and surrounding areas is required prior to the consideration of any resolution or ordinance related to the same. As such, this proposed ordinance was presented to the MRC Urban Infill Committee on September 8, 2023 and the full MRC on October 2, 2023. The MRC recommended that the Board of County Commissioners adopt the proposed ordinance with the following changes: to allow developments adjoining the Miami River that include non-transient residential uses to have the height of the first floor be flexible in order to accommodate required water-dependent uses at the first floor; and that such

developments present draft plans to the MRC for their review and an advisory recommendation for county consideration prior to zoning approval. The substitute item includes the requirement for MRC review, however the reference to first floor height was omitted as the PLMUC district has no limit for ceiling or building height except as may be restricted by airport zoning.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

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

DATE: November 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(C)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
11-7-23

ORDINANCE NO. _____

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

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

WHEREAS, on November 11, 2022, the Board adopted Ordinance No. 22-145, expanding the ability to develop affordable or workforce housing units within certain portions of the PLMUC while also ensuring consistency with CDMP policies encouraging marine activities in the relevant area; and

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

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

WHEREAS, accordingly, this Board wishes to expand the ability to develop affordable or workforce housing units within the PLMUC to include lots adjoining the Miami River under certain circumstances; and

WHEREAS, the Miami River Commission was established by the Florida Legislature as the official coordinating clearinghouse for all public policy and projects related to the Miami River to unite all governmental agencies, businesses, and residents in the area to speak with one voice on river issues; and

WHEREAS, pursuant to Resolution No. R-448-99, the Board shall request official input from the Miami River Commission before considering any resolution or ordinance concerning environmental, economic, social, recreational, and aesthetic issues related to the Miami River and surrounding areas; and

WHEREAS, this Board has requested and received such input from the Miami River Commission regarding the provisions of this ordinance prior to final adoption,

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

Section 1. The foregoing recitals are incorporated herein and are approved.

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

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.

Sec. 33-284.99.59. Uses.

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied, or maintained for any purpose in Palmer Lake Metropolitan Urban Center District except for one (1) or more of the following uses. All uses are subject to the airport safety uses and height restrictions provided in Section 33-336 of this chapter. The uses delineated herein shall be permitted only in compliance with the development parameters provided in Section 33-284.99.60 of this article. Water-dependent uses delineated herein shall be subject to the permit requirements of Chapter 24 of this Code and be consistent with the Coastal Management Element of the Comprehensive Development Master Plan.

* * *

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

* * *

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

* * *

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

>>iv. On lots adjoining the Miami River, residential uses shall be permitted only above the ground story, up to a maximum of 250 dwelling units per acre, provided that such developments maintain a minimum of 12.5 percent of their units as workforce housing units on site. The ground story on such lots shall be devoted solely to water-dependent uses, except that entryways and elevator lobbies necessary to access the residential uses above shall also be permitted. Prior to any final administrative site plan review (“ASPR”) approval pursuant to this subsection, the applicant shall present the proposed development to the Miami River Commission for review and furnish proof of such review to the Director. Notwithstanding the foregoing, the County may issue final ASPR approval, without proof of Miami River Commission review if the applicant furnishes proof that a request for such review has been pending without action by the Miami River Commission for more than 60 days.<<

* * *

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

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

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

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

GKS for GBK

James Eddie Kirtley
Dennis A. Kerbel

Prime Sponsor: Commissioner Kevin Marino Cabrera