

MEMORANDUM

Supplement
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: Supplemental information to 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

This supplement is being submitted to show changes to the ordinance that the Prime Sponsor, Commissioner Cabrera, intends to propose as a floor amendment.

Commissioner Cabrera intends to propose that: (1) the provision requiring Miami River Commission review of certain projects on lots adjoining the Miami River be amended to specify that the Miami River Commission shall have an opportunity to provide a recommendation as to a project's impact upon, and compatibility with, existing industrial water-dependent uses in the area and the compatibility of the water-dependent use proposed for the first floor of the project with such existing uses; (2) a new provision be added to require the project applicant, and any subsequent purchaser, to provide the industrial uses disclosure required for certain real property transactions pursuant to section 33-284.99.61 to any prospective purchasers, tenants, or leaseholders relating to property adjoining the Miami River that is or may be developed for residential use; and (3) other technical and conforming amendments be made.

The attached document shows the proposed final form of the ordinance, incorporating the above-mentioned floor amendment.

This proposed amendment is also indicated in double-underlining, as follows:

Sec. 33-284.99.59. Uses.

* * *

(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 >>without rafting<<; marine terminals, passenger, freight >>without rafting<<; 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.<< >>Uses authorized by this subparagraph shall be subject to compliance with the following:
- a.<<>>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 recommendation as to the project's impact upon, and compatibility with, existing industrial water-dependent uses in the Port of Miami River area and the compatibility of the water-dependent use proposed for the first floor of the project with such existing uses,<< >>and furnish proof of such review to the Director.<<
- >>b.<<>>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.<<
- >>c. The applicant, and any subsequent purchaser, shall provide the industrial uses disclosure required for certain real property transactions pursuant to section 33-284.99.61 to any prospective purchasers, tenants or leaseholders relating to property adjoining the Miami River that is or

may be developed for residential use. Such disclosure shall be provided in, or attached to, the tenant or lease agreement, and shall be acknowledged and signed by all prospective tenants or leaseholders at the time the tenant or lease agreement is executed. In the case of a purchase of property, the disclosure shall be restated in a deed to the property. <<

* * *

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


Geri Bonzon-Keenan
County Attorney

GBK/jp

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.

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 >>without rafting<<; marine terminals, passenger, freight >>without rafting<<; 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. Uses authorized by this subparagraph shall be subject to compliance with the following:

- a. 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 recommendation as to the project's impact upon, and compatibility with, existing industrial water-dependent uses in the Port of Miami River area and the compatibility of the water-dependent use proposed for the first floor of the project with such existing uses, and furnish proof of such review to the Director.
- b. 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.

- c. The applicant, and any subsequent purchaser, shall provide the industrial uses disclosure required for certain real property transactions pursuant to section 33-284.99.61 to any prospective purchasers, tenants or leaseholders relating to property adjoining the Miami River that is or may be developed for residential use. Such disclosure shall be provided in, or attached to, the tenant or lease agreement, and shall be acknowledged and signed by all prospective tenants or leaseholders at the time the tenant or lease agreement is executed. In the case of a purchase of property, the disclosure shall be restated in a deed to the property.<<

* * *

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: _____

James Eddie Kirtley
Dennis A. Kerbel

Prime Sponsor: Commissioner Kevin Marino Cabrera